

Organic Law of the National People's Congress of the People's Republic of China

(Adopted at the Fifth Session of the Fifth National People's Congress and promulgated for implementation by the proclamation of the National People's Congress on December 10, 1982)

Contents

Chapter I Sessions of the National People's Congress

Chapter II The Standing Committee of the National People's Congress

Chapter III The Committees of the National People's Congress

Chapter IV Deputies to the National People's Congress

Chapter I

Sessions of the National People's Congress

Article 1 Sessions of the National People's Congress shall be convened in accordance with the relevant provisions of the Constitution of the People's Republic of China.

The first session of each National People's Congress shall be convened by the Standing Committee of the previous National People's Congress within two months of the election of deputies to the current National People's Congress.

Article 2 A month before the convening of a session of the National People's Congress, its Standing Committee shall notify the deputies of the date of the session and of the main items on the proposed agenda.

The provisions of the preceding paragraph shall not apply to specially convened sessions of the National People's Congress.

Article 3 After deputies to the National People's Congress have been elected, their credentials shall be examined by the Credentials Committee of the Standing Committee of the National People's Congress.

Based on the reports submitted by the Credentials Committee, the Standing Committee of the National People's Congress shall affirm the qualifications of deputies or invalidate the election of individual deputies, and shall publish the list of affirmed deputies prior to the first session of each National People's Congress.

Deputies to the National People's Congress who are elected through by-elections shall have their credentials examined in accordance with the provisions of the preceding paragraphs.

Article 4 Deputies to the National People's Congress shall be grouped into delegations based on the units that elect them. Each delegation shall elect a head and deputy-heads.

Before each session of the National People's Congress is convened, the delegations shall discuss matters concerning preparations for the session put forward by the Standing Committee of the National People's Congress. During the session, the delegations shall deliberate on the bills and proposals submitted to the Congress, and the heads of delegations or representatives chosen by them may express, on behalf of those delegations, opinions on the bills and proposals at meetings of the Presidium or at plenary meetings of the session.

Article 5 Before each session of the National People's Congress, a preparatory meeting shall be held to elect a Presidium and a Secretary-General for the session, adopt an agenda for that session and make decisions on other preparatory work.

The preparatory meeting shall be presided over by the Standing Committee of the National People's Congress. The preparatory meeting of the first session of each National People's Congress shall be conducted by the Standing Committee of the previous National People's Congress.

Article 6 The Presidium shall preside over the sessions of the National People's Congress.

The Presidium shall elect some of its members to rotate as executive chairmen of the sessions.

Standing chairmen shall be elected by the Presidium to convene and preside over meetings of the Presidium.

Article 7 For each session, the National People's Congress shall set up a secretariat which shall work under the direction of the Secretary-General.

Each session of the National People's Congress shall install several Deputy Secretaries-General, whose choice shall be decided on by the Presidium.

Article 8 Members of the State Council, members of the Central Military Commission, the President of the Supreme People's Court and the Procurator-General of the Supreme People's Procuratorate may attend meetings of the National People's Congress but without voting rights. By decision of the Presidium, responsible officers of other State organs and public organizations may also attend meetings of the National People's Congress without voting rights.

Article 9 The Presidium, the Standing Committee and the special committees of the National People's Congress, the State Council, the Central Military Commission, the Supreme People's Court and the Supreme People's Procuratorate may submit to the National People's Congress bills or proposals that fall within the scope of its functions and powers. The Presidium shall decide whether to refer the bills or proposals to the various delegations or to the delegations and relevant special committees for deliberation. The result of the deliberations shall then be reported to the Presidium which may, after its own deliberation and decision, put the bills or proposals to a vote at a plenary meeting.

Article 10 A delegation or a group of thirty or more deputies may submit to the National People's Congress bills or proposals that fall within the scope of its functions and powers. The Presidium may decide whether or not to put the bills or proposals on the agenda of the Congress, or it may refer the bills or proposals to the relevant special committees for deliberation and, after receiving their opinions, decide whether or not to put the bills or proposals on the agenda of the Congress.

Article 11 Deliberation on a bill or proposal submitted to the National People's Congress shall terminate upon the request of its sponsor for its withdrawal before it is put to a vote in the Congress.

Article 12 Sessions of the National People's Congress shall adopt bills amending the Constitution, legislative bills and other bills in accordance with the relevant provisions of the Constitution of the People's Republic of China.

