

# The Constitutions of the PRC



## TABLE OF CONTENTS—OVERVIEW

Introduction.....	3
First Constitution of the PRC (1954).....	3
⊖ 中華人民共和國憲法 ( 1954 年 9 月 20 日 ) .....	13
Second Constitution of the PRC (1975).....	20
⊖ 中華人民共和國憲法 ( 1975 年 1 月 17 日 ) .....	25
Third Constitution of the PRC (1978).....	28
⊖ 中華人民共和國憲法 ( 1978 年 3 月 5 日 ) .....	36
Fourth Constitution of the PRC (1982).....	42
⊖ 中華人民共和國憲法 ( 1982 年 12 月 4 日 ) .....	62

## DETAILED TABLE OF CONTENTS

<b>Introduction.....</b>	<b>3</b>
Chronology of the PRC Constitution.....	3
<b>First Constitution of the PRC (1954).....</b>	<b>3</b>
Preamble.....	3
Chapter One. General Principles.....	4
Chapter Two. The State Structure.....	6
Section I. The National People's Congress.....	6
Section II. The President of the People's Republic of China.....	8
Section III. The State Council.....	9
Section VI. The Local People's Congresses and the Local People's Councils.....	9
Section V. The Organs of Self-Government of National Autonomous Areas.....	11
Section VI. The People's Courts and the People's Procuratorates.....	11
Chapter Three. The Fundamental Rights and Duties of Citizens.....	12
Chapter Four. The National Flag, the National Anthem, the National Emblem, and the Capital.....	13
⊖ 中華人民共和國憲法 ( 1954 年 9 月 20 日 ) .....	13
序言.....	13
第一章 總綱.....	14
第二章 國家機構.....	15
第一節 全國人民代表大會.....	15
第二節 中華人民共和國主席.....	17
第三節 國務院.....	17
第四節 地方各級人民代表大會和地方各級人民委員會.....	18
第五節 民族自治地方的自治機關.....	18
第六節 人民法院和人民檢察院.....	19
第三章 公民的基本權利和義務.....	19
第四章 國旗、國歌、國徽、首都.....	20
<b>Second Constitution of the PRC (1975).....</b>	<b>20</b>
Preamble.....	20
Chapter One: General Principles.....	21
Chapter Two: The Structure of the State.....	23
Section I. The National People's Congress.....	23
Section II. The State Council.....	23
Section III. The Local People's Congresses and the Local Revolutionary Committees at Various Levels.....	23
Section IV. The Organs of Self-Government of National Autonomous Areas.....	24
Section V. The Judicial Organs and the Procuratorial Organs.....	24

Chapter Three: The Fundamental Rights and Duties of Citizens .....	24
Chapter Four: The National Flag, the National Emblem and the Capital .....	25
⊖ 中華人民共和國憲法 ( 1975 年 1 月 17 日 ) .....	25
序言 .....	25
第一章 總綱 .....	25
第二章 國家機構 .....	26
第一節 全國人民代表大會 .....	26
第二節 國務院 .....	27
第三節 地方各級人民代表大會和地方各級革命委員會 .....	27
第四節 民族自治地方的自治機關 .....	27
第五節 審判機關和檢察機關 .....	27
第三章 公民的基本權利和義務 .....	27
第四章 國旗、國徽、首都 .....	28
<b>Third Constitution of the PRC (1978) .....</b>	<b>28</b>
Preamble .....	28
Chapter One: General Principles .....	29
Chapter Two: The Structure of the State .....	31
Section I. The National People's Congress .....	31
Section II. The State Council .....	33
Section III. The Local People's Congresses and the Local Revolutionary Committees at Various Levels .....	33
Section IV. The Organs of Self-Government of National Autonomous Areas .....	34
Section V. The People's Courts and the People's Procuratorates .....	35
Chapter Three: The Fundamental Rights and Duties of Citizens .....	35
Chapter Four: The National Flag, the National Emblem and the Capital .....	36
⊖ 中華人民共和國憲法 ( 1978 年 3 月 5 日 ) .....	36
序言 .....	36
第一章 總綱 .....	37
第二章 國家機構 .....	38
第一節 全國人民代表大會 .....	38
第二節 國務院 .....	39
第三節 地方各級人民代表大會和地方各級革命委員會 .....	40
第四節 民族自治地方的自治機關 .....	41
第五節 人民法院和人民檢察院 .....	41
第三章 公民的基本權利和義務 .....	41
第四章 國旗、國徽、首都 .....	42
<b>Fourth Constitution of the PRC (1982) .....</b>	<b>42</b>
Preamble .....	42
Chapter I. General Principles .....	43
Chapter II. The Fundamental Rights and Duties of Citizens .....	47
Chapter III. The Structure of the State .....	48
Section 1. The National People's Congress .....	48
Section 2. The President of the People's Republic of China .....	51
Section 3. The State Council .....	52
Section 4. The Central Military Commission .....	53
Section 5. The Local People's Congress and the Local People's Governments at Different Levels .....	53
Section 6. The Organs of Self-Government of National Autonomous Areas .....	55
Section 7. The People's Courts and the People's Procuratorates .....	56
Chapter IV. The National Flag, the National Emblem and the Capital .....	57
Amendments to the Constitution .....	57
Amendment One (1988) .....	57
Amendment Two (1993) .....	58
Amendment Three (1999) .....	59
Amendment Four (2004) .....	60

④ 中華人民共和國憲法 ( 1982 年 12 月 4 日 ) .....	62
序言 .....	62
第一章 總綱 .....	63
第二章 公民的基本權利和義務 .....	65
第三章 國家機構 .....	67
第一節 全國人民代表大會 .....	67
第二節 中華人民共和國主席 .....	69
第三節 國務院 .....	69
第四節 中央軍事委員會 .....	70
第五節 地方各級人民代表大會和地方各級人民政府 .....	70
第六節 民族自治地方的自治機關 .....	72
第七節 人民法院和人民檢察院 .....	72
第四章 國旗、國歌、國徽、首都 .....	73
中華人民共和國憲法修正案 .....	73
1988 年 4 月 12 日全國人民代表大會公告公布施行 .....	73
1993 年 3 月 29 日全國人民代表大會公告公布施行 .....	73
1999 年 3 月 15 日全國人民代表大會公告公布施行 .....	74
2004 年 3 月 14 日全國人民代表大會公告公布施行 .....	75

## Introduction

### Chronology of the PRC Constitution

- 1949, Oct. 1: The leaders of the Chinese Communist Party (*Zhongguo gongchandang* 中國共產黨, abbrev. *Zhonggong* 中共 in Chinese and CCP in English) formally announce the establishment of the People's Republic of China (*Zhonghua renmin gongheguo* 中華人民共和國, abbrev. PRC) on the mainland, capital: Beijing 北京
- 1954, Sept. 20: The first Constitution (*xianfa* 憲法) of the PRC, approved by the First National People's Congress (*guanguo renmin daibiao dahui* 全國人民代表大會, abbrev. NPC), is promulgated and goes into effect
- 1975, Jan. 13–17: First plenary session of the PRC's Fourth NPC; on its last day, the second PRC Constitution comes into effect; the position of PRC chairman (*zhubuxi* 主席) is abolished
- 1978, March 5: The third PRC Constitution goes into effect
- 1982, Dec. 4: The fourth PRC Constitution goes into effect, it states that the Chinese People's Liberation Army (*Zhongguo renmin jiefangjun* 中國人民解放軍, abbrev. PLA) is no longer an army of the party but an army of the state, the right to strike is dropped
- 1988, April 12: The NPC amends the PRC Constitution, allowing the private sector of the economy to exist and develop
- 1993, March 27: The Eighth NPC elects Jiang Zemin 江澤民 PRC president, two days later the PRC Constitution is amended
- 1999, March 15: The PRC Constitution is amended
- 2004, March 14: An amendment to the PRC Constitution protects legal private property

## The First Constitution of the PRC (1954)

*Adopted on September 20, 1954 by the First National People's Congress of the People's Republic of China at its First Session*

### PREAMBLE

In the year 1949, after more than a century of heroic struggle, the Chinese people, led by the Communist Party of China, finally won their great victory in the people's revolution against imperialism, feudalism and bureaucrat-capitalism, and thereby brought to an end the history of the oppression and enslavement they had undergone for so long and founded the People's Republic of China — a people's democratic dictatorship. The system of people's democracy — the system of new democracy — of the People's Republic of China guarantees

that our country can in a peaceful way eliminate exploitation and poverty and build a prosperous and happy socialist society.

From the founding of the People's Republic of China to the attainment of a socialist society is a period of transition. The general tasks of the state during the transition period are, step by step, to bring about the socialist industrialization of the country and, step by step, to accomplish the socialist transformation of agriculture, handicrafts and capitalist industry and commerce. In the last few years our people have successfully carried out the reform of the agrarian system, resistance to United States aggression and aid to Korea, the suppression of counter-revolutionaries, the rehabilitation of the national economy, and other large-scale struggles, thereby preparing the necessary conditions for planned economic construction and the gradual transition to a socialist society.

The First National People's Congress of the People's Republic of China, at its First Session held in Peking, the capital, solemnly adopted the Constitution of the People's Republic of China on September 20, 1954. This Constitution is based on the Common Programme of the Chinese People's Political Consultative Conference of 1949 and is a development of it. This Constitution consolidates the gains of the Chinese people's revolution and the new victories won in the political and economic fields since the founding of the People's Republic of China; and, moreover, it reflects the basic needs of the state in the period of transition, as well as the common desire of the broad masses of the people to build a socialist society.

In the course of the great struggle to establish the People's Republic of China, the people of our country forged a broad people's democratic united front led by the Communist Party of China and composed of all democratic classes, democratic parties and groups, and people's organizations. This people's democratic united front will continue to play its part in mobilizing and rallying the whole people in the struggle to fulfil the general tasks of the state during the transition period and to oppose enemies within and without.

All the nationalities in our country have been united in one great family of free and equal nationalities. The unity of our country's nationalities will continue to gain in strength on the basis of the further development of the fraternal bonds and mutual aid among them, and on the basis of opposition to imperialism, opposition to public enemies within their own ranks, and opposition to both big-nation chauvinism and local nationalism. In the course of economic construction and cultural development, the state will concern itself with the needs of the different nationalities, and, in the matter of socialist transformation, pay full attention to the special characteristics in the development of each nationality.

Our country has already built an indestructible friendship with the great Union of Soviet Socialist Republics and the People's Democracies; and the friendship between our people and other peace-loving peoples all over the world is growing day by day. These friendships will continue to be developed and consolidated. Our country's policy of establishing and extending diplomatic relations with all countries on the principles of equality, mutual benefit and respect for each other's sovereignty and territorial integrity has already yielded success and will continue to be carried out. In international affairs the firm and consistent policy of our country is to strive for the noble aims of world peace and the progress of mankind.

## CHAPTER ONE: GENERAL PRINCIPLES

Article 1 The People's Republic of China is a people's democratic state led by the working class and based on the alliance of workers and peasants.

Article 2 All power in the People's Republic of China belongs to the people. The Organs through which the people exercise power are the National People's Congress and the local people's congresses at various levels.

The National People's Congress, the local people's congresses and other organs of state practise democratic centralism.

Article 3 The People's Republic of China is a unitary multinational state.

All the nationalities are equal. Discrimination against or oppression of any nationality, and acts which undermine the unity of the nationalities, are prohibited.

All the nationalities have the freedom to use and develop their own spoken and written languages, and to preserve or reform their own customs and ways.

Regional autonomy applies in areas where a minority nationality live in a compact community. All the national autonomous areas are inseparable parts of the People's Republic of China.

Article 4 The People's Republic of China, by relying on the organs of state and the social forces, and through socialist industrialization and socialist transformation, ensures the gradual abolition of systems of

- exploitation and the building of a socialist society.
- Article 5 At present, the main categories of ownership of means of production in the People's Republic of China are the following: state ownership, that is, ownership by the whole people; cooperative ownership, that is, collective ownership by the masses of working people; ownership by individual working people; and capitalist ownership.
- Article 6 The state sector of the economy is the socialist sector owned by the whole people. It is the leading force in the national economy and the material basis on which the state carries out socialist transformation. The state ensures priority for the development of the state sector of the economy.  
All mineral resources and waters, as well as forests, undeveloped land and other resources which the state owns by law, are the property of the whole people.
- Article 7 The cooperative sector of the economy is either socialist, when collectively owned by the masses of working people, or semi-socialist, when in part collectively owned by the masses of working people. Partial collective ownership by the masses of working people is a transitional form by means of which individual peasants, individual handicraftsmen and other individual working people organize themselves in their advance towards collective ownership by the masses of working people.  
The state protects the property of the cooperatives, and encourages, guides and helps the development of the cooperative sector of the economy. It regards the development of cooperation in production as the chief means of the transformation of individual farming and individual handicrafts.
- Article 8 The state protects according to law the right of peasants to own land and other means of production.  
The state guides and helps individual peasants to increase production and encourages them, on the voluntary principle, to organize cooperation in the fields of production, supply and marketing, and credit.  
The policy of the state towards the rich-peasant economy is to restrict and gradually eliminate it.
- Article 9 The state protects according to law the right of handicraftsmen and other individual working people in nonagricultural pursuits to own means of production.  
The state guides and helps individual handicraftsmen and other individual working people in non-agricultural pursuits to improve their operations, and encourages them, on the voluntary principle, to organize cooperation in production, and supply and marketing.
- Article 10 The state protects according to law the right of capitalists to own means of production and other capital.  
The policy of the state towards capitalist industry and commerce is to use, restrict and transform them. Through control exercised by organs of state administration, leadership by the state sector of the economy, and supervision by the masses of the workers, the state makes use of the positive aspects of capitalist industry and commerce which are beneficial to national welfare and the people's livelihood, restricts their negative aspects which are detrimental to national welfare and the people's livelihood, and encourages and guides their transformation into various forms of state-capitalist economy, gradually replacing capitalist ownership with ownership by the whole people.  
The state prohibits capitalists from engaging in any unlawful activities which injure the public interest, disturb the social-economic order, or undermine the economic plan of the state.
- Article 11 The state protects the right of citizens to own lawfully earned income, savings, houses and other means of subsistence.
- Article 12 The state protects according to law the right of citizens to inherit private property.
- Article 13 The state may, in the public interest, requisition by purchase, take over for use or nationalize both urban and rural land as well as other means of production on the conditions provided by law.
- Article 14 The state prohibits the use of private property by any person to the detriment of the public interest.
- Article 15 By economic planning, the state directs the growth and transformation of the national economy in order to bring about the constant increase of productive forces, thereby improving the material and cultural life of the people and consolidating the independence and security of the state.
- Article 16 Work is a matter of honour for every citizen of the People's Republic of China who is capable of working. The state encourages the working enthusiasm and creativeness of citizens.
- Article 17 All organs of state must rely on the masses of the people, constantly maintain close contact with them, heed their opinions and accept their supervision.
- Article 18 All personnel of organs of state must be loyal to the system of people's democracy, observe the

- Constitution and the law and strive to serve the people.
- Article 19 The People's Republic of China safeguards the system of people's democracy, suppresses all treasonable and counter-revolutionary activities and punishes all traitors and counter-revolutionaries.
- The state deprives feudal landlords and bureaucrat capitalists of political rights for a specific period of time according to law; at the same time it gives them a way to earn a living, in order to enable them to reform through labour and become citizens who earn their livelihood by their own labour.
- Article 20 The armed forces of the People's Republic of China belong to the people; their duty is to safeguard the gains of the people's revolution and the achievements of national construction, and to defend the sovereignty, territorial integrity and security of the state.

## CHAPTER TWO: THE STATE STRUCTURE

### Section I: The National People's Congress

- Article 21 The National People's Congress of the People's Republic of China is the highest organ of state power.
- Article 22 The National People's Congress is the sole organ exercising the legislative power of the state.
- Article 23 The National People's Congress is composed of deputies elected by provinces, autonomous regions, cities directly under the central authority, the armed forces and Chinese who live abroad.
- The number of deputies to the National People's Congress, including those representing minority nationalities, and the manner of their election, are prescribed by the electoral law.
- Article 24 The National People's Congress is elected for a term of four years.
- Two months before the term of office of the National People's Congress expires, its Standing Committee must complete the election of deputies to the succeeding National People's Congress. Should exceptional circumstances arise that prevent such an election, the term of office of the National People's Congress may be prolonged until the first session of the succeeding National People's Congress.
- Article 25 The National People's Congress holds the session once a year, convened by its Standing Committee. It may also be convened whenever its Standing Committee deems this necessary or one-fifth of the deputies so propose.
- Article 26 When the National People's Congress meets, it elects a presidium to conduct the session.
- Article 27 The National People's Congress exercises the following functions and powers:
- (1) to amend the Constitution;
  - (2) to make laws;
  - (3) to supervise the enforcement of the Constitution;
  - (4) to elect the Chairman and the Vice-Chairman of the People's Republic of China;
  - (5) to decide on the choice of the Premier of the State Council upon recommendation by the Chairman of the People's Republic of China, and of the component members of the State Council upon recommendation by the Premier;
  - (6) to decide on the choice of the Vice-Chairmen and members of the Council of National Defence upon recommendation by the Chairman of the People's Republic of China;
  - (7) to elect the President of the Supreme People's Court;
  - (8) to elect the Chief Procurator of the Supreme People's Procuratorate;
  - (9) to decide on the national economic plan;
  - (10) to examine and approve the state budget and the final state accounts;
  - (11) to ratify the following administrative divisions: provinces, autonomous regions, and cities directly under the central authority;
  - (12) to decide on amnesties;
  - (13) to decide on questions of war and peace;
  - (14) to exercise such other functions and powers as the National People's Congress considers it should exercise.
- Article 28 The National People's Congress has the power to remove from office:
- (1) the Chairman and the Vice-Chairman of the People's Republic of China;
  - (2) the Premier and Vice-Premiers, Ministers, Chairmen of Commissions and the Secretary-General

- of the State Council;
- (3) the Vice-Chairmen and members of the Council of National Defence;
  - (4) the President of the Supreme People's Court;
  - (5) the Chief Procurator of the Supreme People's Procuratorate.
- Article 29 Amendments to the Constitution require a two-thirds majority vote of all the deputies to the National People's Congress.
- Decisions on laws and other proposals require a simple majority vote of all the deputies to the National People's Congress.
- Article 30 The Standing Committee of the National People's Congress is the permanent working organ of the National People's Congress.
- The Standing Committee of the National People's Congress is composed of the following persons, elected by the National People's Congress:
- the Chairman;
  - the Vice-Chairmen;
  - the Secretary-General;
  - the members.
- Article 31 The Standing Committee of the National People's Congress exercises the following functions and powers:
- (1) to conduct the election of deputies to the National People's Congress;
  - (2) to convene the sessions of the National People's Congress;
  - (3) to interpret laws;
  - (4) to make decrees;
  - (5) to supervise the work of the State Council, the Supreme People's Court and the Supreme People's Procuratorate;
  - (6) to annul decisions and orders of the State Council which contravene the Constitution, laws or decrees;
  - (7) to alter or annul inappropriate decisions of the organs of state power of provinces, autonomous regions, and cities directly under the central authority;
  - (8) to decide on the individual appointment and removal of Vice-Premiers, Ministers, Chairmen of Commissions or the Secretary-General of the State Council when the National People's Congress is not in session;
  - (9) to appoint and remove Vice-Presidents and judges of the Supreme People's Court, and members of its Judicial Committee;
  - (10) to appoint and remove Deputy Chief Procurators and procurators of the Supreme People's Procuratorate, and members of its Procuratorial Committee;
  - (11) to decide on the appointment and removal of plenipotentiary representatives abroad;
  - (12) to decide on the ratification and denunciation of treaties concluded with foreign states;
  - (13) to institute military, diplomatic and other special titles and ranks;
  - (14) to institute state orders and titles of honour and decide on their conferment;
  - (15) to decide on the granting of pardons;
  - (16) to decide, when the National People's Congress is not in session, on the proclamation of a state of war in the event of armed attack on the country or in case of necessity to execute an international treaty for joint defence against aggression;
  - (17) to decide on general or partial mobilization;
  - (18) to decide on the enforcement of martial law throughout the country or in certain areas;
  - (19) to exercise such other functions and powers as are vested in it by the National People's Congress.
- Article 32 The Standing Committee of the National People's Congress exercises its functions and powers until a new Standing Committee is elected by the succeeding National People's Congress.
- Article 33 The Standing Committee of the National People's Congress is responsible and accountable to the National People's Congress.
- The National People's Congress has the power to recall component members of its Standing Committee.

- Article 34 The National People's Congress establishes a Nationalities Committee, a Bills Committee, a Budget Committee, a Credentials Committee and such other committees as may be necessary.  
The Nationalities Committee and the Bills Committee are under the direction of the Standing Committee of the National People's Congress when the National People's Congress is not in session.
- Article 35 The National People's Congress, or its Standing Committee when the National People's Congress is not in session, may, if it deems necessary, appoint commissions of investigation on specific questions.  
All organs of state, people's organizations and citizens concerned are obliged to supply the necessary material to these commissions when they conduct investigations.
- Article 36 Deputies to the National People's Congress have the right to address questions to the State Council, or to the Ministries and Commissions of the State Council, which are under obligation to answer.
- Article 37 No deputy to the National People's Congress may be arrested or placed on trial without the consent of the National People's Congress or, when the National People's Congress is not in session, of its Standing Committee.
- Article 38 Deputies to the National People's Congress are subject to the supervision of the units which elect them. These electoral units have the power to replace the deputies they elect at any time according to the procedure prescribed by law.

## **Section II: The Chairman of the People's Republic of China**

- Article 39 The Chairman of the People's Republic of China is elected by the National People's Congress. Any citizen of the People's Republic of China who has the right to vote and stand for election and has reached the age of thirty-five is eligible for election as Chairman of the People's Republic of China.  
The term of office of the Chairman of the People's Republic of China is four years.
- Article 40 The Chairman of the People's Republic of China, in pursuance of decisions of the National People's Congress or its Standing Committee, promulgates laws and decrees; appoints and removes the Premier, Vice-Premiers, Ministers, Chairmen of Commissions or the Secretary-General of the State Council; appoints and removes the Vice-Chairmen and members of the Council of National Defence; confers state orders and titles of honour; proclaims amnesties and grants pardons; proclaims martial law; proclaims a state of war; and orders mobilization.
- Article 41 The Chairman of the People's Republic of China represents the People's Republic of China in its foreign relations, receives foreign diplomatic representatives and, in pursuance of decisions of the Standing Committee of the National People's Congress, dispatches and recalls plenipotentiary representatives abroad and ratifies treaties concluded with foreign states.
- Article 42 The Chairman of the People's Republic of China commands the armed forces of the state, and is Chairman of the Council of National Defence.
- Article 43 The Chairman of the People's Republic of China, whenever necessary, convenes a Supreme State Conference and acts as its chairman.  
The Vice-Chairman of the People's Republic of China, the Chairman of the Standing Committee of the National People's Congress, the Premier of the State Council and other persons concerned take part in the Supreme State Conference.  
The Chairman of the People's Republic of China submits the views of the Supreme State Conference on important affairs of state to the National People's Congress, its Standing Committee, the State Council, or other bodies concerned for their consideration and decision.
- Article 44 The Vice-Chairman of the People's Republic of China assists the Chairman in his work. The Vice-Chairman may exercise such part of the functions and powers of the Chairman as the Chairman may entrust to him.  
The provisions of Article 39 of the Constitution governing the election and term of office of the Chairman of the People's Republic of China apply also to the election and term of office of the Vice-Chairman of the People's Republic of China.
- Article 45 The Chairman and the Vice-Chairman of the People's Republic of China exercise their functions and powers until the new Chairman and Vice-Chairman elected by the succeeding National People's Congress take office.
- Article 46 Should the Chairman of the People's Republic of China be incapacitated for a prolonged period by reason of health, the functions and powers of Chairman shall be exercised by the Vice-Chairman.



Should the office of Chairman of the People's Republic of China fall vacant, the Vice-Chairman succeeds to the office of Chairman.

### Section III: The State Council

Article 47 The State Council of the People's Republic of China, that is, the Central People's Government, is the executive organ of the highest organ of state power; it is the highest organ of state administration.

Article 48 The State Council is composed of the following persons:

- the Premier;
- the Vice-Premiers;
- the Ministers;
- the Chairmen of Commissions;
- the Secretary-General.

The organization of the State Council is determined by law.

Article 49 The State Council exercises the following functions and powers:

- (1) to formulate administrative measures, issue decisions and orders and verify their execution in accordance with the Constitution, laws and decrees;
- (2) to submit proposals on laws and other matters to the National People's Congress or its Standing Committee;
- (3) to coordinate and lead the work of Ministries and Commissions;
- (4) to coordinate and lead the work of local organs of state administration at various levels throughout the country;
- (5) to alter or annul inappropriate orders and directives issued by Ministers or by Chairmen of Commissions;
- (6) to alter or annul inappropriate decisions and orders issued by local organs of state administration at various levels;
- (7) to put into effect the national economic plan and the state budget;
- (8) to administer foreign and domestic trade;
- (9) to administer cultural, educational and public health work;
- (10) to administer affairs concerning the nationalities;
- (11) to administer affairs concerning Chinese who live abroad;
- (12) to protect the interests of the state, to maintain public order and to safeguard the rights of citizens;
- (13) to administer the conduct of external affairs;
- (14) to direct the building up of the armed forces;
- (15) to ratify the following administrative divisions: autonomous *chou*, counties, autonomous counties, and cities;
- (16) to appoint and remove administrative personnel according to provisions of law;
- (17) to exercise such other functions and powers as are vested in it by the National People's Congress or its Standing Committee.

Article 50 The Premier directs the work of the State Council and presides over its meetings.

The Vice-Premiers assist the Premier in his work.

Article 51 The Ministers and Chairmen of Commissions direct the work of their respective departments. They may issue orders and directives within the jurisdiction of their respective departments and in accordance with laws and decrees and with the decisions and orders of the State Council.

Article 52 The State Council is responsible and accountable to the National People's Congress or, when the National People's Congress is not in session, to its Standing Committee.

### Section IV: The Local People's Congresses and the Local People's Councils

Article 53 The administrative division of the People's Republic of China is as follows:

- (1) The country is divided into provinces, autonomous regions, and cities directly under the central authority;
- (2) Provinces and autonomous regions are divided into autonomous *chou*, counties, autonomous counties, and cities;
- (3) Counties and autonomous counties are divided into *hsiang*, nationality *bsiang*, and towns.

Cities directly under the central authority and other large cities are divided into districts. Autonomous *chou* are divided into counties, autonomous counties, and cities.

Autonomous regions, autonomous *chou* and autonomous counties are all national autonomous areas.

Article 54 People's congresses and people's councils are established in provinces, cities directly under the central authority, counties, cities, city districts, *hsiang*, nationality *hsiang*, and towns.

Organs of self-government are established in autonomous regions, autonomous *chou* and autonomous counties. The organization and work of organs of self-government are specified in Chapter Two, Section V of the Constitution.

Article 55 Local people's congresses at various levels are local organs of state power.

Article 56 Deputies to the people's congresses of provinces, cities directly under the central authority, counties, and cities divided into districts are elected by people's congresses at the next lower level; deputies to the people's congresses of cities not divided into districts, and of city districts, *hsiang*, nationality *hsiang*, and towns are directly elected by the voters.

The number of deputies to local people's congresses at various levels and the manner of their election are prescribed by the electoral law.

Article 57 The term of office of the provincial people's congresses is four years. The term of office of the people's congresses of cities directly under the central authority, counties, cities, city districts, *hsiang*, nationality *hsiang*, and towns is two years.

Article 58 Local people's congresses in their respective administrative areas ensure the observance and execution of laws and decrees; make plans for local economic construction and cultural development and for public utilities; examine and approve local budgets and final accounts; protect public property; maintain public order; and safeguard the rights of citizens and the equal rights of minority nationalities.

Article 59 Local people's congresses elect, and have the power to remove, component members of people's councils at the corresponding levels.

People's congresses at county level and above elect, and have the power to remove, the presidents of people's courts at the corresponding levels.

Article 60 Local people's congresses adopt and issue decisions within the limits of their authority as prescribed by law.

The people's congresses of nationality *hsiang* may, within the limits of their authority as prescribed by law, take specific measures suited to the characteristics of the nationalities concerned.

Local people's congresses have the power to alter or annul inappropriate decisions and orders of people's councils at the corresponding levels.

People's congresses at county level and above have the power to alter or annul inappropriate decisions of people's congresses at the next lower level as well as inappropriate decisions and orders of people's councils at the next lower level.

Article 61 Deputies to the people's congresses of provinces, cities directly under the central authority, counties, and cities divided into districts are subject to supervision by the units which elect them; deputies to the people's congresses of cities not divided into districts, and of city districts, *hsiang*, nationality *hsiang*, and towns are subject to supervision by their electors. The electoral units and electorates which elect the deputies to the local people's congresses have the power to replace their deputies at any time according to the procedure prescribed by law.

Article 62 Local people's councils, that is, local people's governments, are the executive organs of local people's congresses at the corresponding levels, and are local organs of state administration.

Article 63 A local people's council is composed, according to its level, of the provincial governor and deputy provincial governors, or the mayor and deputy mayors of cities, or the county head and deputy county heads, or the district head and deputy district heads, or the *hsiang* head and deputy *hsiang* heads, or the mayor or deputy mayors of towns, as the case may be; together with council members.

The term of office of a local people's council is the same as that of the people's congress at the corresponding level.

The organization of local people's councils is determined by law.

Article 64 Local people's councils direct the administrative work of their respective areas within the limits of

their authority as prescribed by law.

Local people's councils carry out decisions of people's congresses at the corresponding levels as well as decisions and orders of organs of state administration at the higher levels.

Local people's councils issue decisions and orders within the limits of their authority as prescribed by law.

Article 65 People's councils at county level and above direct the work of all their subordinate departments and of people's councils at the lower levels, as well as appoint and remove the personnel of organs of state according to provisions of law.

People's councils at county level and above have the power to suspend the carrying out of inappropriate decisions of people's congresses at the next lower level; and to alter or annul inappropriate orders and directives of their subordinate departments as well as inappropriate decisions and orders of people's councils at the lower levels.

## Section V: The Organs of Self-Government of National Autonomous Areas

Article 66 Local people's councils are responsible and accountable to people's congresses at the corresponding levels and to organs of state administration at the next higher level.

Local people's councils throughout the country are local organs of state administration under the coordinating leadership of the State Council and are subordinate to it.

Article 67 The organization of the organs of self-government of autonomous regions, autonomous *zhou* and autonomous counties should conform to the basic principles governing the organization of local organs of state as specified in Chapter Two, Section IV of the Constitution. The form of each organ of self-government may be determined in accordance with the wishes of the majority of the people of the nationality or nationalities enjoying regional autonomy in a given area.

Article 68 In autonomous regions, autonomous *zhou* and autonomous counties where a number of nationalities live together, each nationality is entitled to appropriate representation in the organs of self-government.

Article 69 The organs of self-government of autonomous regions, autonomous *zhou* and autonomous counties exercise the functions and powers of local organs of state as specified in Chapter Two, Section IV of the Constitution.

Article 70 The organs of self-government of autonomous regions, autonomous *zhou* and autonomous counties exercise autonomy within the limits of their authority as prescribed by the Constitution and by law.

The organs of self-government of autonomous regions, autonomous *zhou* and autonomous counties administer the finances of their areas within the limits of their authority as prescribed by law.

The organs of self-government of autonomous regions, autonomous *zhou* and autonomous counties organize the public security forces of their areas in accordance with the military system of the state.

The organs of self-government of autonomous regions, autonomous *zhou* and autonomous counties may, in the light of the political, economic and cultural characteristics of the nationality or nationalities in a given area, make regulations on the exercise of autonomy as well as specific regulations and submit them to the Standing Committee of the National People's Congress for approval.

Article 71 In performing their functions, organs of self-government of autonomous regions, autonomous *zhou* and autonomous counties employ the spoken and written language or languages commonly used by the nationality or nationalities in the locality.

Article 72 The higher organs of state should fully safeguard the exercise of autonomy by organs of self-government of autonomous regions, autonomous *zhou* and autonomous counties, and should assist all the minority nationalities in their political, economic and cultural development.

## Section VI: The People's Courts and the People's Procuratorates

Article 73 The Supreme People's Court of the People's Republic of China, local people's courts at various levels and special people's courts exercise judicial authority.

Article 74 The term of office of the President of the Supreme People's Court and presidents of local people's courts is four years.

The organization of people's courts is determined by law.

