

Provisional Organizational Regulations of the People's Courts of the People's Republic of China

Adopted at the twelfth meeting of the Central People's Government Committee. September 3, 1951

Chapter One

Article 1

These regulations are formulated in accordance with Article 17 of the Common Program of the Chinese People's Political Consultative Conference and Articles 5, 26, and 30 of the Organic Law of the Central People's Government of the People's Republic of China.

Article 2

The People's Republic of China has established the following people's courts at all levels:

1. People's courts at the county level.
2. Provincial People's Courts.
3. The Supreme People's Court.

In all ethnic autonomous regions, people's courts equivalent to the people's governments at that level are established in accordance with their specific conditions. The establishment and organization of special people's courts will be determined separately.

Article 3

In order to consolidate the people's democratic dictatorship, maintain the new democratic social order, and defend the people's revolutionary achievements and all legitimate rights and interests, the people's courts perform the following duties:

1. Trial criminal cases and punish criminals who endanger the country, disrupt social order, or violate the lawful rights and interests of the country, organizations, and individuals.
2. Trial civil cases and resolve mutual rights disputes among agencies, enterprises, organizations, and individuals.

The people's court shall use trial and other methods to publicize and educate litigants and the general public on observing national laws and disciplines.

Article 4

People's courts try cases based on the provisions of the Common Program of the Chinese People's Political Consultative Conference and the laws, decrees, resolutions, and orders issued by the people's government; where there are no such provisions, they are based on the policies of the Central People's Government.

Article 5

People's courts basically implement a three-level two-instance system, with county-level people's courts as the basic first-instance courts, and provincial-level people's courts as the basic second-instance courts; generally, second-instance is the final instance, but under special circumstances, the third or first trial is the final trial.

If a litigant leapfrog a lawsuit or appeals because the people's court of the original jurisdiction cannot make a fair trial, the higher-level people's court shall deal with it as necessary in accordance with the law.

Article 6

In order to facilitate people's participation in trials, people's courts should implement a people's jury system based on the nature of the case. Jurors have the right to assist in investigations, participate in trials, and provide opinions on cases that are being tried by the jury.

Article 7

The people's courts, in addition to trial in the court, should conduct on-site investigations, on-site trials and circuit trials according to the needs of the case.

Article 8

People's courts shall try cases in public, except for those that are not disclosed in accordance with the law.

Article 9

People of all ethnic groups have the right to use their ethnic language in litigation; when necessary, the people's court shall translate it.

In areas where ethnic minorities live together or where different ethnic groups live together, the people's courts shall conduct litigation in the local language. Judgments, notices, and other documents shall, as necessary, use the languages of all relevant ethnic groups at the same time.

Article 10

The judicial work of the lower-level people's courts is under the leadership and supervision of the higher-level people's courts; its judicial administration is led by the higher-level Ministry of Justice.

People's courts at all levels (including branches and chambers of the Supreme People's Court) are an integral part of the people's government at the same level and are subject to the leadership and supervision of the people's government committee at the same level. The branches and chambers of the Provincial People's Court are under the guidance of their district commissioners.

The presidents of the people's courts at all levels lead and supervise the work of the whole court. The president leads and supervises the work in the court. The president or division chief may serve as the chief judge on the trial of a certain case.

Chapter two

County-level people's court

Article 11

The county-level people's courts are the basic courts of first instance, which are divided into the following three categories:

1. People's courts of counties (banners or other administrative regions or autonomous regions equivalent to counties).
2. The people's courts of provincial cities.
3. The district people's courts of the central government and municipalities directly under the central government.

Article 12

The county-level people's court has jurisdiction over the following events:

1. Criminal and civil cases of the first instance; but this regulation or other laws and regulations provide otherwise, not in this case.
2. Mediate civil and minor criminal cases.
3. Enforcement matters in criminal and civil cases.
4. Notarization and other non-litigation events stipulated by laws and regulations.
5. To guide the mediation work in the area under its jurisdiction.

Article 13

County-level people's courts that consider the criminal and civil cases they accept are serious and should be tried by the provincial people's courts should apply to the provincial people's courts for transfer for trial.

Article 14

The county-level people's court shall have one president (the county and city people's courts may have one vice president when necessary) and several judges. The president and vice-president may concurrently serve as a judge or president of the division. County-level people's courts with a large number of cases have separate criminal and civil divisions, and the division has a chief judge.