- Article 75 The people's courts, in administering justice, apply the system of people's assessors in accordance with law.
- Article 76 All cases in the people's courts are heard in public except those involving special circumstances as prescribed by law. The accused has the right to defence.
- Article 77 Citizens of all nationalities have the right to use their own spoken and written languages in judicial proceedings. The people's courts are required to provide interpretation for any party unacquainted with the spoken or written language commonly used in the locality.  
In an area where people of a minority nationality live in a compact community or where a number of nationalities live together, hearings in people's courts should be conducted in the language commonly used in the locality, and judgements, notices and other documents of people's courts should be made public in that language.
- Article 78 The people's courts administer justice independently and are subject only to the law.
- Article 79 The Supreme People's Court is the highest judicial organ.  
The Supreme People's Court supervises the administration of justice by local people's courts at various levels and special people's courts; people's courts at the higher levels supervise the administration of justice by people's courts at the lower levels.
- Article 80 The Supreme People's Court is responsible and accountable to the National People's Congress or, when the National People's Congress is not in session, to its Standing Committee. Local people's courts are responsible and accountable to local people's congresses at the corresponding levels.
- Article 81 The Supreme People's Procuratorate of the People's Republic of China exercises procuratorial authority to ensure observance of the law by all the departments under the State Council, local organs of state at various levels, persons working in organs of state and citizens. Local people's procuratorates and special people's procuratorates exercise procuratorial authority within the limits prescribed by law.  
Local people's procuratorates and special people's procuratorates work under the leadership of people's procuratorates at the higher levels, and all of them work under the coordinating leadership of the Supreme People's Procuratorate.
- Article 82 The term of office of the Chief Procurator of the Supreme People's Procuratorate is four years.  
The organization of people's procuratorates is determined by law.
- Article 83 Local people's procuratorates at various levels exercise their functions and powers independently and are not subject to interference by local organs of state.
- Article 84 The Supreme People's Procuratorate is responsible and accountable to the National People's Congress or, when the National People's Congress is not in session, to its Standing Committee.

### CHAPTER THREE: FUNDAMENTAL RIGHTS AND DUTIES OF CITIZENS

- Article 85 All citizens of the People's Republic of China are equal before the law.
- Article 86 All citizens of the People's Republic of China, who have reached the age of eighteen, have the right to vote and stand for election, irrespective of their nationality, race, sex, occupation, social origin, religious belief, education, property status, or length of residence, except insane persons and persons deprived by law of the right to vote and stand for election.  
Women have equal rights with men to vote and stand for election.
- Article 87 Citizens of the People's Republic of China enjoy freedom of speech, freedom of the press, freedom of assembly, freedom of association, freedom of procession and freedom of demonstration. To ensure that citizens can enjoy these freedoms, the state provides the necessary material facilities.
- Article 88 Citizens of the People's Republic of China enjoy freedom of religious belief.
- Article 89 The freedom of person of citizens of the People's Republic of China is inviolable. No citizen may be arrested except by decision of a people's court or with the sanction of a people's procuratorate.
- Article 90 The homes of citizens of the People's Republic of China are inviolable, and privacy of correspondence is protected by law.  
Citizens of the People's Republic of China enjoy freedom of residence and freedom to change their residence.
- Article 91 Citizens of the People's Republic of China have the right to work. To ensure that citizens can enjoy this right, the state, by planned development of the national economy, gradually provides more

- employment, improves working conditions and increases wages, amenities and benefits.
- Article 92 Working people in the People's Republic of China have the right to rest and leisure. To ensure that working people can enjoy this right, the state prescribes working hours and systems of vacations for workers and office personnel, and gradually expands material facilities for the working people to rest and build up their health.
- Article 93 Working people in the People's Republic of China have the right to material assistance in old age, and in case of illness or disability. To ensure that working people can enjoy this right, the state provides social insurance, social assistance and public health services and gradually expands these facilities.
- Article 94 Citizens of the People's Republic of China have the right to education. To ensure that citizens can enjoy this right, the state establishes and gradually expands schools of various types and other cultural and educational institutions.
- The state pays special attention to the physical and mental development of young people.
- Article 95 The People's Republic of China safeguards the freedom of citizens to engage in scientific research, literary and artistic creation and other cultural activities. The state encourages and assists the creative endeavours of citizens in science, education, literature, art and other cultural pursuits.
- Article 96 Women in the People's Republic of China enjoy equal rights with men in all spheres of political, economic, cultural, social and family life.
- The state protects marriage, the family, and the mother and child.
- Article 97 Citizens of the People's Republic of China have the right to make written or oral complaints to organs of state at any level against any person working in an organ of state for transgression of law or neglect of duty. People suffering loss by reason of infringement of their rights as citizens by persons working in organs of state have the right to compensation.
- Article 98 The People's Republic of China protects the just rights and interests of Chinese who live abroad.
- Article 99 The People's Republic of China grants asylum to any foreign national persecuted for supporting a just cause, for taking part in the peace movement or for scientific activities.
- Article 100 Citizens of the People's Republic of China must abide by the Constitution and the law, observe labour discipline, observe public order and respect public morality.
- Article 101 The public property of the People's Republic of China is sacred and inviolable. It is the duty of every citizen to take care of and protect public property.
- Article 102 Citizens of the People's Republic of China have the duty to pay taxes according to law.

#### CHAPTER FOUR: NATIONAL FLAG, NATIONAL EMBLEM, CAPITAL

- Article 103 It is the sacred responsibility of every citizen of the People's Republic of China to defend the motherland.
- It is the honourable duty of citizens of the People's Republic of China to perform military service according to law.
- Article 104 The national flag of the People's Republic of China is a red flag with five stars.
- Article 105 The national emblem of the People's Republic of China is: in the centre, Tien An Men under the light of five stars, and encircled by ears of grain and a cogwheel.
- Article 106 The capital of the People's Republic of China is Peking.

## 中華人民共和國憲法（1954年）

1954年9月20日第一屆全國人民代表大會第一次會議通過

### 序言

中國人民經過一百多年的英勇奮鬥，終於在中國共產黨領導下，在1949年取得了反對帝國主義、封建主義和官僚資本主義的人民革命的偉大勝利，因而結束了長時期被壓迫、被奴役的歷史，建立了人民民主專政的中華人民共和國。中華人民共和國的人民民主制度，也就是新民主主義制度，保證我國能夠通過和平的道路消滅剝削和貧困，建成繁榮幸福的社會主義社會。

從中華人民共和國成立到社會主義社會建成，這是一個過渡時期。國家在過渡時期的總任務是逐步實現國家的社會主義工業化，逐步完成對農業、手工業和資本主義工商業的社會主義改造。我國人民在過

去幾年內已經勝利地進行了改革土地制度、抗美援朝、鎮壓反革命分子、恢復國民經濟等大規模的鬥爭，這就為有計劃地進行經濟建設、逐步過渡到社會主義社會準備了必要的條件。

中華人民共和國第一屆全國人民代表大會第一次會議，1954年9月20日在首都北京，莊嚴地通過中華人民共和國憲法。這個憲法以1949年的中國人民政治協商會議共同綱領為基礎，又是共同綱領的發展。這個憲法鞏固了我國人民革命的成果和中華人民共和國建立以來政治上、經濟上的新勝利，並且反映了國家在過渡時期的根本要求和廣大人民建設社會主義社會的共同願望。

我國人民在建立中華人民共和國的偉大門爭中已經結成以中國共產黨為領導的各民主階級、各民主黨派、各人民團體的廣泛的人民民主統一戰線。今後在動員和團結全國人民完成國家過渡時期總任務和反對內外敵人的鬥爭中，我國的人民民主統一戰線將繼續發揮它的作用。

我國各民族已經團結成為一個自由平等的民族大家庭。在發揚各民族間的友愛互助、反對帝國主義、反對各民族內部的人民公敵、反對大民族主義和地方民族主義的基礎上，我國的民族團結將繼續加強。國家在經濟建設和文化建設的過程中將照顧各民族的需要，而在社會主義改造的問題上將充分注意各民族發展和特點。

我國同偉大的蘇維埃社會主義共和國聯盟、同各人民民主國家已經建立了牢不可破的友誼，我國人民同全世界愛好和平的人民的友誼也日見增進，這種友誼將繼續發展和鞏固。我國根據平等、互利、互相尊重主權和領土完整的原則同任何國家建立和發展外交關係的政策，已經獲得成就，今後將繼續貫徹。在國際事務中，我國堅定不移的方針是為世界和平和人類進步的崇高目的而努力。

## 第一章 總綱

第一條 中華人民共和國是工人階級領導的、以工農聯盟為基礎的人民民主國家。

第二條 中華人民共和國的一切權力屬於人民。人民行使權力的機關是全國人民代表大會和地方各級人民代表大會。

全國人民代表大會、地方各級人民代表大會和其他國家機關，一律實行民主集中制。

第三條 中華人民共和國是統一的多民族的國家。

各民族一律平等。禁止對任何民族的歧視和壓迫，禁止破壞各民族團結的行為。

各民族都有使用和發展自己的語言文字的自由，都有保持或者改革自己的風俗習慣的自由。

各少數民族聚居的地方實行區域自治。各民族自治地方都是中華人民共和國不可分離的部分。

第四條 中華人民共和國依靠國家機關和社會力量，通過社會主義工業化和社會主義改造，保證逐步消滅剝削制度，建立社會主義社會。

第五條 中華人民共和國的生產資料所有制現在主要有下列各種：國家所有制，即全民所有制；合作社所有制，即勞動群眾集體所有制；個體勞動者所有制；資本家所有制。

第六條 國營經濟是全民所有制的社會主義經濟，是國民經濟中的領導力量和國家實現社會主義改造的物質基礎。國家保證優先發展國營經濟。

礦藏、水流，由法律規定為國有的森林、荒地和其他資源，都屬於全民所有。

第七條 合作社經濟是勞動群眾集體所有制的社會主義經濟，或者是勞動群眾部分集體所有制的半社會主義經濟。勞動群眾部分集體所有制是組織個體農民、個體手工業者和其他個體勞動者走向勞動群眾集體所有制的過渡形式。

國家保護合作社的財產，鼓勵、指導和幫助合作社經濟的發展，並且以發展生產合作為改造個體農業和個體手工業的主要道路。

第八條 國家依照法律保護農民的土地所有權和其他生產資料所有權。

國家指導和幫助個體農民增加生產，並且鼓勵他們根據自願的原則組織生產合作、供銷合作和信用合作。

國家對富農經濟採取限制和逐步消滅的政策。

第九條 國家依照法律保護手工業者和其他非農業的個體勞動者的生產資料所有權。

國家指導和幫助個體手工業者和其他非農業的個體勞動者改善經營，並且鼓勵他們根據自願的原則組織生產合作和供銷合作。

第十條 國家依照法律保護資本家的生產資料所有權和其他資本所有權。

國家對資本主義工商業採取利用、限制和改造的政策。國家通過國家行政機關的管理、國營經濟的領導和工人群眾的監督，利用資本主義工商業的有利於國計民生的積極作用，限制它們的不利於國計民生的消極作用，鼓勵和指導它們轉變為各種不同形式的國家資本主義經濟，逐步以全民所有制代替資本家所有制。

國家禁止資本家的危害公共利益、擾亂社會經濟秩序、破壞國家經濟計畫的一切非法行為。

- 第十一條 國家保護公民的合法收入、儲蓄、房屋和各種生活資料的所有權。
- 第十二條 國家依照法律保護公民的私有財產的繼承權。
- 第十三條 國家為了公共利益的需要，可以依照法律規定的條件，對城鄉土地和其他生產資料實行徵購、徵用或者收歸國有。
- 第十四條 國家禁止任何人利用私有財產破壞公共利益。
- 第十五條 國家用經濟計畫指導國民經濟的發展和改造，使生產力不斷提高，以改進人民的物質生活和文化生活，鞏固國家的獨立和安全。
- 第十六條 勞動是中華人民共和國一切有勞動能力的公民的光榮的事情。國家鼓勵公民在勞動中的積極性和創造性。
- 第十七條 一切國家機關必須依靠人民群眾，經常保持同群眾的密切聯繫，傾聽群眾的意見，接受群眾的監督。
- 第十八條 一切國家機關工作人員必須效忠人民民主制度，服從憲法和法律，努力為人民服務。
- 第十九條 中華人民共和國保衛人民民主制度，鎮壓一切叛國的和反革命的活動，懲辦一切賣國賊和反革命分子。
- 國家依照法律在一定時期內剝奪封建地主和官僚資本家的政治權利，同時給以生活出路，使他們在勞動中改造成為自食其力的公民。
- 第二十條 中華人民共和國的武裝力量屬於人民，它的任務是保衛人民革命和國家建設的成果，保衛國家的主權、領土完整和安全。

## 第二章 國家機構

### 第一節 全國人民代表大會

- 第二十一條 中華人民共和國全國人民代表大會是最高國家權力機關。
- 第二十二條 全國人民代表大會是行使國家立法權的唯一機關。
- 第二十三條 全國人民代表大會由省、自治區、直轄市、軍隊和華僑選出的代表組成。  
全國人民代表大會代表名額和代表產生辦法，包括少數民族代表的名額和產生辦法，由選舉法規定。
- 第二十四條 全國人民代表大會每屆任期四年。  
全國人民代表大會任期屆滿的兩個月以前，全國人民代表大會常務委員會必須完成下屆全國人民代表大會代表的選舉。如果遇到不能進行選舉的非常情況，全國人民代表大會可以延長任期到下屆全國人民代表大會舉行第一次會議為止。
- 第二十五條 全國人民代表大會會議每年舉行一次，由全國人民代表大會常務委員會召集。如果全國人民代表大會常務委員會認為必要，或者有五分之一的代表提議，可以臨時召集全國人民代表大會會議。
- 第二十六條 全國人民代表大會舉行會議的時候，選舉主席團主持會議。
- 第二十七條 全國人民代表大會行使下列職權：  
(一) 修改憲法；  
(二) 制定法律；  
(三) 監督憲法的實施；  
(四) 選舉中華人民共和國主席、副主席；  
(五) 根據中華人民共和國主席的提名，決定國務院總理的人選，根據國務院總理的提名，決定國務院組成人員的人選；  
(六) 根據中華人民共和國主席的提名，決定國防委員會副主席和委員的人選；  
(七) 選舉最高人民法院院長；  
(八) 選舉最高人民檢察院檢察長；  
(九) 決定國民經濟計畫；  
(十) 審查和批准國家的預算和決算；  
(十一) 批准省、自治區和直轄市的劃分；  
(十二) 決定大赦；  
(十三) 決定戰爭和和平的問題；  
(十四) 全國人民代表大會認為應當由它行使的其他職權。
- 第二十八條 全國人民代表大會有關權罷免下列人員：

- (一) 中華人民共和國主席、副主席；
  - (二) 國務院總理、副總理、各部部長、各委員會主任、秘書長；
  - (三) 國防委員會副主席和委員；
  - (四) 最高人民法院院長；
  - (五) 最高人民檢察院檢察長。
- 第二十九條 憲法的修改由全國人民代表大會以全體代表的三分之二的多數通過。  
法律和其他議案由全國人民代表大會以全體代表的過半數通過。
- 第三十條 全國人民代表大會常務委員會是全國人民代表大會的常設機關。  
全國人民代表大會常務委員會由全國人民代表大會選出下列人員組成：  
委員長，  
副委員長若干人，  
秘書長，  
委員若干人。
- 第三十一條 全國人民代表大會常務委員會行使下列職權：  
(一) 主持全國人民代表大會代表的選舉；  
(二) 召集全國人民代表大會會議；  
(三) 解釋法律；  
(四) 制定法令；  
(五) 監督國務院、最高人民法院和最高人民檢察院的工作；  
(六) 撤銷國務院的同憲法、法律和法令相抵觸的決議和命令；  
(七) 改變或者撤銷省、自治區、直轄市國家權力機關的不適當的決議；  
(八) 在全國人民代表大會閉會期間，決定國務院副總理、各部部長、各委員會主任、秘書長的個別任免；  
(九) 任免最高人民法院副院長、審判員和審判委員會委員；  
(十) 任免最高人民檢察院副檢察長、檢察員和檢察委員會委員；  
(十一) 決定駐外全權代表的任免；  
(十二) 決定同外國締結的條約的批准和廢除；  
(十三) 規定軍人和外交人員的銜級和其他專門銜級；  
(十四) 規定和決定授予國家的勳章和榮譽稱號；  
(十五) 決定特赦；  
(十六) 在全國人民代表大會閉會期間，如果遇到國家遭受武裝侵犯或者必須履行國際間共同防止侵略的條約的情況，決定戰爭狀態的宣佈；  
(十七) 決定全國總動員或者局部動員；  
(十八) 決定全國或者部分地區的戒嚴；  
(十九) 全國人民代表大會授予的其他職權。
- 第三十二條 全國人民代表大會常務委員會行使職權到下屆全國人民代表大會選出新的常務委員會為止。
- 第三十三條 全國人民代表大會常務委員會對全國人民代表大會負責並報告工作。  
全國人民代表大會常務委員會有權罷免全國人民代表大會常務委員會的組成人員。
- 第三十四條 全國人民代表大會設立民族委員會、法案委員會、預算委員會、代表資格審查委員會和其他需要設立的委員會。  
民族委員會和法案委員會，在全國人民代表大會閉會期間，受全國人民代表大會常務委員會的領導。
- 第三十五條 全國人民代表大會認為必要的時候，在全國人民代表大會閉會期間全國人民代表大會常務委員會認為必要的時候，可以組織對於特定問題的調查委員會。  
調查委員會進行調查的時候，一切有關的國家機關、人民團體和公民都有義務向它提供必要的材料。
- 第三十六條 全國人民代表大會代表有權向國務院或者國務院各部、各委員會提出質問，受質問的機關必須負責答覆。
- 第三十七條 全國人民代表大會代表，非經全國人民代表大會許可，在全國人民代表大會閉會期間非經全國人民代表大會常務委員會許可，不受逮捕或者審判。
- 第三十八條 全國人民代表大會代表受原選舉單位的監督。原選舉單位有權依照法律規定的程式隨時撤換本單位選出的代表。



## 第二節 中華人民共和國主席

第三十九條 中華人民共和國主席由全國人民代表大會選舉。有選舉權和被選舉權的年滿三十五歲的中華人民共和國公民可以被選為中華人民共和國主席。

中華人民共和國主席任期四年。

第四十條 中華人民共和國主席根據全國人民代表大會的決定和全國人民代表大會常務委員會的決定，公佈法律和法令，任免國務院總理、副總理、各部部长、各委員會主任、秘書長，任免國防委員會副主席、委員，授予國家的勳章和榮譽稱號，發佈大赦令和特赦令，發佈戒嚴令，宣佈戰爭狀態，發佈動員令。

第四十一條 中華人民共和國主席對外代表中華人民共和國，接受外國使節；根據全國人民代表大會常務委員會的決定，派遣和召回駐外全權代表，批准同外國締結的條約。

第四十二條 中華人民共和國主席統率全國武裝力量，擔任國防委員會主席。

第四十三條 中華人民共和國主席在必要的時候召開最高國務會議，並擔任最高國務會議主席。

最高國務會議由中華人民共和國副主席、全國人民代表大會常務委員會委員長、國務院總理和其他有關人員參加。

最高國務會議對於國家重大事務的意見，由中華人民共和國主席提交全國人民代表大會、全國人民代表大會常務委員會、國務院或者其他有關部門討論並作出決定。

第四十四條 中華人民共和國副主席協助主席工作。副主席受主席的委託，可以代行主席的部分職權。

中華人民共和國副主席的選舉和任期，適用憲法第三十九條關於中華人民共和國主席的選舉和任期的規定。

第四十五條 中華人民共和國主席、副主席行使職權到下屆全國人民代表大會選出的下一任主席、副主席就職為止。

第四十六條 中華人民共和國主席因為健康情況長期不能工作的時候，由副主席代行主席的職權。

中華人民共和國主席缺位的時候，由副主席繼任主席的職位。

## 第三節 國務院

第四十七條 中華人民共和國國務院，即中央人民政府，是最高國家權力機關的執行機關，是最高國家行政機關。

第四十八條 國務院由下列人員組成：

總理，  
副總理若干人，  
各部部长，  
各委員會主任，  
秘書長。

國務院的組織由法律規定。

第四十九條 國務院行使下列職權：

- (一) 根據憲法、法律和法令，規定行政措施，發佈決議和命令，並且審查這些決議和命令的實施情況；
- (二) 向全國人民代表大會或者全國人民代表大會常務委員會提出議案；
- (三) 統一領導各部和各委員會的工作；
- (四) 統一領導全國地方各級國家行政機關的工作；
- (五) 改變或者撤銷各部部长、各委員會主任的不適當的命令和指示；
- (六) 改變或者撤銷地方各級國家行政機關的不適當的決議和命令；
- (七) 執行國民經濟計劃和國家預算；
- (八) 管理對外貿易和國內貿易；
- (九) 管理文化、教育和衛生工作；
- (十) 管理民族事務；
- (十一) 管理華僑事務；
- (十二) 保護國家利益，維護社會秩序，保障公民權利；
- (十三) 管理對外事務；
- (十四) 領導武裝力量的建設；
- (十五) 批准自治州、縣、自治縣、市的劃分；
- (十六) 依照法律的規定任免行政人員；
- (十七) 全國人民代表大會和全國人民代表大會常務委員會授予的其他職權。

- 第五十條 總理領導國務院的工作，主持國務院會議。  
副總理協助總理工作。
- 第五十一條 各部部长和各委员会主任負責管理本部門的工作。各部部长和各委员会主任在本部門的許可權內，根據法律、法令和國務院的決議、命令，可以發佈命令和指示。
- 第五十二條 國務院對全國人民代表大會負責並報告工作；在全國人民代表大會閉會期間，對全國人民代表大會常務委員會負責並報告工作。
- 第四節 地方各級人民代表大會和地方各級人民委員會
- 第五十三條 中華人民共和國的行政區域劃分如下：  
（一） 全國分為省、自治區、直轄市；  
（二） 省、自治區分為自治州、縣、自治縣、市；  
（三） 縣、自治縣分為鄉、民族鄉、鎮。  
直轄市和較大的市分為區。自治州分為縣、自治縣、市。  
自治區、自治州、自治縣都是民族自治地方。
- 第五十四條 省、直轄市、縣、市、市轄區、鄉、民族鄉、鎮設立人民代表大會和人民委員會。  
自治區、自治州、自治縣設立自治機關。自治機關的組織和工作由憲法第二章第五節規定。
- 第五十五條 地方各級人民代表大會都是地方國家權力機關。
- 第五十六條 省、直轄市、縣、設區的市的人民代表大會代表由下一級的人民代表大會選舉；不設區的市、市轄區、鄉、民族鄉、鎮的人民代表大會代表由選民直接選舉。  
地方各級人民代表大會代表名額和代表產生辦法由選舉法規定。
- 第五十七條 省人民代表大會每屆任期四年。直轄市、縣、市、市轄區、鄉、民族鄉、鎮的人民代表大會每屆任期兩年。
- 第五十八條 地方各級人民代表大會在本行政區域內，保證法律、法令的遵守和執行，規劃地方的經濟建設、文化建設和公共事業，審查和批准地方的預算和決算，保護公共財產，維護公共秩序，保障公民權利，保障少數民族的平等權利。
- 第五十九條 地方各級人民代表大會選舉並且有權罷免本級人民委員會的組成人員。  
縣級以上的人民代表大會選舉並且有權罷免本級人民法院院長。
- 第六十條 地方各級人民代表大會依照法律規定的許可權通過和發佈決議。  
民族鄉的人民代表大會可以依照法律規定的許可權採取適合民族特點的具體措施。  
地方各級人民代表大會具有權改變或者撤銷本級人民委員會的不適當的決議和命令。  
縣級以上的人民代表大會具有權改變或者撤銷下一級人民代表大會的不適當的決議和下一級人民委員會的不適當的決議和命令。
- 第六十一條 省、直轄市、縣、設區的市的人民代表大會代表受原選舉單位的監督；不設區的市、市轄區、鄉、民族鄉、鎮的人民代表大會代表受選民的監督。地方各級人民代表大會代表的選舉單位和選民有權依照法律規定的程式隨時撤換自己選出的代表。
- 第六十二條 地方各級人民委員會，即地方各級人民政府，是地方各級人民代表大會的執行機關，是地方各級國家行政機關。
- 第六十三條 地方各級人民委員會分別由省長、市長、縣長、區長、鄉長、鎮長各一人，副省長、副市長、副縣長、副區長、副鄉長、副鎮長各若干人和委員各若干人組成。  
地方各級人民委員會每屆任期同本級人民代表大會每屆任期相同。  
地方各級人民委員會的組織由法律規定。
- 第六十四條 地方各級人民委員會依照法律規定的許可權管理本行政區域的行政工作。  
地方各級人民委員會執行本級人民代表大會的決議和上級國家行政機關的決議和命令。  
地方各級人民委員會依照法律規定的許可權發佈決議和命令。
- 第六十五條 縣級以上的人民委員會領導所屬各工作部門和下級人民委員會的工作，依照法律的規定任免國家機關工作人員。  
縣級以上的人民委員會具有權停止下一級人民代表大會的不適當的決議的執行，有權改變或者撤銷所屬各工作部門的不適當的命令和指示和下級人民委員會的不適當的決議和命令。
- 第五節 民族自治地方的自治機關
- 第六十六條 地方各級人民委員會都對本級人民代表大會和上一級國家行政機關負責並報告工作。

- 全國地方各級人民委員會都是國務院統一領導下的國家行政機關，都服從國務院。
- 第六十七條 自治區、自治州、自治縣的自治機關的組織，應當根據憲法第二章第四節規定的關於地方國家機關的組織的基本原則。自治機關的形式可以依照實行區域自治的民族大多數人民的意願規定。
- 第六十八條 在多民族雜居的自治區、自治州、自治縣的自治機關中，各有關民族都應當有適當名額的代表。
- 第六十九條 自治區、自治州、自治縣的自治機關行使憲法第二章第四節規定的地方國家機關的職權。
- 第七十條 自治區、自治州、自治縣的自治機關依照憲法和法律規定的許可權行使自治權。  
自治區、自治州、自治縣的自治機關依照法律規定的許可權管理本地方的財政。  
自治區、自治州、自治縣的自治機關依照國家的軍事制度組織本地方的公安部隊。  
自治區、自治州、自治縣的自治機關可以依照當地民族的政治、經濟和文化的特點，制定自治條例和單行條例，報請全國人民代表大會常務委員會批准。
- 第七十一條 自治區、自治州、自治縣的自治機關在執行職務的時候，使用當地民族通用的一種或者幾種語言文字。
- 第七十二條 各上級國家機關應當充分保障各自治區、自治州、自治縣的自治機關行使自治權，並且幫助各少數民族發展政治、經濟和文化的建設事業。

### 第六節 人民法院和人民檢察院

- 第七十三條 中華人民共和國最高人民法院、地方各級人民法院和專門人民法院行使審判權。
- 第七十四條 最高人民法院院長和地方各級人民法院院長任期四年。  
人民法院的組織由法律規定。
- 第七十五條 人民法院審判案件依照法律實行人民陪審員制度。
- 第七十六條 人民法院審理案件，除法律規定的特別情況外，一律公開進行。被告人有權獲得辯護。
- 第七十七條 各民族公民都有用本民族語言文字進行訴訟的權利。人民法院對於不通曉當地通用的語言文字的當事人，應當為他們翻譯。  
在少數民族聚居或者多民族雜居的地區，人民法院應當用當地通用的語言進行審訊，用當地通用的文字發佈判決書、佈告和其他檔。
- 第七十八條 人民法院獨立進行審判，只服從法律。
- 第七十九條 最高人民法院是最高審判機關。  
最高人民法院監督地方各級人民法院和專門人民法院的審判工作，上級人民法院監督下級人民法院的審判工作。
- 第八十條 最高人民法院對全國人民代表大會負責並報告工作；在全國人民代表大會閉會期間，對全國人民代表大會常務委員會負責並報告工作。地方各級人民法院對本級人民代表大會負責並報告工作。
- 第八十一條 中華人民共和國最高人民檢察院對於國務院所屬各部門、地方各級國家機關、國家機關工作人員和公民是否遵守法律，行使檢察權。地方各級人民檢察院和專門人民檢察院，依照法律規定的範圍行使檢察權。  
地方各級人民檢察院和專門人民檢察院在上級人民檢察院的領導下，並且一律在最高人民檢察院的統一領導下，進行工作。
- 第八十二條 最高人民檢察院檢察長任期四年。  
人民檢察院的組織由法律規定。
- 第八十三條 地方各級人民檢察院獨立行使職權，不受地方國家機關的干涉。
- 第八十四條 最高人民檢察院對全國人民代表大會負責並報告工作；在全國人民代表大會閉會期間，對全國人民代表大會常務委員會負責並報告工作。

### 第三章 公民的基本權利和義務

- 第八十五條 中華人民共和國公民在法律上一律平等。
- 第八十六條 中華人民共和國年滿十八歲的公民，不分民族、種族、性別、職業、社會出身、宗教信仰、教育程度、財產狀況、居住期限，都有選舉權和被選舉權。但是有精神病的人和依照法律被剝奪選舉權和被選舉權的人除外。  
婦女有同男子平等的選舉權和被選舉權。
- 第八十七條 中華人民共和國公民有言論、出版、集會、結社、遊行、示威的自由。國家供給必需的物質上的便利，以保證公民享受這些自由。

- 第八十八條 中華人民共和國公民有宗教信仰的自由。
- 第八十九條 中華人民共和國公民的人身自由不受侵犯。任何公民，非經人民法院決定或者人民檢察院批准，不受逮捕。
- 第九十條 中華人民共和國公民的住宅不受侵犯，通信秘密受法律的保護。  
中華人民共和國公民有居住和遷徙的自由。
- 第九十一條 中華人民共和國公民有勞動的權利。國家通過國民經濟有計劃的發展，逐步擴大勞動就業，改善勞動條件和工資待遇，以保證公民享受這種權利。
- 第九十二條 中華人民共和國勞動者有休息的權利。國家規定工人和職員的工作時間和休假制度，逐步擴充勞動者休息和休養的物質條件，以保證勞動者享受這種權利。
- 第九十三條 中華人民共和國勞動者在年老、疾病或者喪失勞動能力的時候，有獲得物質幫助的權利。國家舉辦社會保險、社會救濟和群眾衛生事業，並且逐步擴大這些設施，以保證勞動者享受這種權利。
- 第九十四條 中華人民共和國公民有受教育的權利。國家設立並且逐步擴大各種學校和其他文化教育機關，以保證公民享受這種權利。  
國家特別關懷青年的體力和智力的發展。
- 第九十五條 中華人民共和國保障公民進行科學研究、文學藝術創作和其他文化活動的自由。國家對於從事科學、教育、文學、藝術和其他文化事業的公民的創造性工作，給以鼓勵和幫助。
- 第九十六條 中華人民共和國婦女在政治的、經濟的、文化的、社會的和家庭的生活各方面享有同男子平等的權利。  
婚姻、家庭、母親和兒童受國家的保護。
- 第九十七條 中華人民共和國公民對於任何違法失職的國家機關工作人員，有向各級國家機關提出書面控告或者口頭控告的權利。由於國家機關工作人員侵犯公民權利而受到損失的人，有取得賠償的權利。
- 第九十八條 中華人民共和國保護國外華僑的正常的權利和利益。
- 第九十九條 中華人民共和國對於任何由於擁護正義事業、參加和平運動、進行科學工作而受到迫害的外國人，給以居留的權利。
- 第一百條 中華人民共和國公民必須遵守憲法和法律，遵守勞動紀律，遵守公共秩序，尊重社會公德。
- 第一百零一條 中華人民共和國的公共財產神聖不可侵犯。愛護和保衛公共財產是每一個公民的義務。
- 第一百零二條 中華人民共和國公民有依照法律納稅的義務。

#### 第四章 國旗、國徽、首都

- 第一百零三條 保衛祖國是中華人民共和國每一個公民的神聖職責。  
依照法律服兵役是中華人民共和國公民的光榮義務。
- 第一百零四條 中華人民共和國國旗是五星紅旗。
- 第一百零五條 中華人民共和國國徽，中間是五星照耀下的天安門，周圍是穀穗和齒輪。
- 第一百零六條 中華人民共和國首都都是北京。

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## The Second Constitution of the PRC (1975)

*(Adopted on January 17, 1975 by the Fourth National People's Congress of the People's Republic of China at its First Session)*

### PREAMBLE

The founding of the People's Republic of China marked the great victory of the new-democratic revolution and the beginning of the new historical period of socialist revolution and the dictatorship of the proletariat, a victory gained only after the Chinese people had waged a heroic struggle for over a century and, finally, under the leadership of the Communist Party of China, overthrown the reactionary rule of imperialism, feudalism and bureaucrat-capitalism by a people's revolutionary war.

For the last twenty years and more, the people of all nationalities in our country, continuing their triumphant advance under the leadership of the Communist Party of China, have achieved great victories both in socialist revolution and socialist construction and in the Great Proletarian Cultural Revolution, and have consolidated and strengthened the dictatorship of the proletariat,

Socialist society covers a considerably long historical period. Throughout this historical period, there are classes, class contradictions and class struggle, there is the struggle between the socialist road and the capitalist road, there is the danger of capitalist restoration and there is the threat of subversion and aggression by imperialism and social-imperialism. These contradictions can be resolved only by depending on the theory of continued revolution under the dictatorship of the proletariat and on practice under its guidance.