Article 15

County-level people's courts may establish adjudication committees composed of the president or vice president, chief division (if it has a division), and judges; the president or vice president concurrently serves as the chairman. If necessary, a deputy chairman may be appointed. At the meeting, the person in charge of the relevant agency and other staff who originally participated in the trial of the relevant case may be invited to participate. In courts with a large number of judges, the president shall appoint a number of judges to participate. The adjudication committee handles important or difficult criminal and civil cases and provides guidance on policy and adjudication principles.

Article 16

Criminal and civil cases in county-level people's courts are tried by one judge; in case of important or difficult cases, three judges shall be tried by a joint trial (with one of them as the chief judge), or by the decision of the adjudication committee.

Article 17

The county-level people's court has a secretary or chief secretary, clerks and clerks, who are in charge of records, personnel, publicity and education, documents, general affairs, accounting, statistics, archives, inquiries, and other affairs. County-level people's courts with many cases handle affairs in separate sections, with one section chief and several section members; and, as necessary, special publicity, education and inquiry agencies should be set up.

The county-level people's courts shall find police officers, inspectors, and interpreters and forensic doctors as necessary.

Chapter three

Provincial People's Court

Article 18

Provincial People's Courts are the basic courts of second instance, which are divided into the following two categories:

1. The people's courts of the provinces (or administrative regions or autonomous regions equivalent to the provinces) and their branches or chambers.
2. The people's courts of the central and municipalities directly under the central government.

Article 19

The Provincial People's Court has jurisdiction over the following events:

1. Criminal and civil appeals against the first instance judgments of the county and city people's courts.
2. Major criminal and civil cases of the first instance in the province (whether they are major cases in the province, the Provincial People's Court shall determine)
3. The Provincial People's Court considers that the case is serious and it is appropriate to try on its own, or for other reasons, and the first instance of the county or city people's court and the branch or division of the provincial people's court that have not yet judged the criminals of the first instance and the second instance, or for other reasons Civil cases.
4. The county and city people's courts filed for transfer for trial in accordance with Article 13, and the provincial people's court deems it necessary to transfer criminal and civil cases of the first instance.
5. The law stipulates that the Provincial People's Court shall be the first instance of criminal and civil cases.
6. First-instance criminal and civil cases assigned by the people's government at or above the provincial level, the Supreme People's Court, or a branch or division of the Supreme People's Court.
7. Enforcement matters in criminal and civil cases.

Article 20

The people's courts of the central and municipalities directly under the Central Government have jurisdiction over the following events:

1. Criminal and civil appeals against the first instance judgment of the district people's court.
2. Criminal cases of first instance that violated the country and severely disrupted social order.
3. First-instance criminal and civil cases concerning state-owned, large-scale private and public-private joint ventures, public property, or labor disputes.
4. First-instance criminal and civil cases involving aliens or institutions or organizations.
5. For other first-instance cases, the provisions of the third to sixth paragraphs of the preceding article concerning the Provincial People's Court shall apply *mutatis mutandis*.
6. Enforcement matters in criminal and civil cases.
7. Notarization and other non-litigation events stipulated by laws and regulations. When necessary, the Municipal People's Court may report to a higher-level people's court to place certain first-instance cases under its jurisdiction under the jurisdiction of the district people's court, or place cases under the jurisdiction of the district people's court under the jurisdiction of the city people's court.

Article 21

The second-instance criminal and civil judgments of the provincial people's courts are all final judgments, but for major or difficult cases, the litigant should be allowed to file a third-instance appeal, and it should be recorded in the judgment.

Article 22

The provincial people's courts lead and supervise the trial work of the people's courts at the county level in their jurisdiction, and are in charge of the judicial administration of the entire region under the leadership of the higher-level Ministry of Justice.

Article 23

Provincial People's Courts shall have one president and one or two vice presidents; criminal and civil courts, one president and one or two vice presidents; and several judges. The president (vice president) may also serve as the president of the court. Provincial-level people's courts may establish adjudication committees, whose organization and duties shall be governed by the provisions of Article 15 on county-level people's court adjudication committees.

Article 24

Criminal and civil cases in provincial people's courts are tried by three judges, with one of them as the chief judge; but if the case does not require a collegial trial, it may be tried by a single judge.