We must adhere to the basic line and policies of the Communist Party of China for the entire historical period of socialism and persist in continued revolution under the dictatorship of the proletariat, so that our great motherland will always advance along the road indicated by Marxism-Leninism-Mao Tsetung Thought.

We should consolidate the great unity of the people of all nationalities led by the working class and based on the alliance of workers and peasants, and develop the revolutionary united front. We should correctly distinguish contradictions among the people from those between ourselves and the enemy and correctly handle them. We should carry on the three great revolutionary movements of class struggle, the struggle for production and scientific experiment; we should build socialism independently and with the initiative in our own hands, through self-reliance, hard struggle, diligence and thrift and by going all out, aiming high and achieving greater, faster, better and more economical results; and we should be prepared against war and natural disasters and do everything for the people.

In international affairs, we should uphold proletarian internationalism. China will never be a superpower. We should strengthen our unity with the socialist countries and all oppressed people and oppressed nations, with each supporting the other; strive for peaceful coexistence with countries having different social systems on the basis of the Five Principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit, and peaceful coexistence, and oppose the imperialist and social-imperialist policies of aggression and war and oppose the hegemonism of the superpowers.

The Chinese people are fully confident that, led by the Communist Party of China, they will vanquish enemies at home and abroad and surmount all difficulties to build China into a powerful socialist state of the dictatorship of the proletariat so as to make a greater contribution to humanity.

People of all nationalities in our country, unite to win still greater victories!

## CHAPTER ONE. GENERAL PRINCIPLES

Article 1 The People's Republic of China is a socialist state of the dictatorship of the proletariat led by the working class and based on the alliance of workers and peasants.

Article 2 The Communist Party of China is the core of leadership of the whole Chinese people. The working class exercises leadership over the state through its vanguard, the Communist Party of China.

Marxism-Leninism-Mao Tsetung Thought is the theoretical basis guiding the thinking of our nation.

Article 3 All power in the People's Republic of China belongs to the people. The organs through which the people exercise power are the people's congresses at all levels, with deputies of workers, peasants and soldiers as their main body.

The people's congresses at all levels and all other organs of state practise democratic centralism.

Deputies to the people's congresses at all levels are elected through democratic consultation. The electoral units and electors have the power to supervise the deputies they elect and to replace them at any time according to provisions of law.

Article 4 The People's Republic of China is a unitary multi-national state. The areas where regional national autonomy is exercised are all inalienable parts of the People's Republic of China.

All the nationalities are equal. Big-nationality chauvinism and local-nationality chauvinism must be opposed.

All the nationalities have the freedom to use their own spoken and written languages.

Article 5 In the People's Republic of China, there are mainly two kinds of ownership of the means of production at the present stage: socialist ownership by the whole people and socialist collective ownership by working people.

The state may allow non-agricultural individual labourers to engage in individual labour involving no exploitation of others, within the limits permitted by law and under unified arrangement by neighbourhood organizations in cities and towns or by production teams in rural people's communes. At the same time, these individual labourers should be guided onto the road of socialist collectivization step by step.

- Article 6 The state sector of the economy is the leading force in the national economy.  
All mineral resources and waters as well as the forests, undeveloped land and other resources owned by the state are the property of the whole people.  
The state may requisition by purchase, take over for use, or nationalize urban and rural land as well as other means of production under conditions prescribed by law.
- Article 7 The rural people's commune is an organization which integrates government administration and economic management.  
The economic system of collective ownership in the rural people's communes at the present stage generally takes the form of three-level ownership with the production team at the basic level, that is, ownership by the commune, the production brigade and the production team with the last as the basic accounting unit.  
Provided that the development and absolute predominance of the collective economy of the people's Commune are ensured, people's commune members may farm small plots for their personal needs, engage in limited household side-line production, and in pastoral areas keep a small number of livestock for their personal needs.
- Article 8 Socialist public property shall be inviolable. The state shall ensure the consolidation and development Of the socialist economy and prohibit any person from undermining the socialist economy and the public interest in any way whatsoever
- Article 9 The state applies the socialist principle: "He who does not work, neither shall he eat" and "from each according to his ability, to each according to his work."  
The state protects the citizens' right of ownership to their income from work, their savings, their houses, and other means of livelihood.
- Article 10 The state applies the principle of grasping revolution, promoting production and other work and preparedness against war; promotes the planned and proportionate development of the socialist economy, taking agriculture as the foundation and industry as the leading factor and bringing the initiative of both the central and the local authorities into full play; and improves the people's material add step by step on the basis of the constant growth of social production and consolidates the independence and security of the country.
- Article 11 State organizations and state personnel must earnestly study Marxism-Leninism-Maoism Tsetung Thought, firmly put proletarian politics in command, combat bureaucracy, maintain close ties with the masses and wholeheartedly serve the people. Cadres at all levels must participate in collective productive labour.  
Every organ of state must apply the principle of efficient and simple administration. Its leading body must be a three-in-one combination of the old, the middle-aged and the young.
- Article 12 The proletariat must exercise all-round dictatorship over the bourgeoisie in the superstructure, including all spheres of culture. Culture and education, literature and art, physical education, health work and scientific research work must all serve proletarian politics, serve the workers, peasants and soldiers, and be combined with productive labour.
- Article 13 Speaking out freely, airing views fully, holding great debates and writing big-character posters are new forms of carrying on socialist revolution created by the masses of the people. The state shall ensure to the masses the right to use these forms to create a political situation in which there are both centralism and democracy, both discipline and freedom, both unity of will and personal ease of mind and liveliness, and so help consolidate the leadership of the Communist Party of China over the state and consolidate the dictatorship of the proletariat.
- Article 14 The state safeguards the socialist system, suppresses all treasonable and counter-revolutionary activities and punishes all traitors and counter-revolutionaries.  
The state deprives the landlords, rich peasants, reactionary capitalists and other bad elements of political rights for specified periods of time according to law, and at the same time provides them with the opportunity to earn a living so that they may be reformed through labour and become law-abiding citizens supporting themselves by their own labour.
- Article 15 The Chinese People's Liberation Army and the people's militia are the workers' and peasants' own armed forces led by the Communist Party of China; they are the armed forces of the people of all nationalities.

The Chairman of the Central Committee of the Communist Party of China commands the country's armed forces. The Chinese People's Liberation Army is at all times a fighting force, and simultaneously a working force and a production force.

The task of the armed forces of the People's Republic of China is to safeguard the achievements of the socialist revolution and socialist construction, to defend the sovereignty, territorial integrity and security of the state, and to guard against subversion and aggression by imperialism, social-imperialism and their lackeys.

## CHAPTER TWO. THE STRUCTURE OF THE STATE

### Section I. The National People's Congress

Article 16 The National People's Congress is the highest organ of state power under the leadership of the Communist Party of China.

The National People's Congress is composed of deputies elected by the provinces, autonomous regions, municipalities directly under the Central Government, and the People's Liberation Army. When necessary, a certain number of patriotic personages may be specially invited to take part as deputies.

The National People's Congress is elected for a term of five years. Its term of office may be extended under special circumstances.

The National People's Congress holds one session each year. When necessary, the session may be advanced or postponed.

Article 17 The functions and powers of the National People's Congress are: to amend the Constitution, make laws, appoint and remove the Premier of the State Council and the members of the State Council on the proposal of the Central Committee of the Communist Party of China, approve the national economic plan, the state budget and the final state accounts, and exercise such other functions and powers as the National People's Congress deems necessary.

Article 18 The Standing Committee of the National People's Congress is the permanent organ of the National People's Congress. Its functions and powers are: to convene the sessions of the National People's Congress, interpret laws, enact decrees, dispatch and recall plenipotentiary representatives abroad, receive foreign diplomatic envoys, ratify and denounce treaties concluded with foreign states, and exercise such other functions and powers as are vested in it by the National People's Congress.

The Standing Committee of the National People's Congress is composed of the Chairman, the Vice-Chairmen and other members, all of whom are elected and subject to recall by the National People's Congress.

### Section II. The State Council

Article 19 The State Council is the Central People's Government. The State Council is responsible and accountable to the National People's Congress and its Standing Committee.

The State Council is composed of the Premier, the Vice-Premiers, the ministers, and the ministers heading commissions.

Article 20 The functions and powers of the State Council are: to formulate administrative measures and issue decisions and orders in accordance with the Constitution, laws and decrees; exercise unified leadership over the work of ministries and commissions and local organs of state at various levels throughout the country; draft and implement the national economic plan and the state budget; direct state administrative affairs; and exercise such other functions and powers as are vested in it by the National People's Congress or its Standing Committee.

### Section III. The Local People's Congresses and the Local Revolutionary Committees at Various Levels

Article 21 The local people's congresses at various levels are the local organs of state power.

The people's congresses of provinces and municipalities directly under the Central Government are elected for a term of five years. The people's congresses of prefectures, cities and counties are elected for a term of three years. The people's congresses of rural people's communes and towns are elected for a term of two years.

Article 22 The local revolutionary committees at various levels are the permanent organs of the local people's congresses and at the same time the local people's governments at various levels.

Local revolutionary committees are composed of a chairman, vice-chairmen and other members, who are elected and subject to recall by the people's congress at the corresponding level. Their election or recall shall be submitted for examination and approval to the organ of state at the next higher level.

Local revolutionary committees are responsible and accountable to the people's congress at the corresponding level and to the organ of state at the next higher level.

Article 23 The local people's congresses at various levels and the local revolutionary committees elected by them ensure the execution of laws and decrees in their respective areas; lead the socialist revolution and socialist construction in their respective areas; examine and approve local economic plans, budgets and final accounts; maintain revolutionary order; and safeguard the rights of citizens.

#### **Section IV. The Organs of Self-Government of National Autonomous Areas**

Article 24 The autonomous regions, autonomous prefectures and autonomous counties are all national autonomous areas; their organs of self-government are people's congresses and revolutionary committees.

The organs of self-government of national autonomous areas, apart from exercising the functions and powers of local organs of state as specified in Chapter Two, Section III of the Constitution, may exercise autonomy within the limits of their authority as prescribed by law.

The higher organs of state shall fully safeguard the exercise of autonomy by the organs of self-government of national autonomous areas and actively support the minority nationalities in carrying out the socialist revolution and socialist construction.

#### **Section V. The Judicial Organs and the Procuratorial Organs**

Article 25 The Supreme People's Court, local people's courts at various levels and special people's courts exercise judicial authority. The people's courts are responsible and accountable to the people's congresses and their permanent organs at the corresponding levels. The presidents of the people's courts are appointed and subject to removal by the permanent organs of the people's congresses at the corresponding levels.

The functions and powers of procuratorial organs are exercised by the organs of public security at various levels.

The mass line must be applied in procuratorial work and in trying cases. In major counter-revolutionary criminal cases the masses should be mobilized for discussion and criticism.

### **CHAPTER THREE. THE FUNDAMENTAL RIGHTS AND DUTIES OF CITIZENS**

Article 26 The fundamental rights and duties of citizens are to support the leadership of the Communist Party of China, support the socialist system and abide by the Constitution and the laws of the People's Republic of China.

It is the lofty duty of every citizen to defend the motherland and resist aggression. It is the honourable obligation of citizens to perform military service according to law.

Article 27 All citizens who have reached the age of eighteen have the right to vote and stand for election, with the exception of persons deprived of these rights by law.

Citizens have the right to work and the right to education. Working people have the right to rest and the right to material assistance in old age and in case of illness or disability.

Citizens have the right to lodge to organs of state at any level written or oral complaints of transgression of law or neglect of duty on the part of any person working in an organ of state. No one shall attempt to hinder or obstruct the making of such complaints or retaliate.

Women enjoy equal rights with men in all respects.

The state protects marriage, the family, and the mother and child.

The state protects the just rights and interests of overseas Chinese.

Article 28 Citizens enjoy freedom of speech, correspondence, the press, assembly, association, procession, demonstration and the freedom to strike, and enjoy freedom to believe in religion and freedom not to



believe in religion and to propagate atheism.

The citizens' freedom of person and their homes shall be inviolable. No citizen may be arrested except by decision of a people's court or with the sanction of a public security organ..

Article 29 The People's Republic of China grants the right of residence to any foreign national persecuted for supporting a just cause, for taking part in revolutionary movements or for engaging, in scientific activities.

## CHAPTER FOUR. THE NATIONAL FLAG, THE NATIONAL EMBLEM AND THE CAPITAL

Article 30 The national flag has five stars on a field of red.

The national emblem: Tien An Men in the centre, illuminated by five stars and encircled by ears of grain and a cogwheel.

The capital is Peking.

# 中華人民共和國憲法（1975年）

【1975年1月17日中華人民共和國第四屆全國人民代表大會第一次會議通過】

## 序言

中華人民共和國的成立，標誌著中國人民經過一百多年的英勇奮鬥，終於在中國共產黨領導下，用人民革命戰爭推翻了帝國主義、封建主義和官僚資本主義的反動統治，取得了新民主主義革命的偉大勝利，開始了社會主義革命和無產階級專政的新的歷史階段。

二十多年來，我國各族人民在中國共產黨領導下，乘勝前進，取得了社會主義革命和社會主義建設的偉大勝利，取得了無產階級文化大革命的偉大勝利，鞏固和加強了無產階級專政。

社會主義社會是一個相當長的歷史階段。在這個歷史階段中，始終存在著階級、階級矛盾和階級鬥爭，存在著社會主義同資本主義兩條道路的鬥爭，存在著資本主義復辟的危險性，存在著帝國主義、社會帝國主義進行顛覆和侵略的威脅。這些矛盾，只能靠無產階級專政下繼續革命的理論和實踐來解決。

我們必須堅持中國共產黨在整個社會主義歷史階段的基本路線和政策，堅持無產階級專政下的繼續革命，使我們偉大的祖國永遠沿著馬克思主義、列寧主義、毛澤東思想指引的道路前進。

我們要鞏固工人階級領導的以工農聯盟為基礎的各族人民的大團結，發展革命統一戰線。要正確區別和處理敵我矛盾和人民內部矛盾。要繼續開展階級鬥爭、生產鬥爭和科學實驗三大革命運動，獨立自主、自力更生，艱苦奮鬥，勤儉建國，鼓足幹勁，力爭上游，多快好省地建設社會主義，備戰、備荒、為人民。

在國際事務中，我們要堅持無產階級國際主義。中國永遠不做超級大國。我們要同社會主義國家、同一切被壓迫人民和被壓迫民族加強團結，互相支援；在互相尊重主權和領土完整、互不侵犯、互不干涉內政、平等互利、和平共處五項原則的基礎上，爭取和社會制度不同的國家和平共處，反對帝國主義、社會帝國主義的侵略政策和戰爭政策，反對超級大國的霸權主義。

我國人民有充分的信心，在中國共產黨領導下，戰勝國內外敵人，克服一切困難，把我國建設成為強大的無產階級專政的社會主義國家，對於人類作出較大的貢獻。

全國各族人民團結起來，爭取更大的勝利！

## 第一章 總綱

第一條 中華人民共和國是工人階級領導的以工農聯盟為基礎的無產階級專政的社會主義國家

第二條 中國共產黨是全中國人民的領導核心。工人階級經過自己的先鋒隊中國共產黨實現對國家的領導。

馬克思主義、列寧主義、毛澤東思想是我國指導思想的理論基礎。

第三條 中華人民共和國的一切權力屬於人民。人民行使權力的機關，是以工農兵代表為主體的各級人民代表大會。

各級人民代表大會和其他國家機關，一律實行民主集中制。

各級人民代表大會代表，由民主協商選舉產生。原選舉單位和選民，有權監督和依照法律的規定隨時撤換自己選出的代表。

第四條 中華人民共和國是統一的多民族的國家。實行民族區域自治的地方，都是中華人民共和

- 國不可分離的部分。
- 各民族一律平等。反对大民族主义和地方民族主义。
- 各民族都有使用自己的语言文字的自由。
- 第五條 中華人民共和國的生產資料所有制現階段主要有兩種：社會主義全民所有制和社會主義勞動群眾集體所有制。
- 國家允許非農業的個體勞動者在城鎮街道組織、農村人民公社的生產隊統一安排下，從事在法律許可範圍內，不剝削他人的個體勞動，同時，要引導他們逐步走上社會主義集體化的道路。
- 第六條 國營經濟是國民經濟中的領導力量。
- 礦藏、水流、國有的森林、荒地和其他資源，都屬於全民所有。
- 國家可以依照法律規定的條件，對城鄉土地和其他生產資料實行徵購、徵用或者收歸國有。
- 第七條 農村人民公社是政社合一的組織。
- 現階段農村人民公社的集體所有制經濟，一般實行三級所有、隊為基礎，即以生產隊為基本核算單位的公社、生產大隊和生產隊三級所有。
- 在保證人民公社集體經濟的發展和占絕對優勢的條件下，人民公社社員可以經營少量的自留地和家庭副業，牧區社員可以有少量的自留畜。
- 第八條 社會主義的公共財產不可侵犯。國家保證社會主義經濟的鞏固和發展，禁止任何人利用任何手段，破壞社會主義經濟和公共利益。
- 第九條 國家實行“不勞動者不得食”、“各盡所能、按勞分配”的社會主義原則。
- 國家保護公民的勞動收入、儲蓄、房屋和各種生活資料的所有權。
- 第十條 國家實行抓革命、促生產，促工作，促戰備的方針，以農業為基礎，以工業為主導，充分發揮中央和地方兩個積極性，促進社會主義經濟有計劃、按比例地發展，在社會生產不斷提高的基礎上，逐步改進人民的物質生活和文化生活，鞏固國家的獨立和安全。
- 第十一條 國家機關和工作人員，必須認真學習馬克思主義、列寧主義、毛澤東思想。堅持無產階級政治掛帥，反對官僚主義，密切聯繫群眾，全心全意為人民服務。各級幹部都必須參加集體生產勞動。
- 國家機關都必須實行精簡的原則。它的領導機構，都必須實行老、中、青三結合。
- 第十二條 無產階級必須在上層建築其中包括各個文化領域對資產階級實行全面的專政。文化教育、文學藝術、體育衛生、科學研究都必須為無產階級政治服務，為工農兵服務，與生產勞動相結合。
- 第十三條 大鳴、大放、大辯論、大字報，是人民群眾創造的社會主義革命的新形式。國家保障人民群眾運用這種形式，造成一個又有集中又有民主，又有紀律又有自由，又有統一意志又有個人心情舒暢、生動活潑的政治局面，以利於鞏固中國共產黨對國家的領導，鞏固無產階級專政。
- 第十四條 國家保衛社會主義制度，鎮壓一切叛國的和反革命的活動，懲辦一切賣國賊和反革命分子。
- 國家依照法律在一定時期內剝奪地主、富農、反動資本家和其他壞分子的政治權利，同時給以生活出路，使他們在勞動中改造成為守法的自食其力的公民。
- 第十五條 中國人民解放軍和民兵是中國共產黨領導的工農子弟兵，是各族人民的武裝力量。
- 中國共產黨中央委員會主席統率全國武裝力量。
- 中國人民解放軍永遠是一支戰鬥隊，同時又是工作隊，又是生產隊。
- 中華人民共和國武裝力量的任務，是保衛社會主義革命和社會主義建設的成果，保衛國家的主權、領土完整和安全，防禦帝國主義、社會帝國主義及其走狗的顛覆和侵略。

## 第二章 國家機構

### 第一節 全國人民代表大會

- 第十六條 全國人民代表大會是在中國共產黨領導下的最高國家權力機關。
- 全國人民代表大會由省、自治區、直轄市和人民解放軍選出的代表組成。在必要的時候，可以特邀若干愛國人士參加。
- 全國人民代表大會每屆任期五年。在特殊情況下，任期可以延長。
- 全國人民代表大會會議每年舉行一次。在必要的時候，可以提前或者延期。
- 第十七條 全國人民代表大會的職權是：修改憲法，制定法律，根據中國共產黨中央委員會的提議

任免國務院總理和國務院的組成人員，批准國民經濟計劃、國家的預算和決算，以及全國人民代表大會認為應當由它行使的其他職權。

第十八條 全國人民代表大會常務委員會是全國人民代表大會的常設機關。它的職權是：召集全國人民代表大會會議，解釋法律，制定法令，派遣和召回駐外全權代表，接受外國使節，批准和廢除同外國締結的條約，以及全國人民代表大會授予的其他職權。

全國人民代表大會常務委員會由委員長、副委員長若干人組成，由全國人民代表大會選舉或者罷免。

## 第二節 國務院

第十九條 國務院即中央人民政府。國務院對全國人民代表大會和它的常務委員會負責並報告工作。國務院由總理，副總理若干人，各部部长，各委員會主任等人員組成。

第二十條 國務院的職權是：根據憲法、法律和法令，規定行政措施，發佈決議和命令；統一領導各部、各委員會和全國地方各級國家機關的工作；制定和執行國民經濟計劃和國家預算；管理國家行政事務；全國人民代表大會和它的常務委員會授予的其他職權。

## 第三節 地方各級人民代表大會和地方各級革命委員會

第二十一條 地方各級人民代表大會都是地方國家權力機關。

省、直轄市的人民代表大會每屆任期五年。地區、市、縣的人民代表大會每屆任期三年。農村人民公社、鎮的人民代表大會每屆任期兩年。

第二十二條 地方各級革命委員會是地方各級人民代表大會的常設機關，同時又是地方各級人民政府。地方各級革命委員會由主任，副主任若干人，委員若干人組成，由本級人民代表大會選舉或者罷免，並報上級國家機關審查批准。

地方各級革命委員會都對本級人民代表大會和上一級國家機關負責並報告工作。

第二十三條 地方各級人民代表大會和它產生的地方各級革命委員會在本地區內，保證法律、法令的執行，領導地方的社會主義革命和社會主義建設，審查和批准地方的國民經濟計劃和預算、決算，維護革命秩序，保障公民權利。

## 第四節 民族自治地方的自治機關

第二十四條 自治區、自治州、自治縣都是民族自治地方，它的自治機關是人民代表大會和革命委員會。

民族自治地方的自治機關除行使憲法第二章第三節規定的地方國家機關的職權外，可以依照法律規定的許可權行使自治權。

各上級國家機關應當充分保障各民族自治地方的自治機關行使自治權，積極支援各少數民族進行社會主義革命和社會主義建設。

## 第五節 審判機關和檢察機關

第二十五條 最高人民法院、地方各級人民法院和專門人民法院行使審判權。各級人民法院對本級人民代表大會和它的常設機關負責並報告工作。各級人民法院院長由本級人民代表大會的常設機關任免。

檢察機關的職權由各級公安機關行使。

檢察和審理案件，都必須實行群眾路線。對於重大的反革命刑事案件，要發動群眾討論和批判。

## 第三章 公民的基本權利和義務

第二十六條 公民的基本權利和義務是，擁護中國共產黨的領導，擁護社會主義制度，服從中華人民共和國憲法和法律。

保衛祖國，抵抗侵略，是每一個公民的神聖職責。依照法律服兵役是公民的光榮義務。

第二十七條 年滿十八歲的公民，都有選舉權和被選舉權。依照法律被剝奪選舉權和被選舉權的人除外。

公民有勞動的權利，受教育的權利。勞動者有休息的權利，在年老、疾病或喪失勞動能力的時候，有獲得物質幫助的權利。

公民對於任何違法失職的國家機關工作人員，有向各級國家機關提出書面控告或者口頭控告的權利，任何人不得刁難、阻礙和打擊報復。

婦女在各方面享有同男子平等的權利。婚姻、家庭、母親和兒童受國家保護。

國家保護國外華僑的正當權利和利益。

第二十八條 公民有言論、通信、出版、集會、結社、遊行、示威、罷工的自由，有信仰宗教的自由和不信仰宗教、宣傳無神論的自由。

公民的人身自由和住宅不受侵犯。任何公民，非經人民法院決定或者公安機關批准，不受逮捕。

第二十九條 中華人民共和國對於任何由於擁護正義事業、參加革命運動、進行科學工作而受到迫害的外國人，給以居留的權利。

#### 第四章 國旗、國徽、首都

第三十條 國旗是五星紅旗。

國徽，中間是五星照耀下的天安門，周圍是穀穗和齒輪。

首都是北京。

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## The Third Constitution of the PRC (1978)

*(Adopted on March 5, 1978 by the Fifth National People's Congress of the People's Republic of China at its First Session)*

### PROCLAMATION OF THE NATIONAL PEOPLE'S CONGRESS OF THE PEOPLE'S REPUBLIC OF CHINA

It is hereby proclaimed that on March 5, 1978, the First Session of the Fifth National People's Congress adopted the Constitution of the People's Republic of China.

The Presidium of the First Session of the Fifth National People's Congress of the People's Republic of China

March 5, 1978 Peking

### PREAMBLE

After more than a century of heroic struggle the Chinese people, led by the Communist Party of China headed by our great leader and teacher Chairman Mao Tsetung, finally overthrew the reactionary rule of imperialism, feudalism and bureaucrat-capitalism by means of people's revolutionary war, winning complete victory in the new-democratic revolution, and in 1949 founded the People's Republic of China.

The founding of the People's Republic of China marked the beginning of the historical period of socialism in our country. Since then, under the leadership of Chairman Mao and the Chinese Communist Party, the people of all our nationalities have carried out Chairman Mao's proletarian revolutionary line in the political, economic, cultural and military fields and in foreign affairs and have won great victories in socialist revolution and socialist construction through repeated struggles against enemies both at home and abroad and through the Great Proletarian Cultural Revolution. The dictatorship of the proletariat in our country has been consolidated and strengthened, and China has become a socialist country with the beginnings of prosperity.

Chairman Mao Tsetung was the founder of the People's Republic of China. All our victories in revolution and construction have been won under the guidance of Marxism-Leninism-Mao Tsetung Thought. The fundamental guarantee that the people of all our nationalities will struggle in unity and carry the proletarian revolution through to the end is always to hold high and staunchly to defend the great banner of Chairman Mao.

The triumphant conclusion of the first Great Proletarian Cultural Revolution has ushered in a new period of development in China's socialist revolution and socialist construction. In accordance with the basic line of the Chinese Communist Party for the entire historical period of socialism, the general task for the people of the whole country in this new period is: To persevere in continuing the revolution under the dictatorship of the proletariat, carry forward the three great revolutionary movements of class struggle, the struggle for production and scientific experiment, and make China a great and powerful socialist country with modern agriculture, industry, national defence and science and technology by the end of the century.

We must persevere in the struggle of the proletariat against the bourgeoisie and in the struggle for the socialist road against the capitalist road. We must oppose revisionism and prevent the restoration of capitalism. We must be

prepared to deal with subversion and aggression against our country by social-imperialism and imperialism.

We should consolidate and expand the revolutionary united front which is led by the working class and based on the worker-peasant alliance, and which unites the large numbers of intellectuals and other working people, patriotic democratic parties, patriotic personages, our compatriots in Taiwan, Hong Kong and Macao, and our countrymen residing abroad. We should enhance the great unity of all the nationalities in our country. We should correctly distinguish and handle the contradictions among the people and those between ourselves and the enemy. We should endeavour to create among the people of the whole country a political situation in which there are both centralism and democracy, both discipline and freedom, both unity of will and personal ease of mind and liveliness, so as to help bring all positive factors into play, overcome all difficulties, better consolidate the proletarian dictatorship and build up our country more rapidly.

Taiwan is China's sacred territory. We are determined to liberate Taiwan and accomplish the great cause of unifying our motherland.

In international affairs, we should establish and develop relations with other countries on the basis of the Five Principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit, and peaceful coexistence. Our country will never seek hegemony, or strive to be a superpower. We should uphold proletarian internationalism. In accordance with the theory of the three worlds, we should strengthen our unity with the proletariat and the oppressed people and nations throughout the world, the socialist countries, and the third world countries, and we should unite with all countries subjected to aggression, subversion, interference, control and bullying by the social-imperialist and imperialist superpowers to form the broadest possible international united front against the hegemonism of the superpowers and against a new world war, and strive for the progress and emancipation of humanity.

## CHAPTER ONE. GENERAL PRINCIPLES

Article 1 The People's Republic of China is a socialist state of the dictatorship of the proletariat led by the working class and based on the alliance of workers and peasants.

Article 2 The Communist Party of China is the core of leadership of the whole Chinese people. The working class exercises leadership over the state through its vanguard, the Communist Party of China.

The guiding ideology of the People's Republic of China is Marxism-Leninism-Mao Tsetung Thought.

Article 3 All power in the People's Republic of China belongs to the people. The organs through which the people exercise state power are the National People's Congress and the local people's congresses at various levels.

The National People's Congress, the local people's congresses at various levels and all other organs of state practise democratic centralism.

Article 4 The People's Republic of China is a unitary multi-national state.

All the nationalities are equal. There should be unity and fraternal love among the nationalities and they should help and learn from each other. Discrimination against, or oppression of, any nationality, and acts which undermine the unity of the nationalities are prohibited. Big-nationality chauvinism and local-nationality chauvinism must be opposed.

All the nationalities have the freedom to use and develop their own spoken and written languages, and to preserve or reform their own customs and ways.

Regional autonomy applies in an area where a minority nationality lives in a compact community. All the national autonomous areas are inalienable parts of the People's Republic of China.

Article 5 There are mainly two kinds of ownership of the means of production in the People's Republic of China at the present stage: socialist ownership by the whole people and socialist collective ownership by the working people.

The state allows non-agricultural individual labourers to engage in individual labour involving no exploitation of others, within the limits permitted by law and under unified arrangement and management by organizations at the basic level in cities and towns or in rural areas. At the same time, it guides these individual labourers step by step onto the road of socialist collectivization.

Article 6 The state sector of the economy, that is, the socialist sector owned by the whole people, is the leading force in the national economy.

Mineral resources, waters and those forests, undeveloped lands and other marine and land

resources owned by the state are the property of the whole people.

The state may requisition by purchase, take over for use, or nationalize land under conditions prescribed by law.

Article 7 The rural people's commune sector of the economy is a socialist sector collectively owned by the masses of working people. At present, it generally takes the form of three-level ownership, that is, ownership by the commune, the production brigade and the production team, with the production team as the basic accounting unit. A production brigade may become the basic accounting unit when its conditions are ripe.

Provided that the absolute predominance of the collective economy of the people's commune is ensured, commune members may farm small plots of land for personal needs, engage in limited household sideline production, and in pastoral areas they may also keep a limited number of livestock for personal needs.

Article 8 Socialist public property shall be inviolable. The state ensures the consolidation and development of the socialist sector of the economy owned by the whole people and of the socialist sector collectively owned by the masses of working people.

The state prohibits any person from using any means whatsoever to disrupt the economic order of the society, undermine the economic plans of the state, encroach upon or squander state and collective property, or injure the public interest.

Article 9 The state protects the right of citizens to own lawfully earned income, savings, houses and other means of livelihood.

Article 10 The state applies the socialist principles: "He who does not work, neither shall he eat" and "from each according to his ability, to each according to his work."

Work is an honourable duty for every citizen able to work. The state promotes socialist labour emulation, and, putting proletarian politics in command, it applies the policy of combining moral encouragement with material reward, with the stress on the former, in order to heighten the citizens' socialist enthusiasm and creativeness in work.

Article 11 The state adheres to the general line of going all out, aiming high and achieving greater, faster, better and more economical results in building socialism, it undertakes the planned, proportionate and high-speed development of the national economy, and it continuously develops the productive forces, so as to consolidate the country's independence and security and improve the people's material and cultural life step by step.

In developing the national economy, the state adheres to the principle of building our country independently, with the initiative in our own hands and through self-reliance, hard struggle, diligence and thrift, it adheres to the principle of taking agriculture as the foundation and industry as the leading factor, and it adheres to the principle of bringing the initiative of both the central and local authorities into full play under the unified leadership of the central authorities.

The state protects the environment and natural resources and prevents and eliminates pollution and other hazards to the public.

Article 12 The state devotes major efforts to developing science, expands scientific research, promotes technical innovation and technical revolution and adopts advanced techniques wherever possible in all departments of the national economy. In scientific and technological work we must follow the practice of combining professional contingents with the masses, and combining learning from others with our own creative efforts.

Article 13 The state devotes major efforts to developing education in order to raise the cultural and scientific level of the whole nation. Education must serve proletarian politics and be combined with productive labour and must enable everyone who receives an education to develop morally, intellectually and physically and become a worker with both socialist consciousness and culture.

Article 14 The state upholds the leading position of Marxism-Leninism-Mao Tsetung Thought in all spheres of ideology and culture. All cultural undertakings must serve the workers, peasants and soldiers and serve socialism.

The state applies the policy of "letting a hundred flowers blossom and a hundred schools of thought contend" so as to promote the development of the arts and sciences and bring about a flourishing socialist culture.

Article 15 All organs of state must constantly maintain close contact with the masses of the people, rely on them, heed their opinions, be concerned for their weal and woe, streamline administration, practise economy, raise efficiency and combat bureaucracy.

The leading personnel of state organs at all levels must conform to the requirements for successors in the proletarian revolutionary cause and their composition must conform to the principle of the three-in-one combination of the old, the middle-aged and the young.

Article 16 The personnel of organs of state must earnestly study Marxism-Leninism-Mao Tsetung Thought, wholeheartedly serve the people, endeavour to perfect their professional competence, take an active part in collective productive labour, accept supervision by the masses, be models in observing the Constitution and the law, correctly implement the policies of the state, seek the truth from facts, and must not have recourse to deception or exploit their position and power to seek personal gain.

Article 17 The state adheres to the principle of socialist democracy, and ensures to the people the right to participate in the management of state affairs and of all economic and cultural undertakings, and the right to supervise the organs of state and their personnel.

Article 18 The state safeguards the socialist system, suppresses all treasonable and counter-revolutionary activities, punishes all traitors and counter-revolutionaries, and punishes newborn bourgeois elements and other bad elements.

The state deprives of political rights, as prescribed by law, those landlords, rich peasants and reactionary capitalists who have not yet been reformed, and at the same time it provides them with the opportunity to earn a living so that they may be reformed through labour and become law-abiding citizens supporting themselves by their own labour.

Article 19 The Chairman of the Central Committee of the Communist Party of China commands the armed forces of the People's Republic of China.

The Chinese People's Liberation Army is the workers' and peasants' own armed force led by the Communist Party of China; it is the pillar of the dictatorship of the proletariat. The state devotes major efforts to the revolutionization and modernization of the Chinese People's Liberation Army, strengthens the building of the militia and adopts a system under which our armed forces are a combination of the field armies, the regional forces and the militia.

The fundamental task of the armed forces of the People's Republic of China is: To safeguard the socialist revolution and socialist construction, to defend the sovereignty, territorial integrity and security of the state, and to guard against subversion and aggression by social-imperialism, imperialism and their lackeys.

## CHAPTER TWO. THE STRUCTURE OF THE STATE

### Section I. The National People's Congress

Article 20 The National People's Congress is the highest organ of state power.

Article 21 The National People's Congress is composed of deputies elected by the people's congresses of the provinces, autonomous regions, and municipalities directly under the Central Government, and by the People's Liberation Army. The deputies should be elected by secret ballot after democratic consultation.

The National People's Congress is elected for a term of five years. Under special circumstances, its term of office may be extended or the succeeding National People's Congress may be convened before its due date.

The National People's Congress holds one session each year. When necessary, the session may be advanced or postponed.

Article 22 The National People's Congress exercises the following functions and powers:

- (1) to amend the Constitution;
- (2) to make laws;
- (3) to supervise the enforcement of the Constitution and the law;
- (4) to decide on the choice of the Premier of the State Council upon the recommendation of the Central Committee of the Communist Party of China;
- (5) to decide on the choice of other members of the State Council upon the recommendation of the Premier of the State Council;

- (6) to elect the President of the Supreme People's Court and the Chief Procurator of the Supreme People's Procuratorate;
  - (7) to examine and approve the national economic plan, the state budget and the final state accounts;
  - (8) to confirm the following administrative divisions: provinces, autonomous regions, and municipalities directly under the Central Government;
  - (9) to decide on questions of war and peace; and
  - (10) to exercise such other functions and powers as the National People's Congress deems necessary.
- Article 23 The National People's Congress has the power to remove from office the members of the State Council, the President of the Supreme People's Court and the Chief Procurator of the Supreme People's Procuratorate.
- Article 24 The Standing Committee of the National People's Congress is the permanent organ of the National People's Congress. It is responsible and accountable to the National People's Congress.
- The Standing Committee of the National People's Congress is composed of the following members:
- the Chairman;
  - the Vice-Chairmen;
  - the Secretary-General; and
  - other members.
- The National People's Congress elects the Standing Committee of the National People's Congress and has the power to recall its members.
- Article 25 The Standing Committee of the National People's Congress exercises the following functions and powers:
- (1) to conduct the election of deputies to the National People's Congress;
  - (2) to convene the sessions of the National People's Congress;
  - (3) to interpret the Constitution and laws and to enact decrees;
  - (4) to supervise the work of the State Council, the Supreme People's Court and the Supreme People's Procuratorate;
  - (5) to change and annul inappropriate decisions adopted by the organs of state power of provinces, autonomous regions, and municipalities directly under the Central Government;
  - (6) to decide on the appointment and removal of individual members of the State Council upon the recommendation of the Premier of the State Council when the National People's Congress is not in session;
  - (7) to appoint and remove Vice-Presidents of the Supreme People's Court and Deputy Chief Procurators of the Supreme People's Procuratorate;
  - (8) to decide on the appointment and removal of plenipotentiary representatives abroad;
  - (9) to decide on the ratification and abrogation of treaties concluded with foreign states;
  - (10) to institute state titles of honour and decide on their conferment;
  - (11) to decide on the granting of pardons;
  - (12) to decide on the proclamation of a state of war in the event of armed attack on the country when the National People's Congress is not in session; and
  - (13) to exercise such other functions and powers as are vested in it by the National People's Congress.
- Article 26 The Chairman of the Standing Committee of the National People's Congress presides over the work of the Standing Committee; receives foreign diplomatic envoys; and in accordance with the decisions of the National People's Congress or its Standing Committee promulgates laws and decrees, dispatches and recalls plenipotentiary representatives abroad, ratifies treaties concluded with foreign states and confers state titles of honour.
- The Vice-Chairmen of the Standing Committee of the National People's Congress assist the Chairman in his work and may exercise part of the Chairman's functions and powers on his behalf.
- Article 27 The National People's Congress and its Standing Committee may establish special committees as deemed necessary.
- Article 28 Deputies to the National People's Congress have the right to address inquiries to the State Council,



the Supreme People's Court, the Supreme People's Procuratorate, and the ministries and commissions of the State Council, which are all under obligation to answer.

Article 29 Deputies to the National People's Congress are subject to supervision by the units which elect them. These electoral units have the power to replace at any time the deputies they elect, as prescribed by law.

## Section II. The State Council

Article 30 The State Council is the Central People's Government and the executive organ of the highest organ of state power; it is the highest organ of state administration.

The State Council is responsible and accountable to the National People's Congress, or, when the National People's Congress is not in session, to its Standing Committee.

Article 31 The State Council is composed of the following members: the Premier; the Vice-Premiers; the ministers; and the ministers heading the commissions. The Premier presides over the work of the State Council and the Vice-Premiers assist the Premier in his work.

Article 32 The State Council exercises the following functions and powers:

- (1) to formulate administrative measures, issue decisions and orders and verify their execution, in accordance with the Constitution, laws and decrees;
- (2) to submit proposals on laws and other matters to the National People's Congress or its Standing Committee;
- (3) to exercise unified leadership over the work of the ministries and commissions and other organizations under it;
- (4) to exercise unified leadership over the work of local organs of state administration at various levels throughout the country;
- (5) to draw up and put into effect the national economic plan and the state budget;
- (6) to protect the interests of the state, maintain public order and safeguard the rights of citizens;
- (7) to confirm the following administrative divisions: autonomous prefectures, counties, autonomous counties, and cities;
- (8) to appoint and remove administrative personnel according to the provisions of the law; and
- (9) to exercise such other functions and powers as are vested in it by the National People's Congress or its Standing Committee.

## Section III. The Local People's Congresses and the Local Revolutionary Committees at Various Levels

Article 33 The administrative division of the People's Republic of China is as follows:

- (1) The country is divided into provinces, autonomous regions, and municipalities directly under the Central Government;
- (2) Provinces and autonomous regions are divided into autonomous prefectures, counties, autonomous counties, and cities; and
- (3) Counties and autonomous counties are divided into people's communes and towns.

Municipalities directly under the Central Government and other large cities are divided into districts and counties. Autonomous prefectures are divided into counties, autonomous counties, and cities.

Autonomous regions, autonomous prefectures and autonomous counties are all national autonomous areas.

Article 34 People's congresses and revolutionary committees are established in provinces, municipalities directly under the Central Government, counties, cities, municipal districts, people's communes and towns.

People's congresses and revolutionary committees of the people's communes are organizations of political power at the grass-roots level, and are also leading organs of collective economy.

Revolutionary committees at the provincial level may establish administrative offices as their agencies in prefectures.

Organs of self-government are established in autonomous regions, autonomous prefectures and autonomous counties.

Article 35 Local people's congresses at various levels are local organs of state power.

Deputies to the people's congresses of provinces, municipalities directly under the Central

Government, counties, and cities divided into districts are elected by people's congresses at the next lower level by secret ballot after democratic consultation; deputies to the people's congresses of cities not divided into districts, and of municipal districts, people's communes and towns are directly elected by the voters by secret ballot after democratic consultation.

The people's congresses of provinces and municipalities directly under the Central Government are elected for a term of five years. The people's congresses of counties, cities and municipal districts are elected for a term of three years. The people's congresses of people's communes and towns are elected for a term of two years.

Local people's congresses at various levels hold at least one session each year, which is to be convened by revolutionary committees at the corresponding levels.

The units and electorates which elect the deputies to the local people's congresses at various levels have the power to supervise, remove and replace their deputies at any time according to the provisions of the law.

Article 36 Local people's congresses at various levels, in their respective administrative areas, ensure the observance and enforcement of the Constitution, laws and decrees; ensure the implementation of the state plan; make plans for local economic and cultural development and for public utilities; examine and approve local economic plans, budgets and final accounts; protect public property; maintain public order; safeguard the rights of citizens and the equal rights of minority nationalities; and promote the development of socialist revolution and socialist construction.

Local people's congresses may adopt and issue decisions within the limits of their authority as prescribed by law.

Local people's congresses elect, and have the power to recall, members of revolutionary committees at the corresponding levels. People's congresses at county level and above elect, and have the power to recall, the presidents of the people's courts and the chief procurators of the people's procuratorates at the corresponding levels.

Deputies to local people's congresses at various levels have the right to address inquiries to the revolutionary committees, people's courts, people's procuratorates and organs under the revolutionary committees at the corresponding levels, which are all under obligation to answer.

Article 37 Local revolutionary committees at various levels, that is, local people's governments, are the executive organs of local people's congresses at the corresponding levels and they are also local organs of state administration.

A local revolutionary committee is composed of a chairman, vice-chairmen and other members.

Local revolutionary committees carry out the decisions of people's congresses at the corresponding levels as well as the decisions and orders of the organs of state administration at higher levels, direct the administrative work of their respective areas, and issue decisions and orders within the limits of their authority as prescribed by law. Revolutionary committees at county level and above appoint or remove the personnel of organs of state according to the provisions of the law.

Local revolutionary committees are responsible and accountable to people's congresses at the corresponding levels and to the organs of state administration at the next higher level, and work under the unified leadership of the State Council.

#### **Section IV. The Organs of Self-Government of National Autonomous Areas**

Article 38 The organs of self-government of autonomous regions, autonomous prefectures and autonomous counties are people's congresses and revolutionary committees.

The election of the people's congresses and revolutionary committees of national autonomous areas, their terms of office, their functions and powers and also the establishment of their agencies should conform to the basic principles governing the organization of local organs of state as specified in Section III, Chapter Two, of the Constitution.

In autonomous areas where a number of nationalities live together, each nationality is entitled to appropriate representation in the organs of self-government.

Article 39 The organs of self-government of national autonomous areas exercise autonomy within the limits of their authority as prescribed by law, in addition to exercising the functions and powers of local organs of state as specified by the Constitution.

The organs of self-government of national autonomous areas may, in the light of the political, economic and cultural characteristics of the nationality or nationalities in a given area, make regulations on the exercise of autonomy and also specific regulations and submit them to the Standing Committee of the National People's Congress for approval.

In performing their functions, the organs of self-government of national autonomous areas employ the spoken and written language or languages commonly used by the nationality or nationalities in the locality.

Article 40 The higher organs of state shall fully safeguard the exercise of autonomy by the organs of self-government of national autonomous areas, take into full consideration the characteristics and needs of the various minority nationalities, make a major effort to train cadres of the minority nationalities, and actively support and assist all the minority nationalities in their socialist revolution and construction and thus advance their socialist economic and cultural development.

## **Section V. The People's Courts and the People's Procuratorates**

Article 41 The Supreme People's Court, local people's courts at various levels and special people's courts exercise judicial authority. The people's courts are formed as prescribed by law.

In accordance with law, the people's courts apply the system whereby representatives of the masses participate as assessors in administering justice. With regard to major counter-revolutionary or criminal cases, the masses should be drawn in for discussion and suggestions.

All cases in the people's courts are heard in public except those involving special circumstances as prescribed by law. The accused has the right to defence.

Article 42 The Supreme People's Court is the highest judicial organ.

The Supreme People's Court supervises the administration of justice by local people's courts at various levels and by special people's courts; people's courts at the higher levels supervise the administration of justice by people's courts at the lower levels.

The Supreme People's Court is responsible and accountable to the National People's Congress and its Standing Committee. Local people's courts at various levels are responsible and accountable to local people's congresses at the corresponding levels.

Article 43 The Supreme People's Procuratorate exercises procuratorial authority to ensure observance of the Constitution and the law by all the departments under the State Council, the local organs of state at various levels, the personnel of organs of state and the citizens. Local people's procuratorates and special people's procuratorates exercise procuratorial authority within the limits prescribed by law. The people's procuratorates are formed as prescribed by law.

The Supreme People's Procuratorate supervises the work of local people's procuratorates at various levels and of special people's procuratorates; people's procuratorates at the higher levels supervise the work of those at the lower levels.

The Supreme People's Procuratorate is responsible and accountable to the National People's Congress and its Standing Committee. Local people's procuratorates at various levels are responsible and accountable to people's congresses at the corresponding levels.

## **CHAPTER THREE. THE FUNDAMENTAL RIGHTS AND DUTIES OF CITIZENS**

Article 44 All citizens who have reached the age of eighteen have the right to vote and to stand for election, with the exception of persons deprived of these rights by law.

Article 45 Citizens enjoy freedom of speech, correspondence, the press, assembly, association, procession, demonstration and the freedom to strike, and have the right to "speak out freely, air their views fully, hold great debates and write big-character posters."

Article 46 Citizens enjoy freedom to believe in religion and freedom not to believe in religion and to propagate atheism.

Article 47 The citizens' freedom of person and their homes are inviolable.

No citizen may be arrested except by decision of a people's court or with the sanction of a people's procuratorate, and the arrest must be made by a public security organ.

Article 48 Citizens have the right to work. To ensure that citizens enjoy this right, the state provides employment in accordance with the principle of overall consideration, and, on the basis of increased production,

- the state gradually increases payment for labour, improves working conditions, strengthens labour protection and expands collective welfare.
- Article 49 Working people have the right to rest. To ensure that working people enjoy this right, the state prescribes working hours and systems of vacations and gradually expands material facilities for the working people to rest and recuperate.
- Article 50 Working people have the right to material assistance in old age, and in case of illness or disability. To ensure that working people enjoy this right, the state gradually expands social insurance, social assistance, public health services, cooperative medical services, and other services.  
The state cares for and ensures the livelihood of disabled revolutionary army men and the families of revolutionary martyrs.
- Article 51 Citizens have the right to education. To ensure that citizens enjoy this right, the state gradually increases the number of schools of various types and of other cultural and educational institutions and popularizes education.  
The state pays special attention to the healthy development of young people and children.
- Article 52 Citizens have the freedom to engage in scientific research, literary and artistic creation and other cultural activities. The state encourages and assists the creative endeavours of citizens engaged in science, education, literature, art, journalism, publishing, public health, sports and other cultural work.
- Article 53 Women enjoy equal rights with men in all spheres of political, economic, cultural, social and family life. Men and women enjoy equal pay for equal work.  
Men and women shall marry of their own free will. The state protects marriage, the family, and the mother and child.  
The state advocates and encourages family planning.
- Article 54 The state protects the just rights and interests of overseas Chinese and their relatives.
- Article 55 Citizens have the right to lodge complaints with organs of state at any level against any person working in an organ of state, enterprise or institution for transgression of law or neglect of duty. Citizens have the right to appeal to organs of state at any level against any infringement of their rights. No one shall suppress such complaints and appeals or retaliate against persons making them.
- Article 56 Citizens must support the leadership of the Communist Party of China, support the socialist system, safeguard the unification of the motherland and the unity of all nationalities in our country and abide by the Constitution and the law.
- Article 57 Citizens must take care of and protect public property, observe labour discipline, observe public order, respect social ethics and safeguard state secrets.
- Article 58 It is the lofty duty of every citizen to defend the motherland and resist aggression.  
It is the honourable obligation of citizens to perform military service and to join the militia according to the law.
- Article 59 The People's Republic of China grants the right of residence to any foreign national persecuted for supporting a just cause, for taking part in revolutionary movements or for engaging in scientific work.

#### CHAPTER FOUR. THE NATIONAL FLAG, THE NATIONAL EMBLEM AND THE CAPITAL

- Article 60 The national flag of the People's Republic of China has five stars on a field of red.  
The national emblem of the People's Republic of China is: Tien An Men in the centre, illuminated by five stars and encircled by ears of grain and a cogwheel.  
The capital of the People's Republic of China is Peking.

## 中華人民共和國憲法（1978年）

（1978年3月5日中華人民共和國第五屆全國人民代表大會第一次會議通過）

### 序言

中國人民經過一百多年的英勇奮鬥，終於在偉大領袖和導師毛澤東主席為首的中國共產黨的領導下，用人民革命戰爭推翻了帝國主義、封建主義和官僚資本主義的反動統治，取得了新民主主義革命的徹底勝利，在1949年建立了中華人民共和國。

中華人民共和國的成立，標誌著我國社會主義歷史階段的開始。建國以後，在毛主席和中國共產黨領導下，我國各族人民在政治、經濟、文化、軍事、外交各條戰線貫徹執行毛主席的無產階級革命路線，經過反對國內外敵人的反復鬥爭，經過無產階級文化大革命，取得了社會主義革命和社會主義建設的偉大勝利。我國的無產階級專政得到了鞏固和加強。我國已經成為初步繁榮昌盛的社會主義國家。

毛澤東主席是中華人民共和國的締造者。我國革命和建設的一切勝利，都是在馬克思主義、列寧主義、毛澤東思想的指引下取得的。永遠高舉和堅決捍衛毛主席的偉大旗幟，是我國各族人民團結戰鬥，把無產階級革命事業進行到底的根本保證。

第一次無產階級文化大革命的勝利結束，使我國社會主義革命和社會主義建設進入了新的發展時期。根據中國共產黨在整個社會主義歷史階段的基本路線，全國人民在新時期的總任務是：堅持無產階級專政下的繼續革命，開展階級鬥爭、生產鬥爭和科學實驗三大革命運動，在本世紀內把我國建設成為農業、工業、國防和科學技術現代化的偉大的社會主義強國。

我們要堅持無產階級對資產階級的鬥爭，堅持社會主義道路對資本主義道路的鬥爭，反對修正主義，防止資本主義復辟，準備對付社會帝國主義和帝國主義對我國的顛覆和侵略。

我們要鞏固和發展工人階級領導的，以工農聯盟為基礎的，團結廣大知識份子和其他勞動群眾，團結愛國民主黨派、愛國人士、臺灣同胞、港澳同胞和國外僑胞的革命統一戰線。要加強全國各民族的大團結。要正確區別和處理敵我矛盾和人民內部矛盾。要在全國人民中努力造成又有集中又有民主，又有紀律又有自由，又有統一意志、又有個人心情舒暢、生動活潑那樣一種政治局面，以利於調動一切積極因素，克服一切困難，更好地鞏固無產階級專政，較快地建設我們的國家。

臺灣是中國的神聖領土。我們一定要解放臺灣，完成統一祖國的大業。

在國際事務中，我們要在互相尊重主權和領土完整、互不侵犯、互不干涉內政、平等互利、和平共處五項原則的基礎上，建立和發展同各國的關係。我國永遠不稱霸，永遠不做超級大國。我們要堅持無產階級國際主義，按照關於三個世界的理論，加強同全世界無產階級、被壓迫人民和被壓迫民族的團結，加強同社會主義國家的團結，加強同第三世界國家的團結，聯合一切受到社會帝國主義和帝國主義超級大國侵略、顛覆、干涉、控制、欺負的國家，結成最廣泛的國際統一戰線，反對超級大國的霸權主義，反對新的世界戰爭，為人類的進步和解放事業而奮鬥。

## 第一章 總綱

- 第一條 中華人民共和國是工人階級領導的以工農聯盟為基礎的無產階級專政的社會主義國家。
- 第二條 中國共產黨是全中國人民的領導核心。工人階級經過自己的先鋒隊中國共產黨實現對國家的領導。
- 中華人民共和國的指導思想是馬克思主義、列寧主義、毛澤東思想。
- 第三條 中華人民共和國的一切權力屬於人民。人民行使國家權力的機關，是全國人民代表大會和地方各級人民代表大會。
- 全國人民代表大會、地方各級人民代表大會和其他國家機關，一律實行民主集中制。
- 第四條 中華人民共和國是統一的多民族的國家。
- 各民族一律平等。各民族間要團結友愛，互相幫助，互相學習。禁止對任何民族的歧視和壓迫，禁止破壞各民族團結的行為，反對大民族主義和地方民族主義。
- 各民族都有使用和發展自己的語言文字的自由，都有保持或者改革自己的風俗習慣的自由。
- 各少數民族聚居的地方實行區域自治。各自治地方都是中華人民共和國不可分離的部分。
- 第五條 中華人民共和國的生產資料所有制現階段主要有兩種：社會主義全民所有制和社會主義勞動群眾集體所有制。
- 國家允許非農業的個體勞動者在城鎮或者農村的基層組織統一安排和管理下，從事法律許可範圍內的，不剝削他人的個體勞動。同時，引導他們逐步走上社會主義集體化的道路。
- 第六條 國營經濟即社會主義全民所有制經濟，是國民經濟中的領導力量。
- 礦藏，水流，國有的森林、荒地和其他海陸資源，都屬於全民所有。
- 國家可以依照法律規定的條件，對土地實行徵購、徵用或者收歸國有。
- 第七條 農村人民公社經濟是社會主義勞動群眾集體所有制經濟，現在一般實行公社、生產大隊、生產隊三級所有，而以生產隊為基本核算單位。生產大隊在條件成熟的時候，可以向大隊為基本核算單位過渡。
- 在保證人民公社集體經濟占絕對優勢的條件下，人民公社社員可以經營少量的自留地

- 和家庭副業，在牧區還可以有少量的自留畜。
- 第八條 社會主義的公共財產不可侵犯。國家保障社會主義全民所有制經濟和社會主義勞動群眾集體所有制經濟的鞏固和發展。
- 國家禁止任何人利用任何手段，擾亂社會經濟秩序，破壞國家經濟計畫，侵吞、揮霍國家和集體的財產，危害公共利益。
- 第九條 國家保護公民的合法收入、儲蓄、房屋和其他生活資料的所有權。
- 第十條 國家實行“不勞動者不得食”、“各盡所能、按勞分配”的社會主義原則。
- 勞動是一切有勞動能力的公民的光榮職責。國家提倡社會主義勞動競賽，在無產階級政治掛帥的前提下，實行精神鼓勵和物質鼓勵相結合而以精神鼓勵為主的方針，鼓勵公民在勞動中的社會主義積極性和創造性。
- 第十一條 國家堅持鼓足幹勁、力爭上游、多快好省地建設社會主義的總路線，有計畫、按比例、高速度地發展國民經濟，不斷提高社會生產力，以鞏固國家的獨立和安全，逐步改善人民的物質生活和文化生活。
- 國家在發展國民經濟中，堅持獨立自主、自力更生、艱苦奮鬥、勤儉建國的方針，以農業為基礎、工業為主導的方針，在中央統一領導下充分發揮中央和地方兩個積極性的方針。
- 國家保護環境和自然資源，防治污染和其他公害。
- 第十二條 國家大力發展科學事業，加強科學研究，開展技術革新和技術革命，在國民經濟一切部門中儘量採用先進技術。科學技術工作必須實行專業隊伍和廣大群眾相結合、學習和獨創相結合。
- 第十三條 國家大力發展教育事業，提高全國人民的文化科學水準。教育必須為無產階級政治服務，同生產勞動相結合，使受教育者在德育、智育、體育幾方面都得到發展，成為有社會主義覺悟的有文化的勞動者。
- 第十四條 國家堅持馬克思主義、列寧主義、毛澤東思想在各個思想文化領域的領導地位。各項文化事業都必須為工農兵服務，為社會主義服務。
- 國家實行“百花齊放、百家爭鳴”的方針，以促進藝術發展和科學進步，促進社會主義文化繁榮。
- 第十五條 國家機關必須經常保持同人民群眾的密切聯繫，依靠人民群眾，傾聽群眾意見，關心群眾疾苦，精兵簡政，厲行節約，提高效能，反對官僚主義。
- 國家機關各級領導人員的組成，必須按照無產階級革命事業接班人的條件，實行老、中、青三結合的原則。
- 第十六條 國家機關工作人員必須認真學習馬克思主義、列寧主義、毛澤東思想，全心全意地為人民服務，努力鑽研業務，積極參加集體生產勞動，接受群眾監督，模範地遵守憲法和法律，正確地執行國家的政策，實事求是，不得弄虚作假，不得利用職權謀取私利。
- 第十七條 國家堅持社會主義的民主原則，保障人民參加管理國家，管理各項經濟事業和文化事業，監督國家機關和工作人員。
- 第十八條 國家保衛社會主義制度，鎮壓一切叛國的和反革命的活動，懲辦一切賣國賊和反革命分子，懲辦新生資產階級分子和其他壞分子。
- 國家依照法律剝奪沒有改造好的地主、富農、反動資本家的政治權利，同時給以生活出路，使他們在勞動中改造成為守法的自食其力的公民。
- 第十九條 中華人民共和國武裝力量由中國共產黨中央委員會主席統率。
- 中國人民解放軍是中國共產黨領導的工農子弟兵，是無產階級專政的柱石。國家大力加強中國人民解放軍的革命化現代化建設，加強民兵建設，實行野戰軍、地方軍和民兵三結合的武裝力量體制。
- 中華人民共和國武裝力量的根本任務是：保衛社會主義革命和社會主義建設，保衛國家的主權、領土完整和安全，防禦社會帝國主義、帝國主義及其走狗的顛覆和侵略。

## 第二章 國家機構

### 第一節 全國人民代表大會

- 第二十條 全國人民代表大會是最高國家權力機關。
- 第二十一條 全國人民代表大會由省、自治區、直轄市人民代表大會和人民解放軍選出的代表組成。代表應經過民主協商，由無記名投票選舉產生。
- 全國人民代表大會每屆任期五年。如果遇到特殊情況，可以延長本屆全國人民代表大

會的任期，或者提前召開下屆全國人民代表大會。

全國人民代表大會會議每年舉行一次。在必要的時候，可以提前或者延期。

第二十二條 全國人民代表大會行使下列職權：

- (一) 修改憲法；
- (二) 制定法律；
- (三) 監督憲法和法律的實施；
- (四) 根據中國共產黨中央委員會的提議，決定國務院總理的人選；
- (五) 根據國務院總理的提議，決定國務院其他組成人員的人選；
- (六) 選舉最高人民法院院長和最高人民檢察院檢察長；
- (七) 審查和批准國民經濟計劃、國家的預算和決算；
- (八) 批准省、自治區和直轄市的劃分；
- (九) 決定戰爭和和平的問題；
- (十) 全國人民代表大會認為應當由它行使的其他職權。

第二十三條 全國人民代表大會具有權罷免國務院組成人員、最高人民法院院長和最高人民檢察院檢察長。

第二十四條 全國人民代表大會常務委員會是全國人民代表大會的常設機關，對全國人民代表大會負責並報告工作。

全國人民代表大會常務委員會由下列人員組成：

- 委員長，
- 副委員長若干人，
- 秘書長，
- 委員若干人。

全國人民代表大會選舉並且有權罷免全國人民代表大會常務委員會的組成人員。

第二十五條 全國人民代表大會常務委員會行使下列職權：

- (一) 主持全國人民代表大會代表的選舉；
- (二) 召集全國人民代表大會會議；
- (三) 解釋憲法和法律，制定法令；
- (四) 監督國務院、最高人民法院和最高人民檢察院的工作；
- (五) 改變或者撤銷省、自治區、直轄市國家權力機關的不適當的決議；
- (六) 在全國人民代表大會閉會期間，根據國務院總理的提議，決定任免國務院的個別組成人員；
- (七) 任免最高人民法院副院長和最高人民檢察院副檢察長；
- (八) 決定任免駐外全權代表；
- (九) 決定批准和廢除同外國締結的條約；
- (十) 規定和決定授予國家的榮譽稱號；
- (十一) 決定特赦；
- (十二) 在全國人民代表大會閉會期間，如果遇到國家遭受武裝侵犯的情況，決定宣佈戰爭狀態；
- (十三) 全國人民代表大會授予的其他職權。

第二十六條 全國人民代表大會常務委員會委員長主持全國人民代表大會常務委員會的工作；接受外國使節；根據全國人民代表大會或者全國人民代表大會常務委員會的決定，公佈法律和法令，派遣和召回駐外全權代表，批准同外國締結的條約，授予國家的榮譽稱號。

全國人民代表大會常務委員會副委員長協助委員長工作，可以代行委員長的部分職權。

第二十七條 全國人民代表大會和全國人民代表大會常務委員會可以根據需要設立若干專門委員會。

第二十八條 全國人民代表大會代表有權向國務院、最高人民法院、最高人民檢察院和國務院各部、各委員會提出質詢。受質詢的機關必須負責答覆。

第二十九條 全國人民代表大會代表受原選舉單位的監督。原選舉單位有權依照法律的規定隨時撤換自己選出的代表。

## 第二節 國務院

第三十條 國務院即中央人民政府，是最高國家權力機關的執行機關，是最高國家行政機關。

國務院對全國人民代表大會負責並報告工作；在全國人民代表大會閉會期間，對全國

- 人民代表大會常務委員會負責並報告工作。
- 第三十一條 國務院由下列人員組成：  
總理，  
副總理若干人，  
各部部长，  
各委員會主任。
- 總理主持國務院工作，副總理協助總理工作。
- 第三十二條 國務院行使下列職權：  
(一) 根據憲法、法律和法令，規定行政措施，發佈決議和命令，並且審查這些決議和命令的實施情況；  
(二) 向全國人民代表大會或者全國人民代表大會常務委員會提出議案；  
(三) 統一領導各部、各委員會和其他所屬機構的工作；  
(四) 統一領導全國地方各級國家行政機關的工作；  
(五) 編制和執行國民經濟計劃和國家預算；  
(六) 保護國家利益，維護社會秩序，保障公民權利；  
(七) 批准自治州、縣、自治縣、市的劃分；  
(八) 依照法律的規定任免行政人員；  
(九) 全國人民代表大會和全國人民代表大會常務委員會授予的其他職權。
- 第三節 地方各級人民代表大會和地方各級革命委員會
- 第三十三條 中華人民共和國的行政區域劃分如下：  
(一) 全國分為省、自治區、直轄市；  
(二) 省、自治區分為自治州、縣、自治縣、市；  
(三) 縣、自治縣分為人民公社、鎮。
- 直轄市和較大的市分為區、縣。自治州分為縣、自治縣、市。  
自治區、自治州、自治縣都是民族自治地方。
- 第三十四條 省、直轄市、縣、市、市轄區、人民公社、鎮設立人民代表大會和革命委員會。  
人民公社的人民代表大會和革命委員會是基層政權組織，又是集體經濟的領導機構。  
省革命委員會可以按地區設立行政公署，作為自己的派出機構。  
自治區、自治州、自治縣設立自治機關。
- 第三十五條 地方各級人民代表大會都是地方國家權力機關。  
省、直轄市、縣、設區的市的人民代表大會代表，由下一級的人民代表大會經過民主協商，無記名投票選舉；不設區的市、市轄區、人民公社、鎮的人民代表大會代表，由選民經過民主協商，無記名投票直接選舉。  
省、直轄市的人民代表大會每屆任期五年。縣、市、市轄區的人民代表大會每屆任期三年。人民公社、鎮的人民代表大會每屆任期兩年。  
地方各級人民代表大會會議每年至少舉行一次，由本級革命委員會召集。  
地方各級人民代表大會代表的選舉單位和選民，有權監督和依照法律的規定隨時撤換自己選出的代表。
- 第三十六條 地方各級人民代表大會在本行政區域內，保證憲法、法律、法令的遵守和執行，保證國家計劃的執行，規劃地方的經濟建設、文化建設和公共事業，審查和批准地方的經濟計劃和預算、決算，保護公共財產，維護社會秩序，保障公民權利，保障少數民族的平等權利，促進社會主義革命和社會主義建設的發展。  
地方各級人民代表大會可以依照法律規定的許可權通過和發佈決議。  
地方各級人民代表大會選舉並且有權罷免本級革命委員會的組成人員。縣和縣以上的人民代表大會選舉並且有權罷免本級人民法院院長和本級人民檢察院檢察長。  
地方各級人民代表大會代表有權向本級革命委員會、人民法院、人民檢察院和革命委員會所屬機關提出質詢。受質詢的機關必須負責答覆。
- 第三十七條 地方各級革命委員會，即地方各級人民政府，是地方各級人民代表大會的執行機關，是地方各級國家行政機關。  
地方各級革命委員會由主任，副主任若干人，委員若干人組成。  
地方各級革命委員會執行本級人民代表大會的決議和上級國家行政機關的決議和命令，管理本行政區域的行政工作，依照法律規定的許可權發佈決議和命令。縣和縣以上