Article 25

The provincial people's courts shall have a chief secretariat or chief secretary, and each section shall be set up with a section chief, section staff, and clerks in charge of personnel, publicity and education, documents, general affairs, accounting, statistics, archives and other affairs; and Undertake the judicial and administrative affairs of the whole region; set up a number of clerks (may

have a chief clerks) to take charge of records and other related affairs; and set up an inquiring agency. The provincial people's court tried to police several people, and set up translators, forensic doctors, and inspectors as needed.

Article 26

The Provincial People's Court may, as necessary, set up branches or chambers to perform the functions of the Provincial People's Court within its jurisdiction; its judgment may not be appealed to the Provincial People's Court.

The branches and chambers of the Provincial People's Court are under the leadership and supervision of the Provincial People's Court, and lead and supervise the trial work of the county-level people's courts within their jurisdiction.

Chapter Four

Supreme People's Court

Article 27

The Supreme People's Court of the Central People's Government is the highest judicial organ in the country and is responsible for leading and supervising the trial work of judicial organs at all levels across the country.

Article 28

The Supreme People's Court has jurisdiction over the following events:

1. Criminal and civil appeal cases that dissatisfied with the first-instance judgment of the provincial people's court, and the second-instance judgment permitted to appeal
2. Major national infringements of the country, public property, and other particularly major first-instance criminal and civil cases.
3. The law stipulates that the Supreme People's Court shall be the first instance of criminal and civil cases.
4. First-instance criminal and civil cases assigned by the Central People's Government.
5. Referrals to criminal and civil cases that have not been sentenced or have been sentenced by people's courts at all levels (including branches and chambers of the Supreme People's Court).
6. In order to lead and supervise the trial work, the people's courts at all levels (including the branches and chambers of the Supreme People's Court) are transferred to review the criminal and civil cases determined by the judgment (if the judgment is found to be seriously wrong, it may be handled in accordance with the retrial procedure.).

Article 29

All criminal and civil judgments of the Supreme People's Court are final judgments.

Article 30

The Supreme People's Court has one president, two to four vice presidents, 13 to 21 committee members, and one secretary-general.

Article 31

The Supreme People's Court has criminal and civil courts, and may also set up other special courts; the court has one chief, two deputy chiefs, and several judges.

Article 32

The Supreme People's Court may set up branches or chambers in various administrative regions or other regions to perform the duties of the Supreme People's Court within its jurisdiction.

Article 33

The branches and chambers of the Supreme People's Court are under the leadership and supervision of the Supreme People's Court, and lead and supervise the trial work of the people's courts at all levels within their jurisdiction.

Article 34

The criminal and civil judgments of the branches and chambers of the Supreme People's Court are final judgments; however, major or difficult cases should be reported to the Supreme People's Court for review and handling.

Article 35

The branches of the Supreme People's Court shall have one president and one or two vice presidents; there shall be criminal and civil courts, and the court shall have one chief, one or two deputy chiefs; and several judges. The branch office of the Supreme People's Court has one chief secretariat.

Chapter Five

The working relationship between the People's Court and the People's Procuratorate

Article 36

In cases where the People's Procuratorate initiates a public prosecution, prosecutors shall participate in the qualifications of the national prosecutor (plaintiff); they may also participate in criminal cases or important civil cases that are investigated and tried by the People's Court in accordance with the law. In order to perform procuratorial duties, the People's Procuratorate may read case files from the People's Court.

Article 37

If the people's court receives a case prosecuted by the People's Procuratorate, if it considers that it is necessary to send it back for re-inspection or to supplement procuratorial information, it may send the original case back to the original procuratorate for re-inspection or request supplementary procuratorial information.

Article 38

The People's Procuratorate's prosecution or participation in the case, if it considers that the people's court's judgment is illegal or improper, it may file a protest, and the original people's court will send the protest letter together with the case file to a higher people's court for trial. If the People's Procuratorate believes that there is a serious error in the people's court's definitive judgment, it may

file a protest and request a retrial in accordance with the law. The Supreme People's Procuratorate may also file a protest against the determination of the Supreme People's Court and request a retrial in accordance with the law.

Chapter Six

Attached then

Article 39

These regulations shall come into force on the day of approval by the Central People's Government Committee.