的革命委員會依照法律的規定任免國家機關工作人員。

地方各級革命委員會都對本級人民代表大會和上一級國家行政機關負責並報告工作，受國務院統一領導。

#### 第四節 民族自治地方的自治機關

第三十八條 自治區、自治州、自治縣的自治機關是人民代表大會和革命委員會。

民族自治地方的人民代表大會和革命委員會的產生、任期、職權和派出機構的設置等，應當根據憲法第二章第三節規定的關於地方國家機關的組織的基本原則。

第三十九條 在多民族居住的民族自治地方的自治機關中，各有關民族都應當有適當名額的代表。民族自治地方的自治機關除行使憲法規定的地方國家機關的職權外，依照法律規定的許可權行使自治權。

民族自治地方的自治機關可以依照當地民族的政治、經濟和文化的特點，制定自治條例和單行條例，報請全國人民代表大會常務委員會批准。

第四十條 民族自治地方的自治機關在執行職務的時候，使用當地民族通用的一種或者幾種語言文字。

各上級國家機關應當充分保障各自治地方的自治機關行使自治權，充分考慮各少數民族的特點和需要，大力培養各少數民族幹部，積極支持和幫助各少數民族進行社會主義革命和社會主義建設，發展社會主義經濟和文化。

#### 第五節 人民法院和人民檢察院

第四十一條 最高人民法院、地方各級人民法院和專門人民法院行使審判權。人民法院的組織由法律規定。

人民法院審判案件，依照法律的規定實行群眾代表陪審的制度。對於重大的反革命案件和刑事案件，要發動群眾討論和提出處理意見。

第四十二條 人民法院審判案件，除法律規定的特別情況外，一律公開進行。被告人有權獲得辯護。最高人民法院是最高審判機關。

最高人民法院監督地方各級人民法院和專門人民法院的審判工作，上級人民法院監督下級人民法院的審判工作。

第四十三條 最高人民法院對全國人民代表大會和全國人民代表大會常務委員會負責並報告工作。地方各級人民法院對本級人民代表大會負責並報告工作。

最高人民檢察院對於國務院所屬各部門、地方各級國家機關、國家機關工作人員和公民是否遵守憲法和法律，行使檢察權。地方各級人民檢察院和專門人民檢察院，依照法律規定的範圍行使檢察權。人民檢察院的組織由法律規定。

最高人民檢察院監督地方各級人民檢察院和專門人民檢察院的檢察工作，上級人民檢察院監督下級人民檢察院的檢察工作。

最高人民檢察院對全國人民代表大會和全國人民代表大會常務委員會負責並報告工作。地方各級人民檢察院對本級人民代表大會負責並報告工作。

#### 第三章 公民的基本權利和義務

第四十四條 年滿十八歲的公民，都有選舉權和被選舉權。依照法律被剝奪選舉權和被選舉權的人除外。

第四十五條 公民有言論、通信、出版、集會、結社、遊行、示威、罷工的自由，有運用“大鳴、大放、大辯論、大字報”的權利。

第四十六條 公民有信仰宗教的自由和不信仰宗教、宣傳無神論的自由。

第四十七條 公民的人身自由和住宅不受侵犯。

任何公民，非經人民法院決定或者人民檢察院批准並由公安機關執行，不受逮捕。

第四十八條 公民有勞動的權利。國家根據統籌兼顧的原則安排勞動就業，在發展生產的基礎上逐步提高勞動報酬，改善勞動條件，加強勞動保護，擴大集體福利，以保證公民享受這種權利。

第四十九條 勞動者有休息的權利。國家規定勞動時間和休假制度，逐步擴充勞動者休息和休養的物質條件，以保證勞動者享受這種權利。

第五十條 勞動者在年老、生病或者喪失勞動能力的時候，有獲得物質幫助的權利。國家逐步發展

- 社會保險、社會救濟、公費醫療和合作醫療等事業，以保證勞動者享受這種權利。
- 第五十一條 國家關懷和保障革命殘廢軍人、革命烈士家屬的生活。公民有受教育的權利。國家逐步增加各種類型的學校和其他文化教育設施，普及教育，以保證公民享受這種權利。
- 第五十二條 國家特別關懷青少年的健康成長。公民有進行科學研究、文學藝術創作和其他文化活動的自由。國家對於從事科學、教育、文學、藝術、新聞、出版、衛生、體育等文化事業的公民的創造性工作，給以鼓勵和幫助。
- 第五十三條 婦女在政治的、經濟的、文化的、社會的和家庭的生活各方面享有同男子平等的權利。男女同工同酬。
- 第五十四條 男女婚姻自主。婚姻、家庭、母親和兒童受國家的保護。
- 第五十五條 國家提倡和推行計劃生育。國家保護華僑和僑眷的正當的權利和利益。
- 第五十六條 公民對於任何違法失職的國家機關和企業、事業單位的工作人員，有權向各級國家機關提出控告。公民在權利受到侵害的時候，有權向各級國家機關提出申訴。對這種控告和申訴，任何人不得壓制和打擊報復。
- 第五十七條 公民必須擁護中國共產黨的領導，擁護社會主義制度，維護祖國的統一和各民族的團結，遵守憲法和法律。
- 第五十八條 公民必須愛護和保衛公共財產，遵守勞動紀律，遵守公共秩序，尊重社會公德，保守國家機密。
- 第五十九條 保衛祖國，抵抗侵略，是每一個公民的崇高職責。依照法律服兵役和參加民兵組織是公民的光榮義務。中華人民共和國對於任何由於擁護正義事業、參加革命運動、進行科學工作而受到迫害的外國人，給以居留權利。

#### 第四章 國旗、國徽、首都

- 第六十條 中華人民共和國國旗是五星紅旗。
- 中華人民共和國國徽，中間是五星照耀下的天安門，周圍是穀穗和齒輪。
- 中華人民共和國首都是北京。

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## The Fourth Constitution of the PRC (1982)

(Adopted on December 4, 1982)

### PREAMBLE

China is one of the countries with the longest histories in the world. The people of all nationalities in China have jointly created a splendid culture and have a glorious revolutionary tradition. Feudal China was gradually reduced after 1840 to a semi-colonial and semi-feudal country. The Chinese people waged wave upon wave of heroic struggles for national independence and liberation and for democracy and freedom. Great and earth-shaking historical changes have taken place in China in the 20th century. The Revolution of 1911, led by Dr Sun Yat-sen, abolished the feudal monarchy and gave birth to the Republic of China. But the Chinese people had yet to fulfill their historical task of overthrowing imperialism and feudalism. After waging hard, protracted and tortuous struggles, armed and otherwise, the Chinese people of all nationalities led by the Communist Party of China with Chairman Mao Zedong as its leader ultimately, in 1949, overthrew the rule of imperialism, feudalism and bureaucrat capitalism, won the great victory of the new-democratic revolution and founded the People's Republic of China. Thereupon the Chinese people took state power into their own hands and became masters of the country.

After the founding of the People's Republic, the transition of Chinese society from a new-democratic to a socialist society was effected step by step. The socialist transformation of the private ownership of the means of production was completed, the system of exploitation of man by man eliminated and the socialist system established. The people's democratic dictatorship led by the working class and based on the alliance of workers and peasants, which is in essence the dictatorship of the proletariat, has been consolidated and developed. The Chinese people and the Chinese People's Liberation Army have thwarted aggression, sabotage and armed provocations by imperialists

and hegemonists, safeguarded China's national independence and security and strengthened its national defence. Major successes have been achieved in economic development. An independent and fairly comprehensive socialist system of industry has in the main been established. There has been a marked increase in agricultural production. Significant progress has been made in educational, scientific, cultural and other undertakings, and socialist ideological education has yielded noteworthy results. The living standards of the people have improved considerably. Both the victory of China's new-democratic revolution and the successes of its socialist cause have been achieved by the Chinese people of all nationalities under the leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong Thought, and by upholding truth, correcting errors and overcoming numerous difficulties and hardships.

The basic task of the nation in the years to come is to concentrate its effort on socialist modernization. Under the leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong Thought, the Chinese people of all nationalities will continue to adhere to the people's democratic dictatorship and follow the socialist road, steadily improve socialist institutions, develop socialist democracy, improve the socialist legal system and work hard and self-reliantly to modernize industry, agriculture, national defence and science and technology step by step to turn China into a socialist country with a high level of culture and democracy. The exploiting classes as such have been eliminated in our country. However, class struggle will continue to exist within certain limits for a long time to come. The Chinese people must fight against those forces and elements, both at home and abroad, that are hostile to China's socialist system and try to undermine it. Taiwan is part of the sacred territory of the People's Republic of China. It is the lofty duty of the entire Chinese people, including our compatriots in Taiwan, to accomplish the great task of reunifying the motherland. In building socialism it is imperative to rely on the workers, peasants and intellectuals and unite with all the forces that can be united. In the long years of revolution and construction, there has been formed under the leadership of the Communist Party of China a broad patriotic united front that is composed of democratic parties and people's organizations and embraces all socialist working people, all patriots who support socialism and all patriots who stand for reunification of the motherland. This united front will continue to be consolidated and developed. The Chinese People's Political Consultative Conference is a broadly representative organization of the united front, which has played a significant historical role and will continue to do so in the political and social life of the country, in promoting friendship with the people of other countries and in the struggle for socialist modernization and for the reunification and unity of the country. The People's Republic of China is a unitary multi-national state built up jointly by the people of all its nationalities. Socialist relations of equality, unity and mutual assistance have been established among them and will continue to be strengthened. In the struggle to safeguard the unity of the nationalities, it is necessary to combat big-nation chauvinism, mainly Han chauvinism, and also necessary to combat local-national chauvinism. The state does its utmost to promote the common prosperity of all nationalities in the country. China's achievements in revolution and construction are inseparable from support by the people of the world. The future of China is closely linked with that of the whole world. China adheres to an independent foreign policy as well as to the five principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit, and peaceful coexistence in developing diplomatic relations and economic and cultural exchanges with other countries; China consistently opposes imperialism, hegemonism and colonialism, works to strengthen unity with the people of other countries, supports the oppressed nations and the developing countries in their just struggle to win and preserve national independence and develop their national economies, and strives to safeguard world peace and promote the cause of human progress. This Constitution affirms the achievements of the struggles of the Chinese people of all nationalities and defines the basic system and basic tasks of the state in legal form; it is the fundamental law of the state and has supreme legal authority. The people of all nationalities, all state organs, the armed forces, all political parties and public organizations and all enterprises and undertakings in the country must take the Constitution as the basic norm of conduct, and they have the duty to uphold the dignity of the Constitution and ensure its implementation.

## CHAPTER I. GENERAL PRINCIPLES

- Article 1      The People's Republic of China is a socialist state under the people's democratic dictatorship led by the working class and based on the alliance of workers and peasants. The socialist system is the basic system of the People's Republic of China. Sabotage of the socialist system by any organization or individual is prohibited.
- Article 2      All power in the People's Republic of China belongs to the people. The organs through which the

- people exercise state power are the National People's Congress and the local people's congresses at different levels. The people administer state affairs and manage economic, cultural and social affairs through various channels and in various ways in accordance with the law.
- Article 3 The state organs of the People's Republic of China apply the principle of democratic centralism. The National People's Congress and the local people's congresses at different levels are instituted through democratic election. They are responsible to the people and subject to their supervision. All administrative, judicial and procuratorial organs of the state are created by the people's congresses to which they are responsible and under whose supervision they operate. The division of functions and powers between the central and local state organs is guided by the principle of giving full play to the initiative and enthusiasm of the local authorities under the unified leadership of the central authorities.
- Article 4 All nationalities in the People's Republic of China are equal. The state protects the lawful rights and interests of the minority nationalities and upholds and develops the relationship of equality, unity and mutual assistance among all of China's nationalities. Discrimination against and oppression of any nationality are prohibited; any acts that undermine the unity of the nationalities or instigate their secession are prohibited. The state helps the areas inhabited by minority nationalities speed up their economic and cultural development in accordance with the peculiarities and needs of the different minority nationalities. Regional autonomy is practised in areas where people of minority nationalities live in compact communities; in these areas organs of self-government are established for the exercise of the right of autonomy. All the national autonomous areas are inalienable parts of the People's Republic of China. The people of all nationalities have the freedom to use and develop their own spoken and written languages, and to preserve or reform their own ways and customs.
- Article 5 The state upholds the uniformity and dignity of the socialist legal system. No law or administrative or local rules and regulations shall contravene the constitution. All state organs, the armed forces, all political parties and public organizations and all enterprises and undertakings must abide by the Constitution and the law. All acts in violation of the Constitution and the law must be investigated. No organization or individual may enjoy the privilege of being above the Constitution and the law.
- Article 6 The basis of the socialist economic system of the People's Republic of China is socialist public ownership of the means of production, namely, ownership by the whole people and collective ownership by the working people. The system of socialist public ownership supersedes the system of exploitation of man by man; it applies the principle of 'from each according to his ability, to each according to his work.
- Article 7 The state economy is the sector of socialist economy under ownership by the whole people; it is the leading force in the national economy. The state ensures the consolidation and growth of the state economy.
- Article 8 Rural people's communes, agricultural producers' cooperatives, and other forms of cooperative economy such as producers' supply and marketing, credit and consumers cooperatives, belong to the sector of socialist economy under collective ownership by the working people. Working people who are members of rural economic collectives have the right, within the limits prescribed by law, to farm private plots of cropland and hilly land, engage in household sideline production and raise privately owned livestock. The various forms of cooperative economy in the cities and towns, such as those in the handicraft, industrial, building, transport, commercial and service trades, all belong to the sector of socialist economy under collective ownership by the working people. The state protects the lawful rights and interests of the urban and rural economic collectives and encourages, guides and helps the growth of the collective economy.
- Article 9 Mineral resources, waters, forests, mountains, grassland, unreclaimed land, beaches and other natural resources are owned by the state, that is, by the whole people, with the exception of the forests, mountains, grassland, unreclaimed land and beaches that are owned by collectives in accordance with the law. The state ensures the rational use of natural resources and protects rare animals and plants. The appropriation or damage of natural resources by any organization or individual by whatever means is prohibited.
- Article 10 Land in the cities is owned by the state. Land in the rural and suburban areas is owned by collectives except for those portions which belong to the state in accordance with the law; house sites and private

- plots of cropland and hilly land are also owned by collectives. The state may in the public interest take over land for its use in accordance with the law. No organization or individual may appropriate, buy, sell or lease land, or unlawfully transfer land in other ways. All organizations and individuals who use land must make rational use of the land.
- Article 11 The individual economy of urban and rural working people, operated within the limits prescribed by law, is a complement to the socialist public economy. The state protects the lawful rights and interests of the individual economy. The state guides, helps and supervises the individual economy by exercising administrative control.
- Article 12 Socialist public property is sacred and inviolable. The state protects socialist public property. Appropriation or damage of state or collective property by any organization or individual by whatever means is prohibited.
- Article 13 The state protects the right of citizens to own lawfully earned income, savings, houses and other lawful property. The state protects by law the right of citizens to inherit private property.
- Article 14 The state continuously raises labour productivity, improves economic results and develops the productive forces by enhancing the enthusiasm of the working people, raising the level of their technical skill, disseminating advanced science and technology, improving the systems of economic administration and enterprise operation and management, instituting the socialist system of responsibility in various forms and improving organization of work. The state practises strict economy and combats waste. The state properly apportions accumulation and consumption, pays attention to the interests of the collective and the individual as well as of the state and, on the basis of expanded production, gradually improves the material and cultural life of the people.
- Article 15 The state practises economic planning on the basis of socialist public ownership. It ensures the proportionate and coordinated growth of the national economy through overall balancing by economic planning and the supplementary role of regulation by the market. Disturbance of the orderly functioning of the social economy or disruption of the state economic plan by any organization or individual is prohibited.
- Article 16 State enterprises have decision-making power in operation and management within the limits prescribed by law, on condition that they submit to unified leadership by the state and fulfill all their obligations under the state plan. State enterprises practise democratic management through congresses of workers and staff and in other ways in accordance with the law.
- Article 17 Collective economic organizations have decision-making power in conducting independent economic activities, on condition that they accept the guidance of the state plan and abide by the relevant laws. Collective economic organizations practise democratic management in accordance with the law, with the entire body of their workers electing or removing their managerial personnel and deciding on major issues concerning operation and management.
- Article 18 The People's Republic of China permits foreign enterprises, other foreign economic organizations and individual foreigners to invest in China and to enter into various forms of economic cooperation with Chinese enterprises and other economic organizations in accordance with the law of the People's Republic of China. All foreign enterprises and other foreign economic organizations in China, as well as joint ventures with Chinese and foreign investment located in China, shall abide by the law of the People's Republic of China. Their lawful rights and interests are protected by the law of the People's Republic of China.
- Article 19 The state develops socialist educational undertakings and works to raise the scientific and cultural level of the whole nation. The state runs schools of various types, makes primary education compulsory and universal, develops secondary, vocational and higher education and promotes pre-school education. The state develops educational facilities of various types in order to wipe out illiteracy and provide political, cultural, scientific, technical and professional education for workers, peasants, state functionaries and other working people. It encourages people to become educated through self-study. The state encourages the collective economic organizations, state enterprises and undertakings and other social forces to set up educational institutions of various types in accordance with the law. The state promotes the nationwide use of Putonghua (common speech based on Beijing pronunciation).
- Article 20 The state promotes the development of the natural and social sciences, disseminates scientific and technical knowledge, and commends and rewards achievements in scientific research as well as

- technological discoveries and inventions.
- Article 21 The state develops medical and health services, promotes modern medicine and traditional Chinese medicine, encourages and supports the setting up of various medical and health facilities by the rural economic collectives, state enterprises and undertakings and neighbourhood organizations, and promotes sanitation activities of a mass character, all to protect the people's health. The state develops physical culture and promotes mass sports activities to build up the people's physique.
- Article 22 The state promotes the development of literature and art, the press, broadcasting and television undertakings, publishing and distribution services, libraries, museums, cultural centres and other cultural undertakings, that serve the people and socialism, and sponsors mass cultural activities. The state protects places of scenic and historical interest, valuable cultural monuments and relics and other important items of China's historical and cultural heritage.
- Article 23 The state trains specialized personnel in all fields who serve socialism, increases the number of intellectuals and creates conditions to give full scope to their role in socialist modernization.
- Article 24 The state strengthens the building of socialist spiritual civilization through spreading education in high ideals and morality, general education and education in discipline and the legal system, and through promoting the formulation and observance of rules of conduct and common pledges by different sections of the people in urban and rural areas. The state advocates the civic virtues of love for the motherland, for the people, for labour, for science and for socialism; it educates the people in patriotism, collectivism, internationalism and communism and in dialectical and historical materialism; it combats the decadent ideas of capitalism and feudalism and other decadent ideas.
- Article 25 The state promotes family planning so that population growth may fit the plans for economic and social development.
- Article 26 The state protects and improves the living environment and the ecological environment, and prevents and controls pollution and other public hazards. The state organizes and encourages afforestation and the protection of forests.
- Article 27 All state organs carry out the principle of simple and efficient administration, the system of responsibility for work and the system of training functionaries and appraising their work in order constantly to improve quality of work and efficiency and combat bureaucratism. All state organs and functionaries must rely on the support of the people, keep in close touch with them, heed their opinions and suggestions, accept their supervision and work hard to serve them.
- Article 28 The state maintains public order and suppresses treasonable and other counter-revolutionary activities; it penalizes actions that endanger public security and disrupt the socialist economy and other criminal activities, and punishes and reforms criminals.
- Article 29 The armed forces of the People's Republic of China belong to the people. Their tasks are to strengthen national defence, resist aggression, defend the motherland, safeguard the people's peaceful labour, participate in national reconstruction, and work hard to serve the people. The state strengthens the revolutionization, modernization and regularization of the armed forces in order to increase the national defence capability.
- Article 30 The administrative division of the People's Republic of China is as follows:
- (1) The country is divided into provinces, autonomous regions and municipalities directly under the Central Government;
  - (2) Provinces and autonomous regions are divided into autonomous prefectures, counties, autonomous counties and cities;
  - (3) Counties and autonomous counties are divided into townships, nationality townships and towns. Municipalities directly under the Central Government and other large cities are divided into districts and counties. Autonomous prefectures are divided into counties, autonomous counties, and cities. All autonomous regions, autonomous prefectures and autonomous counties are national autonomous areas.
- Article 31 The state may establish special administrative regions when necessary. The systems to be instituted in special administrative regions shall be prescribed by law enacted by the National People's Congress in the light of the specific conditions.
- Article 32 The People's Republic of China protects the lawful rights and interests of foreigners within Chinese territory, and while on Chinese territory foreigners must abide by the law of the People's Republic of

China. The People's Republic of China may grant asylum to foreigners who request it for political reasons.

## CHAPTER II. THE FUNDAMENTAL RIGHTS AND DUTIES OF CITIZENS

- Article 33 All persons holding the nationality of the People's Republic of China are citizens of the People's Republic of China. All citizens of the People's Republic of China are equal before the law. Every citizen enjoys the rights and at the same time must perform the duties prescribed by the Constitution and the law.
- Article 34 All citizens of the People's Republic of China who have reached the age of 18 have the right to vote and stand for election, regardless of nationality, race, sex, occupation, family background, religious belief, education, property status, or length of residence, except persons deprived of political rights according to law.
- Article 35 Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.
- Article 36 Citizens of the People's Republic of China enjoy freedom of religious belief. No state organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion. The state protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state. Religious bodies and religious affairs are not subject to any foreign domination.
- Article 37 The freedom of person of citizens of the People's Republic of China is inviolable. No citizen may be arrested except with the approval or by decision of a people's procuratorate or by decision of a people's court, and arrests must be made by a public security organ. Unlawful deprivation or restriction of citizens' freedom of person by detention or other means is prohibited; and unlawful search of the person of citizens is prohibited.
- Article 38 The personal dignity of citizens of the People's Republic of China is inviolable. Insult, libel, false charge or frame-up directed against citizens by any means is prohibited.
- Article 39 The home of citizens of the People's Republic of China is inviolable. Unlawful search of, or intrusion into, a citizen's home is prohibited.
- Article 40 The freedom and privacy of correspondence of citizens of the People's Republic of China are protected by law. No organization or individual may, on any ground, infringe upon the freedom and privacy of citizens' correspondence except in cases where, to meet the needs of state security or of investigation into criminal offences, public security or procuratorial organs are permitted to censor correspondence in accordance with procedures prescribed by law.
- Article 41 Citizens of the People's Republic of China have the right to criticize and make suggestions to any state organ or functionary. Citizens have the right to make to relevant state organs complaints and charges against, or exposures of, violation of the law or dereliction of duty by any state organ or functionary; but fabrication or distortion of facts with the intention of libel or frame-up is prohibited. In case of complaints, charges or exposures made by citizens, the state organ concerned must deal with them in a responsible manner after ascertaining the facts. No one may suppress such complaints, charges and exposures, or retaliate against the citizens making them. Citizens who have suffered losses through infringement of their civil rights by any state organ or functionary have the right to compensation in accordance with the law.
- Article 42 Citizens of the People's Republic of China have the right as well as the duty to work. Using various channels, the state creates conditions for employment, strengthens labour protection, improves working conditions and, on the basis of expanded production, increases remuneration for work and social benefits. Work is the glorious duty of every able-bodied citizen. All working people in state enterprises and in urban and rural economic collectives should perform their tasks with an attitude consonant with their status as masters of the country. The state promotes socialist labour emulation, and commends and rewards model and advanced workers. The state encourages citizens to take part in voluntary labour. The state provides necessary vocational training to citizens before they are employed.
- Article 43 Working people in the People's Republic of China have the right to rest. The state expands facilities

- for rest and recuperation of working people, and prescribes working hours and vacations for workers and staff.
- Article 44 The state prescribes by law the system of retirement for workers and staff in enterprises and undertakings and for functionaries of organs of state. The livelihood of retired personnel is ensured by the state and society.
- Article 45 Citizens of the People's Republic of China have the right to material assistance from the state and society when they are old, ill or disabled. The state develops the social insurance, social relief and medical and health services that are required to enable citizens to enjoy this right. The state and society ensure the livelihood of disabled members of the armed forces, provide pensions to the families of martyrs and give preferential treatment to the families of military personnel. The state and society help make arrangements for the work, livelihood and education of the blind, deaf-mute and other handicapped citizens.
- Article 46 Citizens of the People's Republic of China have the duty as well as the right to receive education. The state promotes the all-round moral, intellectual and physical development of children and young people.
- Article 47 Citizens of the People's Republic of China have the freedom to engage in scientific research, literary and artistic creation and other cultural pursuits. The state encourages and assists creative endeavours conducive to the interests of the people made by citizens engaged in education, science, technology, literature, art and other cultural work.
- Article 48 Women in the People's Republic of China enjoy equal rights with men in all spheres of life, political, economic, cultural and social, and family life. The state protects the rights and interests of women, applies the principle of equal pay for equal work for men and women alike and trains and selects cadres from among women.
- Article 49 Marriage, the family, and mother and child are protected by the state. Both husband and wife have the duty to practise family planning. Parents have the duty to rear and educate their minor children, and children who have come of age have the duty to support and assist their parents. Violation of the freedom of marriage is prohibited. Maltreatment of old people, women and children is prohibited.
- Article 50 The People's Republic of China protects the legitimate rights and interests of Chinese nationals residing abroad and protects the lawful rights and interests of returned overseas Chinese and of the family members of Chinese nationals residing abroad.
- Article 51 The exercise by citizens of the People's Republic of China of their freedoms and rights may not infringe upon the interests of the state, of society and of the collective, or upon the lawful freedoms and rights of other citizens.
- Article 52 It is the duty of citizens of the People's Republic of China to safeguard the unity of the country and the unity of all its nationalities.
- Article 53 Citizens of the People's Republic of China must abide by the constitution and the law, keep state secrets, protect public property and observe labour discipline and public order and respect social ethics.
- Article 54 It is the duty of citizens of the People's Republic of China to safeguard the security, honour and interests of the motherland; they must not commit acts detrimental to the security, honour and interests of the motherland.
- Article 55 It is the sacred obligation of every citizen of the People's Republic of China to defend the motherland and resist aggression. It is the honourable duty of citizens of the People's Republic of China to perform military service and join the militia in accordance with the law.
- Article 56 It is the duty of citizens of the People's Republic of China to pay taxes in accordance with the law.

### CHAPTER III. THE STRUCTURE OF THE STATE

#### Section 1. The National People's Congress

- Article 57 The National People's Congress of the People's Republic of China is the highest organ of state power. Its permanent body is the Standing Committee of the National People's Congress.
- Article 58 The National People's Congress and its Standing Committee exercise the legislative power of the state.
- Article 59 The National People's Congress is composed of deputies elected by the provinces, autonomous



regions and municipalities directly under the Central Government, and by the armed forces. All the minority nationalities are entitled to appropriate representation. Election of deputies to the National People's Congress is conducted by the Standing Committee of the National People's Congress. The number of deputies to the National People's Congress and the manner of their election are prescribed by law.

- Article 60 The National People's Congress is elected for a term of five years. Two months before the expiration of the term of office of a National People's Congress, its Standing Committee must ensure that the election of deputies to the succeeding National People's Congress is completed. Should exceptional circumstances prevent such an election, it may be postponed by decision of a majority vote of more than two-thirds of all those on the Standing Committee of the incumbent National People's Congress, and the term of office of the incumbent National People's Congress may be extended. The election of deputies to the succeeding National People's Congress must be completed within one year after the termination of such exceptional circumstances.
- Article 61 The National People's Congress meets in session once a year and is convened by its Standing Committee. A session of the National People's Congress may be convened at any time the Standing Committee deems this necessary, or when more than one-fifth of the deputies to the National People's Congress so propose. When the National People's Congress meets, it elects a presidium to conduct its session.
- Article 62 The National People's Congress exercises the following functions and powers:
- (1) To amend the Constitution;
  - (2) To supervise the enforcement of the Constitution;
  - (3) To enact and amend basic statutes concerning criminal offences, civil affairs, the state organs and other matters;
  - (4) To elect the President and the Vice-President of the People's Republic of China; (previously translated as Chairman and Vice-Chairman of the People's Republic of China--translator's note.)
  - (5) To decide on the choice of the Premier of the State Council upon nomination by the President of the People's Republic of China, and to decide on the choice of the Vice-Premiers, State Councillors, Ministers in charge of Ministries or Commissions and the Auditor-General and the Secretary-General of the State Council upon nomination by the Premier;
  - (6) To elect the Chairman of the Central Military Commission and, upon his nomination, to decide on the choice of the other members of the Central Military Commission;
  - (7) To elect the President of the Supreme People's Court;
  - (8) To elect the Procurator-General of the Supreme People's Procuratorate;
  - (9) To examine and approve the plan for national economic and social development and the reports on its implementation;
  - (10) To examine and approve the state budget and the report on its implementation;
  - (11) To alter or annul inappropriate decisions of the Standing Committee of the National People's Congress;
  - (12) To approve the establishment of provinces, autonomous regions, and municipalities directly under the Central Government;
  - (13) To decide on the establishment of special administrative regions and the systems to be instituted there;
  - (14) To decide on questions of war and peace; and
  - (15) To exercise such other functions and powers as the highest organ of state power should exercise.
- Article 63 The National People's Congress has the power to recall or remove from office the following persons:
- (1) The President and the Vice-President of the People's Republic of China;
  - (2) The Premier, Vice-Premiers, State Councillors, Ministers in charge of Ministries or Commissions and the Auditor-General and the Secretary-General of the State Council;
  - (3) The Chairman of the Central Military Commission and others on the commission;
  - (4) The President of the Supreme People's Court; and
  - (5) The Procurator-General of the Supreme People's Procuratorate.
- Article 64 Amendments to the Constitution are to be proposed by the Standing Committee of the National People's Congress or by more than one-fifth of the deputies to the National People's Congress and

adopted by a majority vote of more than two-thirds of all the deputies to the Congress. Statutes and resolutions are adopted by a majority vote of more than one half of all the deputies to the National People's Congress.

Article 65 The Standing Committee of the National People's Congress is composed of the following: The Chairman; The Vice-Chairmen; The Secretary-General; and Members. Minority nationalities are entitled to appropriate representation on the Standing Committee of the National People's Congress. The National People's Congress elects, and has the power to recall, all those on its Standing Committee. No one on the Standing Committee of the National People's Congress shall hold any post in any of the administrative, judicial or procuratorial organs of the state.

Article 66 The Standing Committee of the National People's Congress is elected for the same term as the National People's Congress; it exercises its functions and powers until a new Standing Committee is elected by the succeeding National People's Congress. The Chairman and Vice-Chairmen of the Standing Committee shall serve no more than two consecutive terms.

Article 67 The Standing Committee of the National People's Congress exercises the following functions and powers:

- (1) To interpret the Constitution and supervise its enforcement;
- (2) To enact and amend statutes with the exception of those which should be enacted by the National People's Congress;
- (3) To enact, when the National People's Congress is not in session, partial supplements and amendments to statutes enacted by the National People's Congress provided that they do not contravene the basic principles of these statutes;
- (4) To interpret statutes;
- (5) To examine and approve, when the National People's Congress is not in session, partial adjustments to the plan for national economic and social development and to the state budget that prove necessary in the course of their implementation;
- (6) To supervise the work of the State Council, the Central Military Commission, the Supreme People's Court and the Supreme People's Procuratorate;
- (7) To annul those administrative rules and regulations, decisions or orders of the State Council that contravene the Constitution or the statutes;
- (8) To annul those local regulations or decisions of the organs of state power of provinces, autonomous regions and municipalities directly under the Central Government that contravene the Constitution, the statutes or the administrative rules and regulations;
- (9) To decide, when the National People's Congress is not in session, on the choice of Ministers in charge of Ministries or Commissions or the Auditor-General and the Secretary-General of the State Council upon nomination by the Premier of the State Council;
- (10) To decide, upon nomination by the Chairman of the Central Military Commission, on the choice of others on the commission, when the National People's Congress is not in session;
- (11) To appoint and remove the Vice-Presidents and judges of the Supreme People's Court, members of its Judicial Committee and the President of the Military Court at the suggestion of the President of the Supreme People's Court;
- (12) To appoint and remove the Deputy Procurators-General and procurators of the Supreme People's Procuratorate, members of its Procuratorial Committee and the Chief Procurator of the Military Procuratorate at the request of the Procurator-General of the Supreme People's Procuratorate, and to approve the appointment and removal of the chief procurators of the people's procuratorates of provinces, autonomous regions and municipalities directly under the Central Government;
- (13) To decide on the appointment and recall of plenipotentiary representatives abroad;
- (14) To decide on the ratification and abrogation of treaties and important agreements concluded with foreign states;
- (15) To institute systems of titles and ranks for military and diplomatic personnel and of other specific titles and ranks;
- (16) To institute state medals and titles of honour and decide on their conferment;
- (17) To decide on the granting of special pardons;

- (18) To decide, when the National People's Congress is not in session, on the proclamation of a state of war in the event of an armed attack on the country or in fulfillment of international treaty obligations concerning common defence against aggression;
- (19) To decide on general mobilization or partial mobilization;
- (20) To decide on the enforcement of martial law throughout the country or in particular provinces, autonomous regions or municipalities directly under the Central Government; and
- (21) To exercise such other functions and powers as the National People's Congress may assign to it.
- Article 68 The Chairman of the Standing Committee of the National People's Congress presides over the work of the Standing Committee and convenes its meetings. The Vice-Chairmen and the Secretary-General assist the Chairman in his work. Chairmanship meetings with the participation of the chairman, vice-chairmen and secretary-general handle the important day-to-day work of the Standing Committee of the National People's Congress.
- Article 69 The Standing Committee of the National People's Congress is responsible to the National People's Congress and reports on its work to the Congress.
- Article 70 The National People's Congress establishes a Nationalities Committee, a Law Committee, a Finance and Economic Committee, an Education, Science, Culture and Public Health Committee, a Foreign Affairs Committee, an Overseas Chinese Committee and such other special committees as are necessary. These special committees work under the direction of the Standing Committee of the National People's Congress when the Congress is not in session. The special committees examine, discuss and draw up relevant bills and draft resolutions under the direction of the National People's Congress and its Standing Committee.
- Article 71 The National People's Congress and its Standing Committee may, when they deem it necessary, appoint committees of inquiry into specific questions and adopt relevant resolutions in the light of their reports. All organs of state, public organizations and citizens concerned are obliged to supply the necessary information to those committees of inquiry when they conduct investigations.
- Article 72 Deputies to the National People's Congress and all those on its Standing Committee have the right, in accordance with procedures prescribed by law, to submit bills and proposals within the scope of the respective functions and powers of the National People's Congress and its Standing Committee.
- Article 73 Deputies to the National People's Congress during its sessions, and all those on its Standing Committee during its meetings, have the right to address questions, in accordance with procedures prescribed by law, to the State Council or the ministries and commissions under the State Council, which must answer the questions in a responsible manner.
- Article 74 No deputy to the National People's Congress may be arrested or placed on criminal trial without the consent of the Presidium of the current session of the National People's Congress or, when the National People's Congress is not in session, without the consent of its Standing Committee.
- Article 75 Deputies to the National People's Congress may not be called to legal account for their speeches or votes at its meetings.
- Article 76 Deputies to the National People's Congress must play an exemplary role in abiding by the Constitution and the law and keeping state secrets and, in production and other work and their public activities, assist in the enforcement of the Constitution and the law. Deputies to the National People's Congress should maintain close contact with the units and people which elected them, listen to and convey their opinions and demands and work hard to serve them.
- Article 77 Deputies to the National People's Congress are subject to the supervision of the units which elected them. The electoral units have the power, through procedures prescribed by law, to recall the deputies whom they elected.
- Article 78 The organization and working procedures of the National People's Congress and its Standing Committee are prescribed by law.

## **Section 2. The President of the People's Republic of China**

- Article 79 The President and Vice-President of the People's Republic of China are elected by the National People's Congress. Citizens of the People's Republic of China who have the right to vote and to stand for election and who have reached the age of 45 are eligible for election as President or Vice-President of the People's Republic of China. The term of office of the President and Vice-President of the

- People's Republic of China is the same as that of the National People's Congress, and they shall serve no more than two consecutive terms.
- Article 80 The President of the People's Republic of China, in pursuance of decisions of the National People's Congress and its Standing Committee, promulgates statutes; appoints and removes the Premier, Vice-Premiers, State Councillors, Ministers in charge of Ministries or Commissions, and the Auditor-General and the Secretary-General of the State Council; confers state medals and titles of honour; issues orders of special pardons; proclaims martial law; proclaims a state of war; and issues mobilization orders.
- Article 81 The President of the People's Republic of China receives foreign diplomatic representatives on behalf of the People's Republic of China and, in pursuance of decisions of the Standing Committee of the National People's Congress, appoints and recalls plenipotentiary representatives abroad, and ratifies and abrogates treaties and important agreements concluded with foreign states.
- Article 82 The Vice-President of the People's Republic of China assists the President in his work. The Vice-President of the People's Republic of China may exercise such parts of the functions and powers of the President as the President may entrust to him.
- Article 83 The President and Vice-President of the People's Republic of China exercise their functions and powers until the new President and Vice-President elected by the succeeding National People's Congress assume office.
- Article 84 In case the office of the President of the People's Republic of China falls vacant, the Vice-President succeeds to the office of President. In case the office of the Vice-President of the People's Republic of China falls vacant, the National People's Congress shall elect a new Vice-President to fill the vacancy. In the event that the offices of both the President and the Vice-President of the People's Republic of China fall vacant, the National People's Congress shall elect a new President and a new Vice-President. Prior to such election, the Chairman of the Standing Committee of the National People's Congress shall temporarily act as the President of the People's Republic of China.

### **Section 3. The State Council**

- Article 85 The State Council, that is, the Central People's Government of the People's Republic of China, is the executive body of the highest organ of state power; it is the highest organ of state administration.
- Article 86 The State Council is composed of the following: The Premier; The Vice-Premiers; The State Councillors; The Ministers in charge of Ministries; The Ministers in charge of Commissions; The Auditor-General; and The Secretary-General. The Premier has overall responsibility for the State Council. The Ministers have overall responsibility for the respective ministries or commissions under their charge. The organization of the State Council is prescribed by law.
- Article 87 The term of office of the State Council is the same as that of the National People's Congress. The Premier, Vice-Premiers and State Councillors shall serve no more than two consecutive terms.
- Article 88 The Premier directs the work of the State Council. The Vice-Premiers and State Councillors assist the Premier in his work. Executive meetings of the State Council are composed of the Premier, the Vice-Premiers, the State Councillors and the Secretary-General of the State Council. The Premier convenes and presides over the executive meetings and plenary meetings of the State Council.
- Article 89 The State Council exercises the following functions and powers:
- (1) To adopt administrative measures, enact administrative rules and regulations and issue decisions and orders in accordance with the Constitution and the statutes;
  - (2) To submit proposals to the National People's Congress or its Standing Committee;
  - (3) To lay down the tasks and responsibilities of the ministries and commissions of the State Council, to exercise unified leadership over the work of the ministries and commissions and to direct all other administrative work of a national character that does not fall within the jurisdiction of the ministries and commissions;
  - (4) To exercise unified leadership over the work of local organs of state administration at different levels throughout the country, and to lay down the detailed division of functions and powers between the Central Government and the organs of state administration of provinces, autonomous regions and municipalities directly under the Central Government;
  - (5) To draw up and implement the plan for national economic and social development and the state

budget;

- (6) To direct and administer economic work and urban and rural development;
- (7) To direct and administer the work concerning education, science, culture, public health, physical culture and family planning;
- (8) To direct and administer the work concerning civil affairs, public security, judicial administration, supervision and other related matters;
- (9) To conduct foreign affairs and conclude treaties and agreements with foreign states;
- (10) To direct and administer the building of national defence;
- (11) To direct and administer affairs concerning the nationalities and to safeguard the equal rights of minority nationalities and the right of autonomy of the national autonomous areas;
- (12) To protect the legitimate rights and interests of Chinese nationals residing abroad and protect the lawful rights and interests of returned overseas Chinese and of the family members of Chinese nationals residing abroad;
- (13) To alter or annul inappropriate orders, directives and regulations issued by the ministries or commissions;
- (14) To alter or annul inappropriate decisions and orders issued by local organs of state administration at different levels;
- (15) To approve the geographic division of provinces, autonomous regions and municipalities directly under the Central Government, and to approve the establishment and geographic division of autonomous prefectures, counties, autonomous counties and cities;
- (16) To decide on the enforcement of martial law in parts of provinces, autonomous regions and municipalities directly under the Central Government;
- (17) To examine and decide on the size of administrative organs and, in accordance with the law, to appoint, remove and train administrative officers, appraise their work and reward or punish them; and
- (18) To exercise such other functions and powers as the National People's Congress or its Standing Committee may assign it.

Article 90 The ministers in charge of ministries or commissions of the State Council are responsible for the work of their respective departments and convene and preside over their ministerial meetings or commission meetings that discuss and decide on major issues in the work of their respective departments. The ministries and commissions issue orders, directives and regulations within the jurisdiction of their respective departments and in accordance with the statutes and the administrative rules and regulations, decisions and orders issued by the State Council.

Article 91 The State Council establishes an auditing body to supervise through auditing the revenue and expenditure of all departments under the State Council and of the local governments at different levels, and those of the state financial and monetary organizations and of enterprises and undertakings. Under the direction of the Premier of the State Council, the auditing body independently exercises its power to supervise through auditing in accordance with the law, subject to no interference by any other administrative organ or any public organization or individual.

Article 92 The State Council is responsible, and reports on its work, to the National People's Congress or, when the National People's Congress is not in session, to its Standing Committee.

#### **Section 4. The Central Military Commission**

Article 93 The Central Military Commission of the People's Republic of China directs the armed forces of the country. The Central Military Commission is composed of the following: The Chairman; The Vice-Chairmen; and Members. The Chairman of the Central Military Commission has overall responsibility for the commission. The term of office of the Central Military Commission is the same as that of the National People's Congress.

Article 94 The Chairman of the Central Military Commission is responsible to the National People's Congress and its Standing Committee.

#### **Section 5. The Local People's Congress and the Local People's Governments at Different Levels**

Article 95 People's congresses and people's governments are established in provinces, municipalities directly

under the Central Government, counties, cities, municipal districts, townships, nationality townships and towns. The organization of local people's congresses and local people's governments at different levels is prescribed by law. Organs of self-government are established in autonomous regions, autonomous prefectures and autonomous counties. The organization and working procedures of organs of self-government are prescribed by law in accordance with the basic principles laid down in Sections V and VI of Chapter Three of the Constitution.

- Article 96 Local people's congresses at different levels are local organs of state power. Local people's congresses at and above the county level establish standing committees.
- Article 97 Deputies to the people's congresses of provinces, municipalities directly under the Central Government, and cities divided into districts are elected by the people's congresses at the next lower level; deputies to the people's congresses of counties, cities not divided into districts, municipal districts, townships, nationality townships and towns are elected directly by their constituencies. The number of deputies to local people's congresses at different levels and the manner of their election are prescribed by law.
- Article 98 The term of office of the people's congresses of provinces, municipalities directly under the Central Government and cities divided into districts is five years. The term of office of the people's congresses of counties, cities not divided into districts, municipal districts, townships, nationality townships and towns is three years.
- Article 99 Local people's congresses at different levels ensure the observance and implementation of the Constitution, the statutes and the administrative rules and regulations in their respective administrative areas. Within the limits of their authority as prescribed by law, they adopt and issue resolutions and examine and decide on plans for local economic and cultural development and for development of public services. Local people's congresses at and above the county level examine and approve the plans for economic and social development and the budgets of their respective administrative areas, and examine and approve reports on their implementation. They have the power to alter or annul inappropriate decisions of their own standing committees. The people's congresses of nationality townships may, within the limits of their authority as prescribed by law, take specific measures suited to the peculiarities of the nationalities concerned.
- Article 100 The people's congresses of provinces and municipalities directly under the Central Government, and their standing committees, may adopt local regulations, which must not contravene the Constitution, the statutes and the administrative rules and regulations, and they shall report such local regulations to the Standing Committee of the National People's Congress for the record.
- Article 101 At their respective levels, local people's congresses elect, and have the power to recall, governors and deputy governors, or mayors and deputy mayors, or heads and deputy heads of counties, districts, townships and towns. Local people's congresses at and above the county level elect, and have the power to recall, presidents of people's courts and chief procurators of people's procuratorates at the corresponding level. The election or recall of chief procurators of people's procuratorates shall be reported to the chief procurators of the people's procuratorates at the next higher level for submission to the standing committees of the people's congresses at the corresponding level for approval.
- Article 102 Deputies to the people's congresses of provinces, municipalities, directly under the Central Government and cities divided into districts are subject to supervision by the units which elected them; deputies to the people's congresses of counties, cities not divided into districts, municipal districts, townships, nationality townships and towns are subject to supervision by their constituencies. The electoral units and constituencies which elect deputies to local people's congresses at different levels have the power, according to procedures prescribed by law, to recall deputies whom they elected.
- Article 103 The standing committee of a local people's congress at and above the county level is composed of a chairman, vice-chairmen and members, and is responsible, and reports on its work, to the people's congress at the corresponding level. The local people's congress at and above the county level elects, and has the power to recall, anyone on the standing committee of the people's congress at the corresponding level. No one on the standing committee of a local people's congress at and above the county level shall hold any post in state administrative, judicial and procuratorial organs.
- Article 104 The standing committee of a local people's congress at and above the county level discusses and

decides on major issues in all fields of work in its administrative area; supervises the work of the people's government, people's court and people's procuratorate at the corresponding level; annuls inappropriate decisions and orders of the people's government at the corresponding level; annuls inappropriate resolutions of the people's congress at the next lower level; decides on the appointment and removal of functionaries of state organs within its jurisdiction as prescribed by law; and, when the people's congress at the corresponding level is not in session, recalls individual deputies to the people's congress at the next higher level and elects individual deputies to fill vacancies in that people's congress.

- Article 105 Local people's governments at different levels are the executive bodies of local organs of state power as well as the local organs of state administration at the corresponding level. Local people's governments at different levels practise the system of overall responsibility by governors, mayors, county heads, district heads, township heads and town heads.
- Article 106 The term of office of local people's governments at different levels is the same as that of the people's congresses at the corresponding level.
- Article 107 Local people's governments at and above the county level, within the limits of their authority as prescribed by law, conduct the administrative work concerning the economy, education, science, culture, public health, physical culture, urban and rural development, finance, civil affairs, public security, nationalities affairs, judicial administration, supervision and family planning in their respective administrative areas; issue decisions and orders; appoint, remove and train administrative functionaries, appraise their work and reward or punish them. People's governments of townships, nationality townships and towns carry out the resolutions of the people's congress at the corresponding level as well as the decisions and orders of the state administrative organs at the next higher level and conduct administrative work in their respective administrative areas. People's governments of provinces and municipalities directly under the Central Government decide on the establishment and geographic division of townships, nationality townships and towns.
- Article 108 Local people's governments at and above the county level direct the work of their subordinate departments and of people's governments at lower levels, and have the power to alter or annul inappropriate decisions of their subordinate departments and people's governments at lower levels.
- Article 109 Auditing bodies are established by local people's governments at and above the county level. Local auditing bodies at different levels independently exercise their power to supervise through auditing in accordance with the law and are responsible to the people's government at the corresponding level and to the auditing body at the next higher level.
- Article 110 Local people's governments at different levels are responsible, and report on their work, to people's congresses at the corresponding level. Local people's governments at and above the county level are responsible, and report on their work, to the standing committee of the people's congress at the corresponding level when the congress is not in session. Local people's governments at different levels are responsible, and report on their work, to the state administrative organs at the next higher level. Local people's governments at different levels throughout the country are state administrative organs under the unified leadership of the State Council and are subordinate to it.
- Article 111 The residents' committees and villagers' committees established among urban and rural residents on the basis of their place of residence are mass organizations of self-management at the grass-roots level. The chairman, vice-chairmen and members of each residents' or villagers' committee are elected by the residents. The relationship between the residents' and villagers' committees and the grass-roots organs of state power is prescribed by law. The residents' and villagers' committees establish committees for people's mediation, public security, public health and other matters in order to manage public affairs and social services in their areas, mediate civil disputes, help maintain public order and convey residents' opinions and demands and make suggestions to the people's government.

## **Section 6. The Organs of Self-Government of National Autonomous Areas**

- Article 112 The organs of self-government of national autonomous areas are the people's congresses and people's governments of autonomous regions, autonomous prefectures and autonomous counties.
- Article 113 In the people's congress of an autonomous region, prefecture or county, in addition to the deputies of the nationality or nationalities exercising regional autonomy in the administrative area, the other

nationalities inhabiting the area are also entitled to appropriate representation. The chairmanship and vice-chairmanships of the standing committee of the people's congress of an autonomous region, prefecture or county shall include a citizen or citizens of the nationality or nationalities exercising regional autonomy in the area concerned.

- Article 114 The administrative head of an autonomous region, prefecture or county shall be a citizen of the nationality, or of one of the nationalities, exercising regional autonomy in the area concerned.
- Article 115 The organs of self-government of autonomous regions, prefectures and counties exercise the functions and powers of local organs of state as specified in Section V of Chapter Three of the Constitution. At the same time, they exercise the right of autonomy within the limits of their authority as prescribed by the Constitution, the law of regional national autonomy and other laws, and implement the laws and policies of the state in the light of the existing local situation.
- Article 116 People's congresses of national autonomous areas have the power to enact autonomy regulations and specific regulations in the light of the political, economic and cultural characteristics of the nationality or nationalities in the areas concerned. The autonomy regulations and specific regulations of autonomous regions shall be submitted to the Standing Committee of the National People's Congress for approval before they go into effect. Those of autonomous prefectures and counties shall be submitted to the standing committees of the people's congresses of provinces or autonomous regions for approval before they go into effect, and they shall be reported to the Standing Committee of the National People's Congress for the record.
- Article 117 The organs of self-government of the national autonomous areas have the power of autonomy in administering the finances of their areas. All revenues accruing to the national autonomous areas under the financial system of the state shall be managed and used independently by the organs of self-government of those areas.
- Article 118 The organs of self-government of the national autonomous areas independently arrange for and administer local economic development under the guidance of state plans. In developing natural resources and building enterprises in the national autonomous areas, the state shall give due consideration to the interests of those areas.
- Article 119 The organs of self-government of the national autonomous areas independently administer educational, scientific, cultural, public health and physical culture affairs in their respective areas, sort out and protect the cultural legacy of the nationalities and work for the development and prosperity of their cultures.
- Article 120 The organs of self-government of the national autonomous areas may, in accordance with the military system of the state and concrete local needs and with the approval of the State Council, organize local public security forces for the maintenance of public order.
- Article 121 In performing their functions, the organs of self-government of the national autonomous areas, in accordance with the autonomy regulations of the respective areas, employ the spoken and written language or languages in common use in the locality.
- Article 122 The state gives financial, material and technical assistance to the minority nationalities to accelerate their economic and cultural development. The state helps the national autonomous areas train large numbers of cadres at different levels and specialized personnel and skilled workers of different professions and trades from among the nationality or nationalities in those areas.

### **Section 7. The People's Court and the People's Procuratorates**

- Article 123 The people's courts in the People's Republic of China are the judicial organs of the state.
- Article 124 The People's Republic of China establishes the Supreme People's Court and the local people's courts at different levels, military courts and other special people's courts. The term of office of the President of the Supreme People's Court is the same as that of the National People's Congress; he shall serve no more than two consecutive terms. The organization of people's courts is prescribed by law.
- Article 125 All cases handled by the people's courts, except for those involving special circumstances as specified by law, shall be heard in public. The accused has the right of defence.
- Article 126 The people's courts shall, in accordance with the law, exercise judicial power independently and are not subject to interference by administrative organs, public organizations or individuals.



- Article 127 The Supreme People's Court is the highest judicial organ. The Supreme People's Court supervises the administration of justice by the local people's courts at different levels and by the special people's courts; people's courts at higher levels supervise the administration of justice by those at lower levels.
- Article 128 The Supreme People's Court is responsible to the National People's Congress and its Standing Committee. Local people's courts at different levels are responsible to the organs of state power which created them.
- Article 129 The people's procuratorates of the People's Republic of China are state organs for legal supervision.
- Article 130 The People's Republic of China establishes the Supreme People's Procuratorate and the local people's procuratorates at different levels, military procuratorates and other special people's procuratorates. The term of office of the Procurator-General of the Supreme People's Procuratorate is the same as that of the National People's Congress; he shall serve no more than two consecutive terms. The organization of people's procuratorates is prescribed by law.
- Article 131 People's procuratorates shall, in accordance with the law, exercise procuratorial power independently and are not subject to interference by administrative organs, public organizations or individuals.
- Article 132 The Supreme People's Procuratorate is the highest procuratorial organ. The Supreme People's Procuratorate directs the work of the local people's procuratorates at different levels and of the special people's procuratorates; people's procuratorates at higher levels direct the work of those at lower levels.
- Article 133 The Supreme People's Procuratorate is responsible to the National People's Congress and its Standing Committee. Local people's procuratorates at different levels are responsible to the organs of state power at the corresponding levels which created them and to the people's procuratorates at the higher level.
- Article 134 Citizens of all nationalities have the right to use the spoken and written languages of their own nationalities in court proceedings. The people's courts and people's procuratorates should provide translation for any party to the court proceedings who is not familiar with the spoken or written languages in common use in the locality. In an area where people of a minority nationality live in a compact community or where a number of nationalities live together, hearings should be conducted in the language or languages in common use in the locality; indictments, judgments, notices and other documents should be written, according to actual needs, in the language or languages in common use in the locality.
- Article 135 The people's courts, people's procuratorates and public security organs shall, in handling criminal cases, divide their functions, each taking responsibility for its own work, and they shall coordinate their efforts and check each other to ensure correct and effective enforcement of law.

#### CHAPTER IV. THE NATIONAL FLAG, THE NATIONAL EMBLEM AND THE CAPITAL

- Article 136 The national flag of the People's Republic of China is a red flag with five stars.
- Article 137 The national emblem of the People's Republic of China is Tian'anmen in the centre illuminated by five stars and encircled by ears of grain and a cogwheel.
- Article 138 The capital of the People's Republic of China is Beijing.

#### AMENDMENTS TO THE CONSTITUTION

##### **Amendment One**

*(Approved on April 12, 1988, by the 7th NPC at its 1st Session)*

1. Article 11 of the Constitution shall include a new paragraph which reads: "The State permits the private sector of the economy to exist and develop within the limits prescribed by law. The private sector of the economy is a complement to the socialist public economy. The State protects the lawful rights and interests of the private sector of the economy, and exercises guidance, supervision and control over the private sector of the economy."
2. The fourth paragraph of Article 10 of the Constitution, which provides that "no organization or individual may appropriate, buy, sell or lease land or otherwise engage in the transfer of land by unlawful means," shall be amended as: "no organization or individual may appropriate, buy, sell or otherwise engage in the transfer of land by unlawful means. The right to the use of land may be transferred according to law."

## Amendment Two

*(Approved on March 29, 1993, by the 8th NPC at its 1st Session)*

3. The last two sentences of the seventh paragraph of the Preamble which reads "The basic task of the nation in the years to come is to concentrate its effort on socialist modernization. Under the leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong Thought, the Chinese people of all nationalities will continue to adhere to the people's democratic dictatorship and follow the socialist road, steadily improve socialist institutions, develop socialist democracy, improve the socialist legal system and work hard and self-reliantly to modernize industry, agriculture, national defense and science and technology step by step to turn China into a socialist country with a high level of culture and democracy," shall be amended as: "China is at the primary stage of socialism. The basic task of the nation is, according to the theory of building socialism with Chinese characteristics, to concentrate its effort on socialist modernization. Under the leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong Thought, the Chinese people of all nationalities will continue to adhere to the people's democratic dictatorship and follow the socialist road, persevere in reform and opening to the outside, steadily improve socialist institutions, develop socialist democracy, improve the socialist legal system and work hard and self-reliantly to modernize industry, agriculture, national defense and science and technology step by step to turn China into a socialist country with prosperity and power, democracy and culture."
4. At the end of the tenth paragraph of the Preamble, add "The system of multi-party cooperation and political consultation led by the Communist Party of China will exist and develop in China for a long time to come."
5. Article 7 which reads "The State economy is the sector of socialist economy under ownership by the whole people; it is the leading force in the national economy. The State ensures the consolidation and growth of the State economy," shall be changed to: "The State-owned economy, that is, the socialist economy under ownership by the whole people, is the leading force in the national economy. The State ensures the consolidation and growth of the State-owned economy."
6. The first item of Article 8 which reads "Rural people's communes, agricultural producers' cooperatives, and other forms of cooperative economy such as producers', supply and marketing, credit and consumers' cooperatives, belong to the sector of socialist economy under collective ownership by the working people. Working people who are members of rural economic collectives have the right, within the limits prescribed by law, to farm plots of cropland and hilly land allotted for private use, engage in household sideline production and raise privately-owned livestock," shall be amended as: "Rural household-based contract responsibility system with remuneration linked to output, and other forms of cooperative economy such as producers', supply and marketing, credit and consumers' cooperatives, belong to the sector of socialist economy under collective ownership by the working people. Working people who are members of rural economic collectives have the right, within the limits prescribed by law, to farm plots of cropland and hilly land allotted for private use, engage in household sideline production and raise privately-owned livestock."
7. Article 15 which reads "The State practices economic planning on the basis of socialist public ownership. It ensures the proportionate and coordinated growth of the national economy through overall balancing by economic planning and the supplementary role of regulation by the market.  
Disturbance of the orderly functioning of the social economy or disruption of the State economic plan by any organization or individual is prohibited," shall be changed to: "The state has put into practice a socialist market economy. The State strengthens formulating economic laws, improves macro adjustment and control and forbids according to law any units or individuals from interfering with the social economic order."
8. Article 16 which reads "State enterprises have decision-making power in operation and management within the limits prescribed by law, on condition that they submit to unified leadership by the State and fulfil and their obligations under the State plan.  
State enterprises practice democratic management through congresses of workers and staff and in other ways in accordance with the law," shall be revised as: "State-owned enterprises have decision-making power in operation and management within the limits prescribed by law. State-owned enterprises practice democratic management through congresses of workers and staff and in other ways in accordance with the law."
9. Article 17 which reads "Collective economic organizations have decision-making power in conducting independent economic activities, on condition that they accept the guidance of the State plan and abide by the relevant laws."

Collective economic organizations practice democratic management in accordance with the law, with the entire body of their workers electing or removing their managerial personnel and deciding on major issues concerning operation and management", shall be amended as: "Collective economic organizations have decision-making power in conducting independent economic activities, on condition that they abide by the relevant laws. Collective economic organizations practice democratic management, elect or remove their managerial personnel and decide on major issue concerning operation and management according to law."

10. The item of Article 42 which reads "Work is the glorious duty of every able-bodied citizen. All working people in State enterprises and in urban and rural economic collectives should perform their tasks with an attitude consonant with their status as masters of the country. The State promotes socialist labor emulation, and commends and rewards model and advanced workers. The state encourages citizens to take part in voluntary labor," shall be amended as: "Work is the glorious duty of every able-bodied citizen. All working people in State-owned enterprises and in urban and rural economic collectives should perform their tasks with an attitude consonant with their status as masters of the country. The State promotes socialist labor emulation, and commends and rewards model and advanced workers. The State encourages citizens to take part in voluntary labor."
11. Article 98 which reads "The term of office of the people's congresses of provinces, municipalities directly under the Central Government and cities divided into districts is five years. The term of office of the people's congresses of countries, cities not divided into districts, municipal districts, townships, nationality townships and towns is three years," shall be revised as: "The term of office of the people's congresses of provinces, municipalities directly under the Central Government, counties, cities and municipal districts is five years. The term of office of the people's congresses of townships, nationality townships and towns is three years."

### **Amendment Three**

*(Approved on March 15, 1999, by the 9th NPC at its 2nd Session)*

The original text of paragraph seven in the Preamble of the Constitution is: "Both the victory of China's new-democratic revolution and the successes of its socialist cause have been achieved by the Chinese people of all nationalities under the leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong Thought, and by upholding truth, correcting errors and overcoming numerous difficulties and hardships. China is currently in the primary stage of socialism. The basic task of the nation is to concentrate its effort on socialist modernization in accordance with the theory of building socialism with Chinese characteristics. Under the leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong Thought, the Chinese people of all nationalities will continue to adhere to the people's democratic dictatorship, follow the socialist road, persist in reform and opening-up, steadily improve socialist institutions, develop socialist democracy, improve the socialist legal system and work hard and self-reliantly to modernize industry, agriculture, national defense and science and technology step by step to turn China into a powerful and prosperous socialist country with a high level of culture and democracy."

It is revised into: "Both the victory of China's new-democratic revolution and the successes of its socialist cause have been achieved by the Chinese people of all nationalities under the leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong Thought, and by upholding truth, correcting errors and overcoming numerous difficulties and hardships. China will stay in the primary stage of socialism for a long period of time. The basic task of the nation is to concentrate its efforts on socialist modernization by following the road of building socialism with Chinese characteristics. Under the leadership of the Communist Party of China and the guidance of Marxism-Leninism, Mao Zedong Thought and Deng Xiaoping Theory, the Chinese people of all nationalities will continue to adhere to the people's democratic dictatorship, follow the socialist road, persist in reform and opening-up, steadily improve socialist institutions, develop a socialist market economy, advance socialist democracy, improve the socialist legal system and work hard and self-reliantly to modernize industry, agriculture, national defense and science and technology step by step to turn China into a powerful and prosperous socialist country with a high level of culture and democracy."

One section is added to Article Five of the Constitution as the first section: "The People's Republic of China practices ruling the country in accordance with the law and building a socialist country of law."

The original text of Article Six of the Constitution is: "The basis of the socialist economic system of the People's Republic of China is socialist public ownership of the means of production, namely, ownership by the whole people and collective ownership by the working people." "The system of socialist public ownership supersedes

the system of exploitation of man by man; it applies the principle of 'from each according to his ability, to each according to his work'."

It is revised into: "The basis of the socialist economic system of the People's Republic of China is socialist public ownership of the means of production, namely, ownership by the whole people and collective ownership by the working people. The system of socialist public ownership supersedes the system of exploitation of man by man; it applies the principle of 'from each according to his ability, to each according to his work'." "During the primary stage of socialism, the State adheres to the basic economic system with the public ownership remaining dominant and diverse sectors of the economy developing side by side, and to the distribution system with the distribution according to work remaining dominant and the coexistence of a variety of modes of distribution."

The original text of the first section in Article Eight of the Constitution is: "The rural household-based output-related contracted responsibility system and other forms of the cooperative economy such as producers', supply and marketing, credit and consumers' cooperatives belong to the sector of the socialist economy under collective ownership by the working people. Working people who are members of rural economic collectives have the right, within the limits prescribed by law, to farm plots of cropland and hilly land allotted for private use, engage in household sideline production and raise privately owned livestock."

It is revised into: "Rural collective economic organizations practice the double-tier management system that combines unified and separate operations on the basis of the household-based output-related contracted responsibility system. Various forms of the cooperative economy in rural areas such as producers', supply and marketing, credit and consumers' cooperatives belong to the sector of the socialist economy under collective ownership by the working people.

Working people who are members of rural economic collectives have the right, within the limits prescribed by law, to farm plots of cropland and hilly land allotted for private use, engage in household sideline production and raise privately owned livestock."

The original text of Article 11 of the Constitution is: "The individual economy of urban and rural working people, operating within the limits prescribed by law, is a complement to the socialist public economy. The State protects the lawful rights and interests of the individual economy." "The State guides, helps and supervises the individual economy by exercising administrative control." "The State permits the private economy to exist and develop within the limits prescribed by law. The private economy is a complement to the socialist public economy. The State protects the lawful rights and interests of the private economy, and guides, supervises and administers the private economy."

It is revised into: "Individual, private and other non-public economies that exist within the limits prescribed by law are major components of the socialist market economy." "The State protects the lawful rights and interests of individual and private economies, and guides, supervises and administers individual and private economies."

The original text of Article 28 of the Constitution is: "The State maintains public order and suppresses treasonable and other counter-revolutionary activities; it penalizes actions that endanger public security and disrupt the socialist economy and other criminal activities, and punishes and reforms criminals."

It is revised into: "The State maintains public order and suppresses treasonable and other criminal activities that endanger State security; it penalizes actions that endanger public security and disrupt the socialist economy and other criminal activities, and punishes and reforms criminals."

## **Amendment Four**

*(Approved on March 14, 2004, by the 10th NPC at its 2nd Session)*

1. "... along the road of building socialism with Chinese characteristics..." and "...under the guidance of Marxism-Leninism, Mao Zedong Thought and Deng Xiaoping Theory..."

Revised to: "... along the road of Chinese-style socialism..." and "...under the guidance of Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory and the important thought of 'Three Represents'..."

2. Seventh paragraph of the Preamble: After "... to modernize the industry, agriculture, national defence and science and technology step by step..."

Is added: "... promote the coordinated development of the material, political and spiritual civilizations..."

3. The second sentence of the 10th paragraph of the Preamble: "In the long years of revolution and construction, there has been formed under the leadership of the Communist Party of China a broad patriotic united front that is composed of the democratic parties and people's organizations and embraces all socialist working people, all patriots who support socialism, and all patriots who stand for the reunification of the motherland. This united

front will continue to be consolidated and developed."

After "... a broad patriotic united front that is composed of the democratic parties and people's organizations and embraces all socialist working people..." is added "... all builders of socialism, ..."

4. Third paragraph of Article 10: "The State may, in the public interest, requisition land for its use in accordance with the law."

Revised to: "The State may, in the public interest and in accordance with the provisions of law, expropriate or requisition land for its use and shall make compensation for the land expropriated or requisitioned."

5. Second paragraph of Article 11: "The State protects the lawful rights and interests of the individual and private sectors of the economy, and exercises guidance, supervision and control over individual and the private sectors of the economy."

Revised to: "The State protects the lawful rights and interests of the non-public sectors of the economy such as the individual and private sectors of the economy. The State encourages, supports and guides the development of the non-public sectors of the economy and, in accordance with law, exercises supervision and control over the non-public sectors of the economy."

6. Article 13: "The State protects the right of citizens to own lawfully earned income, savings, houses and other lawful property." and "The State protects according to law the right of citizens to inherit private property."

Revised to: "Citizens' lawful private property is inviolable" and "The State, in accordance with law, protects the rights of citizens to private property and to its inheritance" and "The State may, in the public interest and in accordance with law, expropriate or requisition private property for its use and shall make compensation for the private property expropriated or requisitioned."

7. Article 14 has a fourth paragraph added: "The State establishes a sound social security system compatible with the level of economic development."

8. Article 33 has a third paragraph added: "The State respects and preserves human rights."

9. The first paragraph of Article 59 is revised to: "The National People's Congress is composed of deputies elected from the provinces, autonomous regions and municipalities directly under the Central Government and of deputies elected from the armed forces. All the minority nationalities are entitled to appropriate representation."

Revised to: "The National People's Congress is composed of deputies elected from the provinces, autonomous regions, municipalities directly under the Central Government, and the special administrative regions, and of deputies elected from the armed forces. All the minority nationalities are entitled to appropriate representation."

10. On "State of Emergency"

Subparagraph 20 of Article 67: "... to decide on the imposition of martial law throughout the country or in particular provinces, autonomous regions, or municipalities directly under the Central Government."

Revised to: "... to decide on entering the state of emergency throughout the country or in particular provinces, autonomous regions, or municipalities directly under the Central Government."

Article 80: "The President of the People's Republic of China ... proclaims martial law, ..."

Revised to: "... proclaims entering of the state of emergency, ..."

Subparagraph 16 of Article 89: "... to decide on the imposition of martial law in parts of provinces, autonomous regions and municipalities directly under the Central Government..."

Revised to: "... in accordance with the provisions of law, to decide on entering the state of emergency in parts of provinces, autonomous regions, and municipalities directly under the Central Government..."

11. Article 81: "The President of the People's Republic of China receives foreign diplomatic representatives on behalf of the People's Republic of China."

Revised to: "The President of the People's Republic of China, on behalf of the People's Republic of China, engages in activities involving State affairs and receives foreign diplomatic representatives."

12. Article 98: "The term of office of people's congresses of provinces, municipalities directly under the Central Government, counties, cities and municipal districts is five years. The term of office of the people's congresses of townships, nationality townships and towns is three years."

Revised to: "The term of office of the local people's congresses at various levels is five years."

13. Provision on the National Anthem:

Title of Chapter IV: "The National Flag, the National Emblem and the Capital"

Revised to: "The National Flag, the National Anthem, the National Emblem and the Capital"

Article 136 has a second paragraph added: "The National Anthem of the People's Republic of China is the March of the Volunteers."

## 中華人民共和國憲法（1982年）

1982年12月4日第五屆全國人民代表大會第五次會議通過 1982年12月4日全國人民代表大會公告公佈施行

根據1988年4月12日第七屆全國人民代表大會第一次會議通過的《中華人民共和國憲法修正案》、1993年3月29日第八屆全國人民代表大會第一次會議通過的《中華人民共和國憲法修正案》、1999年3月15日第九屆全國人民代表大會第二次會議通過的《中華人民共和國憲法修正案》和2004年3月14日第十屆全國人民代表大會第二次會議通過的《中華人民共和國憲法修正案》修正

### 序言

中國是世界上歷史最悠久的國家之一。中國各族人民共同創造了光輝燦爛的文化，具有光榮的革命傳統。

一八四〇年以後，封建的中國逐漸變成半殖民地、半封建的國家。中國人民為國家獨立、民族解放和民主自由進行了前仆後繼的英勇奮鬥。

二十世紀，中國發生了翻天覆地的偉大歷史變革。

一九一一年孫中山先生領導的辛亥革命，廢除了封建帝制，創立了中華民國。但是，中國人民反對帝國主義和封建主義的歷史任務還沒有完成。

一九四九年，以毛澤東主席為領袖的中國共產黨領導中國各族人民，在經歷了長期的艱難曲折的武裝鬥爭和其他形式的鬥爭以後，終於推翻了帝國主義、封建主義和官僚資本主義的統治，取得了新民主主義革命的偉大勝利，建立了中華人民共和國。從此，中國人民掌握了國家的權力，成為國家的主人。

中華人民共和國成立以後，我國社會逐步實現了由新民主主義到社會主義的過渡。生產資料私有制的社會主義改造已經完成，人剝削人的制度已經消滅，社會主義制度已經確立。工人階級領導的、以工農聯盟為基礎的人民民主專政，實質上即無產階級專政，得到鞏固和發展。中國人民和中國人民解放軍戰勝了帝國主義、霸權主義的侵略、破壞和武裝挑釁，維護了國家的獨立和安全，增強了國防。經濟建設取得了重大的成就，獨立的、比較完整的社會主義工業體系已經基本形成，農業生產顯著提高。教育、科學、文化等事業有了很大的發展，社會主義思想教育取得了明顯的成效。廣大人民的生活有了較大的改善。

中國新民主主義革命的勝利和社會主義事業的成就，是中國共產黨領導中國各族人民，在馬克思列寧主義、毛澤東思想的指引下，堅持真理，修正錯誤，戰勝許多艱難險阻而取得的。我國將長期處於社會主義初級階段。國家的根本任務是，沿著中國特色社會主義道路，集中力量進行社會主義現代化建設。中國各族人民將繼續在中國共產黨領導下，在馬克思列寧主義、毛澤東思想、鄧小平理論和“三個代表”重要思想指引下，堅持人民民主專政，堅持社會主義道路，堅持改革開放，不斷完善社會主義的各項制度，發展社會主義市場經濟，發展社會主義民主，健全社會主義法制，自力更生，艱苦奮鬥，逐步實現工業、農業、國防和科學技術的現代化，推動物質文明、政治文明和精神文明協調發展，把我國建設成為富強、民主、文明的社會主義國家。

在我國，剝削階級作為階級已經消滅，但是階級鬥爭還將在一定範圍內長期存在。中國人民對敵視和破壞我國社會主義制度的國內外的敵對勢力和敵對分子，必須進行鬥爭。

臺灣是中華人民共和國的神聖領土的一部分。完成統一祖國的大業是包括臺灣同胞在內的全中國人民的神聖職責。

社會主義的建設事業必須依靠工人、農民和知識份子，團結一切可以團結的力量。在長期的革命和建設過程中，已經結成由中國共產黨領導的，有各民主黨派和各人民團體參加的，包括全體社會主義勞動者、社會主義事業的建設者、擁護社會主義的愛國者和擁護祖國統一的愛國者的廣泛的愛國統一戰線，這個統一戰線將繼續鞏固和發展。中國人民政治協商會議是有廣泛代表性的統一戰線組織，過去發揮了重要的歷史作用，今後在國家政治生活、社會生活和對外友好活動中，在進行社會主義現代化建設、維護國家的統一和團結的鬥爭中，將進一步發揮它的重要作用。中國共產黨領導的多黨合作和政治協商制度將長期存在和發展。

中華人民共和國是全國各族人民共同締造的統一的多民族國家。平等、團結、互助的社會主義民族關係已經確立，並將繼續加強。在維護民族團結的鬥爭中，要反對大民族主義，主要是大漢族主義，也要反對地方民族主義。國家盡一切努力，促進全國各民族的共同繁榮。

中國革命和建設的成就是同世界人民的支援分不開的。中國的前途是同世界的前途緊密地聯繫在一起

的。中國堅持獨立自主的對外政策，堅持互相尊重主權和領土完整、互不侵犯、互不干涉內政、平等互利、和平共處的五項原則，發展同各國的外交關係和經濟、文化的交流；堅持反對帝國主義、霸權主義、殖民主義，加強同世界各國人民的團結，支持被壓迫民族和發展中國家爭取和維護民族獨立、發展民族經濟的正義鬥爭，為維護世界和平和促進人類進步事業而努力。

本憲法以法律的形式確認了中國各族人民奮鬥的成果，規定了國家的根本制度和根本任務，是國家的根本法，具有最高的法律效力。全國各族人民、一切國家機關和武裝力量、各政黨和各社會團體、各企業事業組織，都必須以憲法為根本的活動準則，並且負有維護憲法尊嚴、保證憲法實施的職責。

## 第一章 總綱

第一條 中華人民共和國是工人階級領導的、以工農聯盟為基礎的人民民主專政的社會主義國家。

社會主義制度是中華人民共和國的根本制度。禁止任何組織或者個人破壞社會主義制度。

第二條 中華人民共和國的一切權力屬於人民。

人民行使國家權力的機關是全國人民代表大會和地方各級人民代表大會。

人民依照法律規定，通過各種途徑和形式，管理國家事務，管理經濟和文化事業，管理社會事務。

第三條 中華人民共和國的國家機構實行民主集中制的原則。

全國人民代表大會和地方各級人民代表大會都由民主選舉產生，對人民負責，受人民監督。

國家行政機關、審判機關、檢察機關都由人民代表大會產生，對它負責，受它監督。

中央和地方的國家機構職權的劃分，遵循在中央的統一領導下，充分發揮地方的主動性、積極性的原則。

第四條 中華人民共和國各民族一律平等。國家保障各少數民族的合法的權利和利益，維護和發展各民族的平等、團結、互助關係。禁止對任何民族的歧視和壓迫，禁止破壞民族團結和製造民族分裂的行為。

國家根據各少數民族的特點和需要，說明各少數民族地區加速經濟和文化的發展。

各少數民族聚居的地方實行區域自治，設立自治機關，行使自治權。各民族自治地方都是中華人民共和國不可分離的部分。

各民族都有使用和發展自己的語言文字的自由，都有保持或者改革自己的風俗習慣的自由。

第五條 中華人民共和國實行依法治國，建設社會主義法治國家。

國家維護社會主義法制的統一和尊嚴。

一切法律、行政法規和地方性法規都不得同憲法相抵觸。

一切國家機關和武裝力量、各政黨和各社會團體、各企業事業組織都必須遵守憲法和法律。一切違反憲法和法律的行為，必須予以追究。

任何組織或者個人都不得有超越憲法和法律的特權。

第六條 中華人民共和國的社會主義經濟制度的基礎是生產資料的社會主義公有制，即全民所有制和勞動群眾集體所有制。社會主義公有制消滅人剝削人的制度，實行各盡所能、按勞分配的原則。

國家在社會主義初級階段，堅持公有制為主體、多種所有制經濟共同發展的基本經濟制度，堅持按勞分配為主體、多種分配方式並存的分配制度。

第七條 國有經濟，即社會主義全民所有制經濟，是國民經濟中的主導力量。國家保障國有經濟的鞏固和發展。

第八條 農村集體經濟組織實行家庭承包經營為基礎、統分結合的雙層經營體制。農村中的生產、供銷、信用、消費等各種形式的合作經濟，是社會主義勞動群眾集體所有制經濟。參加農村集體經濟組織的勞動者，有權在法律規定的範圍內經營自留地、自留山、家庭副業和飼養自留畜。

城鎮中的手工業、工業、建築業、運輸業、商業、服務業等行業的各種形式的合作經濟，都是社會主義勞動群眾集體所有制經濟。

國家保護城鄉集體經濟組織的合法的權利和利益，鼓勵、指導和幫助集體經濟的發展。

第九條 礦藏、水流、森林、山嶺、草原、荒地、灘塗等自然資源，都屬於國家所有，即全民所

- 有；由法律規定屬於集體所有的森林和山嶺、草原、荒地、灘塗除外。
- 國家保障自然資源的合理利用，保護珍貴的動物和植物。禁止任何組織或者個人用任何手段侵佔或者破壞自然資源。
- 第十條 城市的土地屬於國家所有。
- 農村和城市郊區的土地，除由法律規定屬於國家所有的以外，屬於集體所有；宅基地和自留地、自留山，也屬於集體所有。
- 國家為了公共利益的需要，可以依照法律規定對土地實行徵收或者徵用並給予補償。
- 任何組織或者個人不得侵佔、買賣或者以其他形式非法轉讓土地。土地的使用權可以依照法律的規定轉讓。
- 一切使用土地的組織和個人必須合理地利用土地。
- 第十一條 在法律規定範圍內的個體經濟、私營經濟等非公有制經濟，是社會主義市場經濟的重要組成部分。
- 國家保護個體經濟、私營經濟等非公有制經濟的合法的權利和利益。國家鼓勵、支持和引導非公有制經濟的發展，並對非公有制經濟依法實行監督和管理。
- 第十二條 社會主義的公共財產神聖不可侵犯。
- 國家保護社會主義的公共財產。禁止任何組織或者個人用任何手段侵佔或者破壞國家的和集體的財產。
- 第十三條 公民的合法的私有財產不受侵犯。
- 國家依照法律規定保護公民的私有財產權和繼承權。
- 國家為了公共利益的需要，可以依照法律規定對公民的私有財產實行徵收或者徵用並給予補償。
- 第十四條 國家通過提高勞動者的積極性和技術水準，推廣先進的科學技術，完善經濟管理體制和企業經營管理制度，實行各種形式的社會主義責任制，改進勞動組織，以不斷提高勞動生產率和經濟效益，發展社會生產力。
- 國家厲行節約，反對浪費。
- 國家合理安排積累和消費，兼顧國家、集體和個人的利益，在發展生產的基礎上，逐步改善人民的物質生活和文化生活。
- 國家建立健全同經濟發展水準相適應的社會保障制度。
- 第十五條 國家實行社會主義市場經濟。
- 國家加強經濟立法，完善宏觀調控。
- 國家依法禁止任何組織或者個人擾亂社會經濟秩序。
- 第十六條 國有企業在法律規定的範圍內有權自主經營。
- 國有企業依照法律規定，通過職工代表大會和其他形式，實行民主管理。
- 第十七條 集體經濟組織在遵守有關法律的前提下，有獨立進行經濟活動的自主權。
- 集體經濟組織實行民主管理，依照法律規定選舉和罷免管理人員，決定經營管理的重大問題。
- 第十八條 中華人民共和國允許外國的企業和其他經濟組織或者個人依照中華人民共和國法律的規定在中國投資，同中國的企業或者其他經濟組織進行各種形式的經濟合作。
- 在中國境內的外國企業和其他外國經濟組織以及中外合資經營的企業，都必須遵守中華人民共和國的法律。它們的合法的權利和利益受中華人民共和國法律的保護。
- 第十九條 國家發展社會主義的教育事業，提高全國人民的科學文化水準。
- 國家舉辦各種學校，普及初等義務教育，發展中等教育、職業教育和高等教育，並且發展學前教育。
- 國家發展各種教育設施，掃除文盲，對工人、農民、國家工作人員和其他勞動者進行政治、文化、科學、技術、業務的教育，鼓勵自學成才。
- 國家鼓勵集體經濟組織、國家企業事業組織和其他社會力量依照法律規定舉辦各種教育事業。
- 國家推廣全國通用的普通話。
- 第二十條 國家發展自然科學和社會科學事業，普及科學和技術知識，獎勵科學研究成果和技術發明創造。
- 第二十一條 國家發展醫療衛生事業，發展現代醫藥和我國傳統醫藥，鼓勵和支援農村集體經濟組織、國家企業事業組織和街道組織舉辦各種醫療衛生設施，開展群眾性的衛生活動，保護人民健康。



- 國家發展體育事業，開展群眾性的體育活動，增強人民體質。
- 第二十二條 國家發展為人民服務、為社會主義服務的文學藝術事業、新聞廣播電視事業、出版發行事業、圖書館博物館文化館和其他文化事業，開展群眾性的文化活動。
- 國家保護名勝古跡、珍貴文物和其他重要歷史文化遺產。
- 第二十三條 國家培養為社會主義服務的各種專業人才，擴大知識份子的隊伍，創造條件，充分發揮他們在社會主義現代化建設中的作用。
- 第二十四條 國家通過普及理想教育、道德教育、文化教育、紀律和法制教育，通過在城鄉不同範圍的群眾中制定和執行各種守則、公約，加強社會主義精神文明的建設。
- 國家提倡愛祖國、愛人民、愛勞動、愛科學、愛社會主義的公德，在人民中進行愛國主義、集體主義和國際主義、共產主義的教育，進行辯證唯物主義和歷史唯物主義的教育，反對資本主義的、封建主義的和其他的腐朽思想。
- 第二十五條 國家推行計劃生育，使人口的增長同經濟和社會發展計畫相適應。
- 第二十六條 國家保護和改善生活環境和生態環境，防治污染和其他公害。
- 國家組織和鼓勵植樹造林，保護林木。
- 第二十七條 一切國家機關實行精簡的原則，實行工作責任制，實行工作人員的培訓和考核制度，不斷提高工作品質和工作效率，反對官僚主義。
- 一切國家機關和國家工作人員必須依靠人民的支持，經常保持同人民的密切聯繫，傾聽人民的意見和建議，接受人民的監督，努力為人民服務。
- 第二十八條 國家維護社會秩序，鎮壓叛國和其他危害國家安全的犯罪活動，制裁危害社會治安、破壞社會主義經濟和其他犯罪的活動，懲辦和改造犯罪分子。
- 第二十九條 中華人民共和國的武裝力量屬於人民。它的任務是鞏固國防，抵抗侵略，保衛祖國，保衛人民的和平勞動，參加國家建設事業，努力為人民服務。
- 國家加強武裝力量的革命化、現代化、正規化的建設，增強國防力量。
- 第三十條 中華人民共和國的行政區域劃分如下：  
(一) 全國分為省、自治區、直轄市；  
(二) 省、自治區分為自治州、縣、自治縣、市；  
(三) 縣、自治縣分為鄉、民族鄉、鎮。  
直轄市和較大的市分為區、縣。自治州分為縣、自治縣、市。  
自治區、自治州、自治縣都是民族自治地方。
- 第三十一條 國家在必要時得設立特別行政區。在特別行政區內實行的制度按照具體情況由全國人民代表大會以法律規定。
- 第三十二條 中華人民共和國保護在中國境內的外國人的合法權利和利益，在中國境內的外國人必須遵守中華人民共和國的法律。  
中華人民共和國對於因為政治原因要求避難的外國人，可以給予受庇護的權利。

## 第二章 公民的基本權利和義務

- 第三十三條 凡具有中華人民共和國國籍的人都是中華人民共和國公民。  
中華人民共和國公民在法律面前一律平等。  
國家尊重和保障人權。  
任何公民享有憲法和法律規定的權利，同時必須履行憲法和法律規定的義務。
- 第三十四條 中華人民共和國年滿十八周歲的公民，不分民族、種族、性別、職業、家庭出身、宗教信仰、教育程度、財產狀況、居住期限，都有選舉權和被選舉權；但是依照法律被剝奪政治權利的人除外。
- 第三十五條 中華人民共和國公民有言論、出版、集會、結社、遊行、示威的自由。
- 第三十六條 中華人民共和國公民有宗教信仰自由。  
任何國家機關、社會團體和個人不得強制公民信仰宗教或者不信仰宗教，不得歧視信仰宗教的公民和不信仰宗教的公民。  
國家保護正常的宗教活動。任何人不得利用宗教進行破壞社會秩序、損害公民身體健康、妨礙國家教育制度的活動。  
宗教團體和宗教事務不受外國勢力的支配。
- 第三十七條 中華人民共和國公民的人身自由不受侵犯。  
任何公民，非經人民檢察院批准或者決定或者人民法院決定，並由公安機關執行，不受逮捕。

- 禁止非法拘禁和以其他方法非法剝奪或者限制公民的人身自由，禁止非法搜查公民的身體。
- 第三十八條 中華人民共和國公民的人格尊嚴不受侵犯。禁止用任何方法對公民進行侮辱、誹謗和誣告陷害。
- 第三十九條 中華人民共和國公民的住宅不受侵犯。禁止非法搜查或者非法侵入公民的住宅。
- 第四十條 中華人民共和國公民的通信自由和通信秘密受法律的保護。除因國家安全或者追查刑事犯罪的需要，由公安機關或者檢察機關依照法律規定的程式對通信進行檢查外，任何組織或者個人不得以任何理由侵犯公民的通信自由和通信秘密。
- 第四十一條 中華人民共和國公民對於任何國家機關和國家工作人員，有提出批評和建議的權利；對於任何國家機關和國家工作人員的違法失職行為，有向有關國家機關提出申訴、控告或者檢舉的權利，但是不得捏造或者歪曲事實進行誣告陷害。
- 對於公民的申訴、控告或者檢舉，有關國家機關必須查清事實，負責處理。任何人不得壓制和打擊報復。
- 由於國家機關和國家工作人員侵犯公民權利而受到損失的人，有依照法律規定取得賠償的權利。
- 第四十二條 中華人民共和國公民有勞動的權利和義務。
- 國家通過各種途徑，創造勞動就業條件，加強勞動保護，改善勞動條件，並在發展生產的基礎上，提高勞動報酬和福利待遇。
- 勞動是一切有勞動能力的公民的光榮職責。國有企業和城鄉集體經濟組織的勞動者都應當以國家主人翁的態度對待自己的勞動。國家提倡社會主義勞動競賽，獎勵勞動模範和先進工作者。國家提倡公民從事義務勞動。
- 國家對就業前的公民進行必要的勞動就業訓練。
- 第四十三條 中華人民共和國勞動者有休息的權利。
- 國家發展勞動者休息和休養的設施，規定職工的工作時間和休假制度。
- 第四十四條 國家依照法律規定實行企業事業組織的職工和國家機關工作人員的退休制度。退休人員的生活受到國家和社會的保障。
- 第四十五條 中華人民共和國公民在年老、疾病或者喪失勞動能力的情況下，有從國家和社會獲得物質幫助的權利。國家發展為公民享受這些權利所需要的社會保險、社會救濟和醫療衛生事業。
- 國家和社會保障殘廢軍人的生活，撫恤烈士家屬，優待軍人家屬。
- 國家和社會幫助安排盲、聾、啞和其他有殘疾的公民的勞動、生活和教育。
- 第四十六條 中華人民共和國公民有受教育的權利和義務。
- 國家培養青年、少年、兒童在品德、智力、體質等方面全面發展。
- 第四十七條 中華人民共和國公民有進行科學研究、文學藝術創作和其他文化活動的自由。國家對於從事教育、科學、技術、文學、藝術和其他文化事業的公民的有益於人民的創造性工作，給以鼓勵和幫助。
- 第四十八條 中華人民共和國婦女在政治的、經濟的、文化的、社會的和家庭的生活等各方面享有同男子平等的權利。
- 國家保護婦女的權利和利益，實行男女同工同酬，培養和選拔婦女幹部。
- 第四十九條 婚姻、家庭、母親和兒童受國家的保護。
- 夫妻雙方有實行計劃生育的義務。
- 父母有撫養教育未成年子女的義務，成年子女有贍養扶助父母的義務。
- 禁止破壞婚姻自由，禁止虐待老人、婦女和兒童。
- 第五十條 中華人民共和國保護華僑的正當的權利和利益，保護歸僑和僑眷的合法的權利和利益。
- 第五十一條 中華人民共和國公民在行使自由和權利的時候，不得損害國家的、社會的、集體的利益和其他公民的合法的自由和權利。
- 第五十二條 中華人民共和國公民有維護國家統一和全國各民族團結的義務。
- 第五十三條 中華人民共和國公民必須遵守憲法和法律，保守國家秘密，愛護公共財產，遵守勞動紀律，遵守公共秩序，尊重社會公德。
- 第五十四條 中華人民共和國公民有維護祖國的安全、榮譽和利益的義務，不得有危害祖國的安全、榮譽和利益的行為。
- 第五十五條 保衛祖國、抵抗侵略是中華人民共和國每一個公民的神聖職責。
- 依照法律服兵役和參加民兵組織是中華人民共和國公民的光榮義務。

第五十六條 中華人民共和國公民有依照法律納稅的義務。

### 第三章 國家機構

#### 第一節 全國人民代表大會

第五十七條 中華人民共和國全國人民代表大會是最高國家權力機關。它的常設機關是全國人民代表大會常務委員會。

第五十八條 全國人民代表大會和全國人民代表大會常務委員會行使國家立法權。

第五十九條 全國人民代表大會由省、自治區、直轄市、特別行政區和軍隊選出的代表組成。各少數民族都應當有適當名額的代表。

全國人民代表大會代表的選舉由全國人民代表大會常務委員會主持。

全國人民代表大會代表名額和代表產生辦法由法律規定。

第六十條 全國人民代表大會每屆任期五年。

全國人民代表大會任期屆滿的兩個月以前，全國人民代表大會常務委員會必須完成下屆全國人民代表大會代表的選舉。如果遇到不能進行選舉的非常情況，由全國人民代表大會常務委員會以全體組成人員的三分之二以上的多數通過，可以推遲選舉，延長本屆全國人民代表大會的任期。在非常情況結束後一年內，必須完成下屆全國人民代表大會代表的選舉。

第六十一條 全國人民代表大會會議每年舉行一次，由全國人民代表大會常務委員會召集。如果全國人民代表大會常務委員會認為必要，或者有五分之一以上的全國人民代表大會代表提議，可以臨時召集全國人民代表大會會議。

全國人民代表大會舉行會議的時候，選舉主席團主持會議。

第六十二條 全國人民代表大會行使下列職權：

- (一) 修改憲法；
- (二) 監督憲法的實施；
- (三) 制定和修改刑事、民事、國家機構的和其他的基本法律；
- (四) 選舉中華人民共和國主席、副主席；
- (五) 根據中華人民共和國主席的提名，決定國務院總理的人選；根據國務院總理的提名，決定國務院副總理、國務委員、各部部長、各委員會主任、審計長、秘書長的人選；
- (六) 選舉中央軍事委員會主席；根據中央軍事委員會主席的提名，決定中央軍事委員會其他組成人員的人選；
- (七) 選舉最高人民法院院長；
- (八) 選舉最高人民檢察院檢察長；
- (九) 審查和批准國民經濟和社會發展計畫和計畫執行情況的報告；
- (十) 審查和批准國家的預算和預算執行情況的報告；
- (十一) 改變或者撤銷全國人民代表大會常務委員會不適當的決定；
- (十二) 批准省、自治區和直轄市的建置；
- (十三) 決定特別行政區的設立及其制度；
- (十四) 決定戰爭和和平的問題；
- (十五) 應當由最高國家權力機關行使的其他職權。

第六十三條 全國人民代表大會有權罷免下列人員：

- (一) 中華人民共和國主席、副主席；
- (二) 國務院總理、副總理、國務委員、各部部長、各委員會主任、審計長、秘書長；
- (三) 中央軍事委員會主席和中央軍事委員會其他組成人員；
- (四) 最高人民法院院長；
- (五) 最高人民檢察院檢察長。

第六十四條 憲法的修改，由全國人民代表大會常務委員會或者五分之一以上的全國人民代表大會代表提議，並由全國人民代表大會以全體代表的三分之二以上的多數通過。

法律和其他議案由全國人民代表大會以全體代表的過半數通過。

第六十五條 全國人民代表大會常務委員會由下列人員組成：

- 委員長，  
副委員長若干人，

秘書長，  
委員若干人。  
全國人民代表大會常務委員會組成人員中，應當有適當名額的少數民族代表。  
全國人民代表大會選舉並有權罷免全國人民代表大會常務委員會的組成人員。  
全國人民代表大會常務委員會的組成人員不得擔任國家行政機關、審判機關和檢察機關的職務。

第六十六條 全國人民代表大會常務委員會每屆任期同全國人民代表大會每屆任期相同，它行使職權到下屆全國人民代表大會選出新的常務委員會為止。

第六十七條 委員長、副委員長連續任職不得超過兩屆。  
全國人民代表大會常務委員會行使下列職權：  
(一) 解釋憲法，監督憲法的實施；  
(二) 制定和修改除應當由全國人民代表大會制定的法律以外的其他法律；  
(三) 在全國人民代表大會閉會期間，對全國人民代表大會制定的法律進行部分補充和修改，但是不得同該法律的基本原則相抵觸；  
(四) 解釋法律；  
(五) 在全國人民代表大會閉會期間，審查和批准國民經濟和社會發展計畫、國家預算在執行過程中所必須作的部分調整方案；  
(六) 監督國務院、中央軍事委員會、最高人民法院和最高人民檢察院的工作；  
(七) 撤銷國務院制定的同憲法、法律相抵觸的行政法規、決定和命令；  
(八) 撤銷省、自治區、直轄市國家權力機關制定的同憲法、法律和行政法規相抵觸的地方性法規和決議；  
(九) 在全國人民代表大會閉會期間，根據國務院總理的提名，決定部長、委員會主任、審計長、秘書長的人選；  
(十) 在全國人民代表大會閉會期間，根據中央軍事委員會主席的提名，決定中央軍事委員會其他組成人員的人選；  
(十一) 根據最高人民法院院長的提請，任免最高人民法院副院長、審判員、審判委員會委員和軍事法院院長；  
(十二) 根據最高人民檢察院檢察長的提請，任免最高人民檢察院副檢察長、檢察員、檢察委員會委員和軍事檢察院檢察長，並且批准省、自治區、直轄市的人民檢察院檢察長的任免；  
(十三) 決定駐外全權代表的任免；  
(十四) 決定同外國締結的條約和重要協定的批准和廢除；  
(十五) 規定軍人和外交人員的銜級制度和其他專門銜級制度；  
(十六) 規定和決定授予國家的勳章和榮譽稱號；  
(十七) 決定特赦；  
(十八) 在全國人民代表大會閉會期間，如果遇到國家遭受武裝侵犯或者必須履行國際間共同防止侵略的條約的情況，決定戰爭狀態的宣佈；  
(十九) 決定全國總動員或者局部動員；  
(二十) 決定全國或者個別省、自治區、直轄市進入緊急狀態；  
(二十一) 全國人民代表大會授予的其他職權。

第六十八條 全國人民代表大會常務委員會委員長主持全國人民代表大會常務委員會的工作，召集全國人民代表大會常務委員會會議。副委員長、秘書長協助委員長工作。

委員長、副委員長、秘書長組成委員長會議，處理全國人民代表大會常務委員會的重要日常工作。

第六十九條 全國人民代表大會常務委員會對全國人民代表大會負責並報告工作。

第七十條 全國人民代表大會設立民族委員會、法律委員會、財政經濟委員會、教育科學文化衛生委員會、外事委員會、華僑委員會和其他需要設立的專門委員會。在全國人民代表大會閉會期間，各專門委員會受全國人民代表大會常務委員會的領導。

各專門委員會在全國人民代表大會和全國人民代表大會常務委員會領導下，研究、審議和擬訂有關議案。

第七十一條 全國人民代表大會和全國人民代表大會常務委員會認為必要的時候，可以組織關於特定問題的調查委員會，並且根據調查委員會的報告，作出相應的決議。

調查委員會進行調查的時候，一切有關的國家機關、社會團體和公民都有義務向它

- 提供必要的材料。
- 第七十二條 全國人民代表大會代表和全國人民代表大會常務委員會組成人員，有權依照法律規定的程式分別提出屬於全國人民代表大會和全國人民代表大會常務委員會職權範圍內的議案。
- 第七十三條 全國人民代表大會代表在全國人民代表大會開會期間，全國人民代表大會常務委員會組成人員在常務委員會開會期間，有權依照法律規定的程式提出對國務院或者國務院各部、各委員會的質詢案。受質詢的機關必須負責答覆。
- 第七十四條 全國人民代表大會代表，非經全國人民代表大會會議主席團許可，在全國人民代表大會閉會期間非經全國人民代表大會常務委員會許可，不受逮捕或者刑事審判。
- 第七十五條 全國人民代表大會代表在全國人民代表大會各種會議上的發言和表決，不受法律追究。
- 第七十六條 全國人民代表大會代表必須模範地遵守憲法和法律，保守國家秘密，並且在自己參加的生產、工作和社會活動中，協助憲法和法律的實施。  
全國人民代表大會代表應當同原選舉單位和人民保持密切的聯繫，聽取和反映人民的意見和要求，努力為人民服務。
- 第七十七條 全國人民代表大會代表受原選舉單位的監督。原選舉單位有權依照法律規定的程式罷免本單位選出的代表。
- 第七十八條 全國人民代表大會和全國人民代表大會常務委員會的組織和工作程式由法律規定。

## 第二節 中華人民共和國主席

- 第七十九條 中華人民共和國主席、副主席由全國人民代表大會選舉。  
有選舉權和被選舉權的年滿四十五周歲的中華人民共和國公民可以被選為中華人民共和國主席、副主席。  
中華人民共和國主席、副主席每屆任期同全國人民代表大會每屆任期相同，連續任職不得超過兩屆。
- 第八十條 中華人民共和國主席根據全國人民代表大會的決定和全國人民代表大會常務委員會的決定，公佈法律，任免國務院總理、副總理、國務委員、各部部長、各委員會主任、審計長、秘書長，授予國家的勳章和榮譽稱號，發佈特赦令，宣佈進入緊急狀態，宣佈戰爭狀態，發佈動員令。
- 第八十一條 中華人民共和國主席代表中華人民共和國，進行國事活動，接受外國使節；根據全國人民代表大會常務委員會的決定，派遣和召回駐外全權代表，批准和廢除同外國締結的條約和重要協定。
- 第八十二條 中華人民共和國副主席協助主席工作。  
中華人民共和國副主席受主席的委託，可以代行主席的部分職權。
- 第八十三條 中華人民共和國主席、副主席行使職權到下屆全國人民代表大會選出的主席、副主席就職為止。
- 第八十四條 中華人民共和國主席缺位的時候，由副主席繼任主席的職位。  
中華人民共和國副主席缺位的時候，由全國人民代表大會補選。  
中華人民共和國主席、副主席都缺位的時候，由全國人民代表大會補選；在補選以前，由全國人民代表大會常務委員會委員長暫時代理主席職位。

## 第三節 國務院

- 第八十五條 中華人民共和國國務院，即中央人民政府，是最高國家權力機關的執行機關，是最高國家行政機關。
- 第八十六條 國務院由下列人員組成：  
總理，  
副總理若干人，  
國務委員若干人，  
各部部長，  
各委員會主任，  
審計長，  
秘書長。  
國務院實行總理負責制。各部、各委員會實行部長、主任負責制。

- 國務院的組織由法律規定。
- 第八十七條 國務院每屆任期同全國人民代表大會每屆任期相同。  
總理、副總理、國務委員連續任職不得超過兩屆。
- 第八十八條 總理領導國務院的工作。副總理、國務委員協助總理工作。  
總理、副總理、國務委員、秘書長組成國務院常務會議。  
總理召集和主持國務院常務會議和國務院全體會議。
- 第八十九條 國務院行使下列職權：  
(一) 根據憲法和法律，規定行政措施，制定行政法規，發佈決定和命令；  
(二) 向全國人民代表大會或者全國人民代表大會常務委員會提出議案；  
(三) 規定各部和各委員會的任務和職責，統一領導各部和各委員會的工作，並且領導不屬於各部和各委員會的全國性的行政工作；  
(四) 統一領導全國地方各級國家行政機關的工作，規定中央和省、自治區、直轄市的國家行政機關的職權的具體劃分；  
(五) 編制和執行國民經濟和社會發展計畫和國家預算；  
(六) 領導和管理經濟工作和城鄉建設；  
(七) 領導和管理教育、科學、文化、衛生、體育和計劃生育工作；  
(八) 領導和管理民政、公安、司法行政和監察等工作；  
(九) 管理對外事務，同外國締結條約和協定；  
(十) 領導和管理國防建設事業；  
(十一) 領導和管理民族事務，保障少數民族的平等權利和民族自治地方的自治權利；  
(十二) 保護華僑的正當的權利和利益，保護歸僑和僑眷的合法的權利和利益；  
(十三) 改變或者撤銷各部、各委員會發佈的不適當的命令、指示和規章；  
(十四) 改變或者撤銷地方各級國家行政機關的不適當的決定和命令；  
(十五) 批准省、自治區、直轄市的區域劃分，批准自治州、縣、自治縣、市的建置和區域劃分；  
(十六) 依照法律規定決定省、自治區、直轄市的範圍內部分地區進入緊急狀態；  
(十七) 審定行政機構的編制，依照法律規定任免、培訓、考核和獎懲行政人員；  
(十八) 全國人民代表大會和全國人民代表大會常務委員會授予的其他職權。
- 第九十條 國務院各部部长、各委员会主任負責本部門的工作；召集和主持部務會議或者委員會會議、委務會議，討論決定本部門工作的重大問題。  
各部、各委員會根據法律和國務院的行政法規、決定、命令，在本部門的許可權內，發佈命令、指示和規章。
- 第九十一條 國務院設立審計機關，對國務院各部門和地方各級政府的財政收支，對國家的財政金融機構和企業事業組織的財務收支，進行審計監督。  
審計機關在國務院總理領導下，依照法律規定獨立行使審計監督權，不受其他行政機關、社會團體和個人的干涉。
- 第九十二條 國務院對全國人民代表大會負責並報告工作；在全國人民代表大會閉會期間，對全國人民代表大會常務委員會負責並報告工作。

#### 第四節 中央軍事委員會

- 第九十三條 中華人民共和國中央軍事委員會領導全國武裝力量。  
中央軍事委員會由下列人員組成：  
主席，  
副主席若干人，  
委員若干人。  
中央軍事委員會實行主席負責制。  
中央軍事委員會每屆任期同全國人民代表大會每屆任期相同。
- 第九十四條 中央軍事委員會主席對全國人民代表大會和全國人民代表大會常務委員會負責。

#### 第五節 地方各級人民代表大會和地方各級人民政府

- 第九十五條 省、直轄市、縣、市、市轄區、鄉、民族鄉、鎮設立人民代表大會和人民政府。  
地方各級人民代表大會和地方各級人民政府的組織由法律規定。  
自治區、自治州、自治縣設立自治機關。自治機關的組織和工作根據憲法第三章第

- 五節、第六節規定的基本原則由法律規定。
- 第九十六條 地方各級人民代表大會是地方國家權力機關。
- 縣級以上的地方各級人民代表大會設立常務委員會。
- 第九十七條 省、直轄市、設區的市的人民代表大會代表由下一級的人民代表大會選舉；縣、不設區的市、市轄區、鄉、民族鄉、鎮的人民代表大會代表由選民直接選舉。
- 地方各級人民代表大會代表名額和代表產生辦法由法律規定。
- 第九十八條 地方各級人民代表大會每屆任期五年。
- 第九十九條 地方各級人民代表大會在本行政區域內，保證憲法、法律、行政法規的遵守和執行；依照法律規定的許可權，通過和發佈決議，審查和決定地方的經濟建設、文化建設和公共事業建設的計畫。
- 縣級以上的地方各級人民代表大會審查和批准本行政區域內的國民經濟和社會發展計畫、預算以及它們的執行情況的報告；有權改變或者撤銷本級人民代表大會常務委員會不適當的決定。
- 民族鄉的人民代表大會可以依照法律規定的許可權採取適合民族特點的具體措施。
- 第一百條 省 直轄市的人民代表大會和它們的常務委員會，在不同憲法、法律、行政法規相抵觸的前提下，可以制定地方性法規，報全國人民代表大會常務委員會備案。
- 第一百零一條 地方各級人民代表大會分別選舉並且有權罷免本級人民政府的省長和副省長、市長和副市長、縣長和副縣長、區長和副區長、鄉長和副鄉長、鎮長和副鎮長。
- 縣級以上的地方各級人民代表大會選舉並且有權罷免本級人民法院長和本級人民檢察院檢察長。選出或者罷免人民檢察院檢察長，須報上級人民檢察院檢察長提請該級人民代表大會常務委員會批准。
- 第一百零二條 省、直轄市、設區的市的人民代表大會代表受原選舉單位的監督；縣、不設區的市、市轄區、鄉、民族鄉、鎮的人民代表大會代表受選民的監督。
- 地方各級人民代表大會代表的選舉單位和選民有權依照法律規定的程式罷免由他們選出的代表。
- 第一百零三條 縣級以上的地方各級人民代表大會常務委員會由主任、副主任若干人和委員若干人組成，對本級人民代表大會負責並報告工作。
- 縣級以上的地方各級人民代表大會選舉並有權罷免本級人民代表大會常務委員會的組成人員。
- 縣級以上的地方各級人民代表大會常務委員會的組成人員不得擔任國家行政機關、審判機關和檢察機關的職務。
- 第一百零四條 縣級以上的地方各級人民代表大會常務委員會討論、決定本行政區域內各方面工作的重大事項；監督本級人民政府、人民法院和人民檢察院的工作；撤銷本級人民政府的不適當的決定和命令；撤銷下一級人民代表大會的不適當的決議；依照法律規定的許可權決定國家機關工作人員的任免；在本級人民代表大會閉會期間，罷免和補選上一級人民代表大會的個別代表。
- 第一百零五條 地方各級人民政府是地方各級國家權力機關的執行機關，是地方各級國家行政機關。
- 地方各級人民政府實行省長、市長、縣長、區長、鄉長、鎮長負責制。
- 第一百零六條 地方各級人民政府每屆任期同本級人民代表大會每屆任期相同。
- 第一百零七條 縣級以上地方各級人民政府依照法律規定的許可權，管理本行政區域內的經濟、教育、科學、文化、衛生、體育事業、城鄉建設事業和財政、民政、公安、民族事務、司法行政、監察、計劃生育等行政工作，發佈決定和命令，任免、培訓、考核和獎懲行政工作人員。
- 鄉、民族鄉、鎮的人民政府執行本級人民代表大會的決議和上級國家行政機關的決定和命令，管理本行政區域內的行政工作。
- 省、直轄市的人民政府決定鄉、民族鄉、鎮的建置和區域劃分。
- 第一百零八條 縣級以上的地方各級人民政府領導所屬各工作部門和下級人民政府的工作，有權改變或者撤銷所屬各工作部門和下級人民政府的不適當的決定。
- 第一百零九條 縣級以上的地方各級人民政府設立審計機關。地方各級審計機關依照法律規定獨立行使審計監督權，對本級人民政府和上一級審計機關負責。
- 第一百一十條 地方各級人民政府對本級人民代表大會負責並報告工作。縣級以上的地方各級人民政府在本級人民代表大會閉會期間，對本級人民代表大會常務委員會負責並報告工作。
- 地方各級人民政府對上一級國家行政機關負責並報告工作。全國地方各級人民政府

都是國務院統一領導下的國家行政機關，都服從國務院。

第一百一十一條 城市和農村按居民居住地區設立的居民委員會或者村民委員會是基層群眾性自治組織。居民委員會、村民委員會的主任、副主任和委員由居民選舉。居民委員會、村民委員會同基層政權的相互關係由法律規定。

居民委員會、村民委員會設人民調解、治安保衛、公共衛生等委員會，辦理本居住地區的公共事務和公益事業，調解民間糾紛，協助維護社會治安，並且向人民政府反映群眾的意見、要求和提出建議。

#### 第六節 民族自治地方的自治機關

第一百一十二條 民族自治地方的自治機關是自治區、自治州、自治縣的人民代表大會和人民政府。

第一百一十三條 自治區、自治州、自治縣的人民代表大會中，除實行區域自治的民族的代表外，其他居住在本行政區域內的民族也應當有適當名額的代表。

自治區、自治州、自治縣的人民代表大會常務委員會中應當有實行區域自治的民族的人民擔任主任或者副主任。

第一百一十四條 自治區主席、自治州州長、自治縣縣長由實行區域自治的民族的人民擔任。

第一百一十五條 自治區、自治州、自治縣的自治機關行使憲法第三章第五節規定的地方國家機關的職權，同時依照憲法、民族區域自治法和其他法律規定的許可權行使自治權，根據本地方實際情況貫徹執行國家的法律、政策。

第一百一十六條 民族自治地方的人民代表大會依照當地民族的政治、經濟和文化的特點，制定自治條例和單行條例。自治區的自治條例和單行條例，報全國人民代表大會常務委員會批准後生效。自治州、自治縣的自治條例和單行條例，報省或者自治區的人民代表大會常務委員會批准後生效，並報全國人民代表大會常務委員會備案。

第一百一十七條 民族自治地方的自治機關有管理地方財政的自治權。凡是依照國家財政體制屬於民族自治地方的財政收入，都應當由民族自治地方的自治機關自主地安排使用。

第一百一十八條 民族自治地方的自治機關在國家計畫的指導下，自主地安排和管理地方性的經濟建設事業。

國家在民族自治地方開發資源、建設企業的時候，應當照顧民族自治地方的利益。

第一百一十九條 民族自治地方的自治機關自主地管理本地方的教育、科學、文化、衛生、體育事業，保護和整理民族的文化遺產，發展和繁榮民族文化。

第一百二十條 民族自治地方的自治機關依照國家的軍事制度和當地的實際需要，經國務院批准，可以組織本地方維護社會治安的公安部隊。

第一百二十一條 民族自治地方的自治機關在執行職務的時候，依照本民族自治地方自治條例的規定，使用當地通用的一種或者幾種語言文字。

第一百二十二條 國家從財政、物資、技術等方面說明各少數民族加速發展經濟建設和文化建設事業。

國家幫助民族自治地方從當地民族中大量培養各級幹部、各種專業人才和技術工人。

#### 第七節 人民法院和人民檢察院

第一百二十三條 中華人民共和國人民法院是國家的審判機關。

第一百二十四條 中華人民共和國設立最高人民法院、地方各級人民法院和軍事法院等專門人民法院。

最高人民法院院長每屆任期同全國人民代表大會每屆任期相同，連續任職不得超過兩屆。

人民法院的組織由法律規定。

第一百二十五條 人民法院審理案件，除法律規定的特別情況外，一律公開進行。被告人有權獲得辯護。

第一百二十六條 人民法院依照法律規定獨立行使審判權，不受行政機關、社會團體和個人的干涉。

第一百二十七條 最高人民法院是最高審判機關。

最高人民法院監督地方各級人民法院和專門人民法院的審判工作，上級人民法院監督下級人民法院的審判工作。

第一百二十八條 最高人民法院對全國人民代表大會和全國人民代表大會常務委員會負責。地方各級人民法院對產生它的國家權力機關負責。

第一百二十九條 中華人民共和國人民檢察院是國家的法律監督機關。

第一百三十條 中華人民共和國設立最高人民檢察院、地方各級人民檢察院和軍事檢察院等專門人民檢察院。

最高人民檢察院檢察長每屆任期同全國人民代表大會每屆任期相同，連續任職不得



超過兩屆。

人民檢察院的組織由法律規定。

第一百三十一條 人民檢察院依照法律規定獨立行使檢察權，不受行政機關、社會團體和個人的干涉。

第一百三十二條 最高人民檢察院是最高檢察機關。

最高人民檢察院領導地方各級人民檢察院和專門人民檢察院的工作，上級人民檢察院領導下級人民檢察院的工作。

第一百三十三條 最高人民檢察院對全國人民代表大會和全國人民代表大會常務委員會負責。地方各級人民檢察院對產生它的國家權力機關和上級人民檢察院負責。

第一百三十四條 各民族公民都有用本民族語言文字進行訴訟的權利。人民法院和人民檢察院對於不通曉當地通用的語言文字的訴訟參與人，應當為他們翻譯。

在少數民族聚居或者多民族共同居住的地區，應當用當地通用的語言進行審理；起訴書、判決書、佈告和其他文書應當根據實際需要使用當地通用的一種或者幾種文字。

第一百三十五條 人民法院、人民檢察院和公安機關辦理刑事案件，應當分工負責，互相配合，互相制約，以保證準確有效地執行法律。

#### 第四章 國旗、國歌、國徽、首都

第一百三十六條 中華人民共和國國旗是五星紅旗。

中華人民共和國國歌是《義勇軍進行曲》。

第一百三十七條 中華人民共和國國徽，中間是五星照耀下的天安門，周圍是穀穗和齒輪。

第一百三十八條 中華人民共和國首都是北京。

#### 中華人民共和國憲法修正案

##### ① 中華人民共和國憲法修正案 (1988年4月12日第七屆全國人民代表大會第一次會議通過)

附註：

本文件在香港法例活頁版中並無編配章號，但在雙語法例資料系統中獲配以一個非正式的參考編號以作識別，並讓使用者可藉該非正式的參考編號就該文件進行搜尋。

中華人民共和國憲法修正案

(1988年4月12日第七屆全國人民代表大會第一次會議通過)

1988年4月12日全國人民代表大會公告公布施行)

第一條 憲法第十一條增加規定：“國家允許私營經濟在法律規定的範圍內存在和發展。私營經濟是社會主義公有制經濟的補充。國家保護私營經濟的合法的權利和利益，對私營經濟實行引導、監督和管理。”

第二條 憲法第十條第四款“任何組織或者個人不得侵佔、買賣、出租或者以其他形式非法轉讓土地。”修改為：“任何組織或者個人不得侵佔、買賣或者以其他形式非法轉讓土地。土地的使用權可以依照法律的規定轉讓。”

##### ② 中華人民共和國憲法修正案 (1993年3月29日第八屆全國人民代表大會第一次會議通過)

附註：

本文件在香港法例活頁版中並無編配章號，但在雙語法例資料系統中獲配以一個非正式的參考編號以作識別，並讓使用者可藉該非正式的參考編號就該文件進行搜尋。

中華人民共和國憲法修正案

(1993年3月29日第八屆全國人民代表大會第一次會議通過)

1993年3月29日全國人民代表大會公告公布施行)

第三條 憲法序言第七自然段後兩句：“今後國家的根本任務是集中力量進行社會主義現代化建設。中國各族人民將繼續在中國共產黨領導下，在馬克思列寧主義、毛澤東思想指引下，堅持人民民主專政，堅持社會主義道路，不斷完善社會主義的各項制度，發展社會主義民主，健全社會主義法制，自力更生，艱苦奮鬥，逐步實現工業、農業、國防和科學技術的現代化，把我國建設成為高度文明、高度民主的社會主義國家。”修改為：“我國正處於社會主義初級階段。國家的根本任務是，根據建設有中國特色社會主義的理論，集中力量進行社會主義現代化建設。中國各族人民將繼續在中國共產黨領導下，在馬克思列寧主義、毛澤東思想指引下，堅持人民民主專政，堅持社會主義道路，堅持改革開

- 放，不斷完善社會主義的各項制度，發展社會主義民主，健全社會主義法制，自力更生，艱苦奮鬥，逐步實現工業、農業、國防和科學技術的現代化，把我國建設成為富強、民主、文明的社會主義國家。”
- 第四條 憲法序言第十自然段末尾增加：“中國共產黨領導的多黨合作和政治協商制度將長期存在和發展。”
- 第五條 憲法第七條：“國營經濟是社會主義全民所有制經濟，是國民經濟中的主導力量。國家保障國營經濟的鞏固和發展。”修改為：“國有經濟，即社會主義全民所有制經濟，是國民經濟中的主導力量。國家保障國有經濟的鞏固和發展。”
- 第六條 憲法第八條第一款：“農村人民公社、農業生產合作社和其他生產、供銷、信用、消費等各種形式的合作經濟，是社會主義勞動群眾集體所有制經濟。參加農村集體經濟組織的勞動者，有權在法律規定的範圍內經營自留地、自留山、家庭副業和飼養自留畜。”修改為：“農村中的家庭聯產承包為主的責任制和生產、供銷、信用、消費等各種形式的合作經濟，是社會主義勞動群眾集體所有制經濟。參加農村集體經濟組織的勞動者，有權在法律規定的範圍內經營自留地、自留山、家庭副業和飼養自留畜。”
- 第七條 憲法第十五條：“國家在社會主義公有制基礎上實行計劃經濟。國家通過經濟計劃的綜合平衡和市場調節的輔助作用，保證國民經濟按比例地協調發展。”“禁止任何組織或者個人擾亂社會經濟秩序，破壞國家經濟計劃。”修改為：“國家實行社會主義市場經濟。”“國家加強經濟立法，完善宏觀調控。”“國家依法禁止任何組織或者個人擾亂社會經濟秩序。”
- 第八條 憲法第十六條：“國營企業在服從國家的統一領導和全面完成國家計劃的前提下，在法律規定的範圍內，有經營管理的自主權。”“國營企業依照法律規定，通過職工代表大會和其他形式，實行民主管理。”修改為：“國有企業在法律規定的範圍內有權自主經營。”“國有企業依照法律規定，通過職工代表大會和其他形式，實行民主管理。”
- 第九條 憲法第十七條：“集體經濟組織在接受國家計劃指導和遵守有關法律的前提下，有獨立進行經濟活動的自主權。”“集體經濟組織依照法律規定實行民主管理，由它的全體勞動者選舉和罷免管理人員，決定經營管理的重大問題。”修改為：“集體經濟組織在遵守有關法律的前提下，有獨立進行經濟活動的自主權。”“集體經濟組織實行民主管理，依照法律規定選舉和罷免管理人員，決定經營管理的重大問題。”
- 第十條 憲法第四十二條第三款：“勞動是一切有勞動能力的公民的光榮職責。國營企業和城鄉集體經濟組織的勞動者都應當以國家主人翁的態度對待自己的勞動。國家提倡社會主義勞動競賽，獎勵勞動模範和先進工作者。國家提倡公民從事義務勞動。”修改為：“勞動是一切有勞動能力的公民的光榮職責。國有企業和城鄉集體經濟組織的勞動者都應當以國家主人翁的態度對待自己的勞動。國家提倡社會主義勞動競賽，獎勵勞動模範和先進工作者。國家提倡公民從事義務勞動。”
- 第十一條 憲法第九十八條：“省、直轄市、設區的市的人民代表大會每屆任期五年。縣、不設區的市、市轄區、鄉、民族鄉、鎮的人民代表大會每屆任期三年。”修改為：“省、直轄市、縣、市、市轄區的人民代表大會每屆任期五年。鄉、民族鄉、鎮的人民代表大會每屆任期三年。”

③ 中華人民共和國憲法修正案（1999年3月15日第九屆全國人民代表大會第二次會議通過）

附註：

本文件在香港法例活頁版中並無編配章號，但在雙語法例資料系統中獲配以一個非正式的參考編號以作識別，並讓使用者可藉該非正式的參考編號就該文件進行搜尋。

中華人民共和國憲法修正案

(1999年3月15日第九屆全國人民代表大會第二次會議通過)

1999年3月15日全國人民代表大會公告公布施行)

- 第十二條 憲法序言第七自然段：“中國新民主主義革命的勝利和社會主義事業的成就，都是中國共產黨領導中國各族人民，在馬克思列寧主義、毛澤東思想的指引下，堅持真理，修正錯誤，戰勝許多艱難險阻而取得的。我國正處於社會主義初級階段。國家的根本任務是，根據建設有中國特色社會主義的理論，集中力量進行社會主義現代化建設。中國各族人民將繼續在中國共產黨領導下，在馬克思列寧主義、毛澤東思想指引下，堅持人民民主專政，堅持社會主義道路，堅持改革開放，不斷完善社會主義的各項制度，發展社會主義民主，健全社會主義法制，自力更生，艱苦奮鬥，逐步實現工業、農業、國防和科學

- 技術的現代化，把我國建設成為富強、民主、文明的社會主義國家。”修改為：“中國新民主主義革命的勝利和社會主義事業的成就，是中國共產黨領導中國各族人民，在馬克思列寧主義、毛澤東思想的指引下，堅持真理，修正錯誤，戰勝許多艱難險阻而取得的。我國將長期處於社會主義初級階段。國家的根本任務是，沿着建設有中國特色社會主義的道路，集中力量進行社會主義現代化建設。中國各族人民將繼續在中國共產黨領導下，在馬克思列寧主義、毛澤東思想、鄧小平理論指引下，堅持人民民主專政，堅持社會主義道路，堅持改革開放，不斷完善社會主義的各項制度，發展社會主義市場經濟，發展社會主義民主，健全社會主義法制，自力更生，艱苦奮鬥，逐步實現工業、農業、國防和科學技術的現代化，把我國建設成為富強、民主、文明的社會主義國家。”
- 第十三條 憲法第五條增加一款，作為第一款，規定：“中華人民共和國實行依法治國，建設社會主義法治國家。”
- 第十四條 憲法第六條：“中華人民共和國的社會主義經濟制度的基礎是生產資料的社會主義公有制，即全民所有制和勞動群眾集體所有制。”“社會主義公有制消滅人剝削人的制度，實行各盡所能，按勞分配的原則。”修改為：“中華人民共和國的社會主義經濟制度的基礎是生產資料的社會主義公有制，即全民所有制和勞動群眾集體所有制。社會主義公有制消滅人剝削人的制度，實行各盡所能、按勞分配的原則。”“國家在社會主義初級階段，堅持公有制為主體、多種所有制經濟共同發展的基本經濟制度，堅持按勞分配為主體、多種分配方式並存的分配制度。”
- 第十五條 憲法第八條第一款：“農村中的家庭聯產承包為主的責任制和生產、供銷、信用、消費等各種形式的合作經濟，是社會主義勞動群眾集體所有制經濟。參加農村集體經濟組織的勞動者，有權在法律規定的範圍內經營自留地、自留山、家庭副業和飼養自留畜。”修改為：“農村集體經濟組織實行家庭承包經營為基礎、統分結合的雙層經營體制。農村中的生產、供銷、信用、消費等各種形式的合作經濟，是社會主義勞動群眾集體所有制經濟。參加農村集體經濟組織的勞動者，有權在法律規定的範圍內經營自留地、自留山、家庭副業和飼養自留畜。”
- 第十六條 憲法第十一條：“在法律規定範圍內的城鄉勞動者個體經濟，是社會主義公有制經濟的補充。國家保護個體經濟的合法的權利和利益。”“國家通過行政管理，指導、幫助和監督個體經濟。”“國家允許私營經濟在法律規定的範圍內存在和發展。私營經濟是社會主義公有制經濟的補充。國家保護私營經濟的合法的權利和利益，對私營經濟實行引導、監督和管理。”修改為：“在法律規定範圍內的個體經濟、私營經濟等非公有制經濟，是社會主義市場經濟的重要組成部分。”“國家保護個體經濟、私營經濟的合法的權利和利益。國家對個體經濟、私營經濟實行引導、監督和管理。”
- 第十七條 憲法第二十八條：“國家維護社會秩序，鎮壓叛國和其他反革命的活動，制裁危害社會治安、破壞社會主義經濟和其他犯罪的活動，懲辦和改造犯罪分子。”修改為：“國家維護社會秩序，鎮壓叛國和其他危害國家安全的犯罪活動，制裁危害社會治安、破壞社會主義經濟和其他犯罪的活動，懲辦和改造犯罪分子。”

④ 中華人民共和國憲法修正案（2004年3月14日第十屆全國人民代表大會第二次會議通過）

- 第十八條 憲法序言第七自然段中“在馬克思列寧主義、毛澤東思想、鄧小平理論指引下”修改為“在馬克思列寧主義、毛澤東思想、鄧小平理論和‘三個代表’重要思想指引下”，“沿著建設有中國特色社會主義的道路”修改為“沿著中國特色社會主義道路”，“逐步實現工業、農業、國防和科學技術的現代化”之後增加“推動物質文明、政治文明和精神文明協調發展”。這一自然段相應地修改為：“中國新民主主義革命的勝利和社會主義事業的成就，是中國共產黨領導中國各族人民，在馬克思列寧主義、毛澤東思想的指引下，堅持真理，修正錯誤，戰勝許多艱難險阻而取得的。我國將長期處於社會主義初級階段。國家的根本任務是，沿著中國特色社會主義道路，集中力量進行社會主義現代化建設。中國各族人民將繼續在中國共產黨領導下，在馬克思列寧主義、毛澤東思想、鄧小平理論和‘三個代表’重要思想指引下，堅持人民民主專政，堅持社會主義道路，堅持改革開放，不斷完善社會主義的各項制度，發展社會主義市場經濟，發展社會主義民主，健全社會主義法制，自力更生，艱苦奮鬥，逐步實現工業、農業、國防和科學技術的現代化，推動物質文明、政治文明和精神文明協調發展，把我國建設成為富強、民主、文明的社會主義國家。”



- 第十九條 憲法序言第十自然段第二句“在長期的革命和建設過程中，已經結成由中國共產黨領導的，有各民主黨派和各人民團體參加的，包括全體社會主義勞動者、擁護社會主義的愛國者和擁護祖國統一的愛國者的廣泛的愛國統一戰線，這個統一戰線將繼續鞏固和發展。”修改為：“在長期的革命和建設過程中，已經結成由中國共產黨領導的，有各民主黨派和各人民團體參加的，包括全體社會主義勞動者、社會主義事業的建設者、擁護社會主義的愛國者和擁護祖國統一的愛國者的廣泛的愛國統一戰線，這個統一戰線將繼續鞏固和發展。”
- 第二十條 憲法第十條第三款“國家為了公共利益的需要，可以依照法律規定對土地實行徵用。”修改為：“國家為了公共利益的需要，可以依照法律規定對土地實行徵收或者徵用並給予補償。”
- 第二十一條 憲法第十一條第二款“國家保護個體經濟、私營經濟的合法的權利和利益。國家對個體經濟、私營經濟實行引導、監督和管理。”修改為：“國家保護個體經濟、私營經濟等非公有制經濟的合法的權利和利益。國家鼓勵、支持和引導非公有制經濟的發展，並對非公有制經濟依法實行監督和管理。”
- 第二十二條 憲法第十三條“國家保護公民的合法的收入、儲蓄、房屋和其他合法財產的所有權。”“國家依照法律規定保護公民的私有財產的繼承權。”修改為：“公民的合法的私有財產不受侵犯。”“國家依照法律規定保護公民的私有財產權和繼承權。”“國家為了公共利益的需要，可以依照法律規定對公民的私有財產實行徵收或者徵用並給予補償。”
- 第二十三條 憲法第十四條增加一款，作為第四款：“國家建立健全同經濟發展水平相適應的社會保障制度。”
- 第二十四條 憲法第三十三條增加一款，作為第三款：“國家尊重和保障人權。”第三款相應地改為第四款。
- 第二十五條 憲法第五十九條第一款“全國人民代表大會由省、自治區、直轄市和軍隊選出的代表組成。各少數民族都應當有適當名額的代表。”修改為：“全國人民代表大會由省、自治區、直轄市、特別行政區和軍隊選出的代表組成。各少數民族都應當有適當名額的代表。”
- 第二十六條 憲法第六十七條全國人民代表大會常務委員會職權第二十項“（二十）決定全國或者個別省、自治區、直轄市的戒嚴”修改為“（二十）決定全國或者個別省、自治區、直轄市進入緊急狀態”。
- 第二十七條 憲法第八十條“中華人民共和國主席根據全國人民代表大會的決定和全國人民代表大會常務委員會的決定，公布法律，任免國務院總理、副總理、國務委員、各部部长、各委員會主任、審計長、秘書長，授予國家的勳章和榮譽稱號，發布特赦令，發布戒嚴令，宣布戰爭狀態，發布動員令。”修改為：“中華人民共和國主席根據全國人民代表大會的決定和全國人民代表大會常務委員會的決定，公布法律，任免國務院總理、副總理、國務委員、各部部长、各委員會主任、審計長、秘書長，授予國家的勳章和榮譽稱號，發布特赦令，宣布進入緊急狀態，宣布戰爭狀態，發布動員令。”
- 第二十八條 憲法第八十一條“中華人民共和國主席代表中華人民共和國，接受外國使節；根據全國人民代表大會常務委員會的決定，派遣和召回駐外全權代表，批准和廢除同外國締結的條約和重要協定。”修改為：“中華人民共和國主席代表中華人民共和國，進行國事活動，接受外國使節；根據全國人民代表大會常務委員會的決定，派遣和召回駐外全權代表，批准和廢除同外國締結的條約和重要協定。”
- 第二十九條 憲法第八十九條國務院職權第十六項“（十六）決定省、自治區、直轄市的範圍內部分地區的戒嚴”修改為“（十六）依照法律規定決定省、自治區、直轄市的範圍內部分地區進入緊急狀態”。
- 第三十條 憲法第九十八條“省、直轄市、縣、市、市轄區的人民代表大會每屆任期五年。鄉、民族鄉、鎮的人民代表大會每屆任期三年。”修改為：“地方各級人民代表大會每屆任期五年。”
- 第三十一條 憲法第四章章名“國旗、國徽、首都”修改為“國旗、國歌、國徽、首都”。憲法第一百三十六條增加一款，作為第二款：“中華人民共和國國歌是《義勇軍進行曲》。”