Article 13 Candidates for Chairman, Vice-Chairmen, Secretary-General and other members of the Standing Committee of the National People's Congress, President and Vice-President of the People's Republic of China, Chairman of the Central Military Commission, President of the Supreme People's Court and Procurator-General of the Supreme People's Procuratorate shall be nominated by the Presidium which, after consultation among the various delegations, shall decide upon a formal list of candidates, based on the opinion of the majority of deputies.

Article 14 The Premier and other members of the State Council and members of the Central Military Commission other than its Chairman shall be nominated in accordance with the relevant provisions of the Constitution.

Article 15 Proposals for the removal from office of a member of the Standing Committee of the National People's Congress, the President or Vice-President of the People's Republic of China, a member of the State Council or the Central Military Commission, the President of the Supreme People's Court or the Procurator-General of the Supreme People's Procuratorate may be submitted by three or more delegations or at least one-tenth of the number of deputies to the National People's Congress. The Presidium shall then put the proposal before the Congress for deliberation.

Article 16 During a session of the National People's Congress, a delegation or a group of thirty or more deputies may address written questions to the State Council and the ministries and commissions under the State Council. The Presidium shall decide whether to refer the questions to the organs concerned for written replies or to ask the leaders of those organs to give oral replies at meetings of the Presidium, the relevant special committees or the relevant delegations. If the replies are to be given at meetings of the Presidium or special committees, the head of the delegation or of the group of deputies who addressed the questions may also attend the meetings to express their opinions.

Article 17 During deliberation on a bill or proposal in the National People's Congress, deputies may address inquiries to the relevant State organs, and those organs shall send their representatives to give explanations at group meetings of the deputies or at delegation meetings.

Article 18 At sessions of the National People's Congress, elections may be conducted and bills may be passed by secret ballot, by a show of hands or by any other form as decided by the Presidium.

Article 19 When the National People's Congress is in session, deputies from the minority nationalities shall be provided with the necessary facilities for interpretation.

Article 20 Sessions of the National People's Congress shall be open to the public; when necessary, closed sessions may be held by decision of a meeting of the Presidium and the heads of all the delegations.

Article 21 The proposals, criticisms and opinions put forward by deputies to the National People's Congress or its Standing Committee concerning any sphere of work shall be referred by the office of the Standing Committee to the relevant agencies or organizations for study, handling and a responsible answer.

Chapter II

The Standing Committee of the National People's Congress

Article 22 The Standing Committee of the National People's Congress shall exercise the functions and powers prescribed in the Constitution of the People's Republic of China.

Article 23 The Standing Committee of the National People's Congress shall be composed of the following personnel:

the Chairman;

the Vice-Chairmen;

the Secretary-General; and

other members.

Members of the Standing Committee shall be elected by the National People's Congress from among its deputies.

A member of the Standing Committee may not hold office in the administrative, judicial or procuratorial organs of the State. If he expects to hold such an office, he must first resign from his post in the Standing Committee.

Article 24 The Chairman of the Standing Committee shall preside over meetings of the Standing Committee and direct its work. The Vice-Chairmen and the Secretary-General shall assist the Chairman in his work. When entrusted by the Chairman, a Vice-Chairman may exercise certain functions and powers of the Chairman.

Should the Chairman of the Standing Committee be incapacitated for work for reasons of health or should his office fall vacant, the Standing Committee shall choose one of the Vice-Chairmen to exercise the functions of the Chairman until the Chairman's recovery or until a new Chairman is elected by the National People's Congress.

Article 25 A Council of the Chairman composed of the Standing Committee's

Chairman, Vice-Chairmen and Secretary-General shall handle the important day-to-day work of the Standing Committee, which shall consist of the following:

- (1) to decide on the time for each meeting of the Standing Committee and draft the agenda of the meeting;
- (2) to decide whether the bills, proposals and questions submitted to the Standing Committee should be referred to the relevant special committees or submitted to a general meeting of the Standing Committee for deliberation;
- (3) to direct and coordinate the day-to-day work of the special committees; and
- (4) to handle the other important day-to-day work of the Standing Committee.

Article 26 The Standing Committee shall establish a Deputies Credentials Committee.

The chairman, vice-chairmen and members of the Deputies Credentials Committee shall be nominated by the Council of the Chairman from among the members of the Standing Committee, and the nominees shall be approved at a meeting of the Standing Committee.

Article 27 The Standing Committee shall establish a general office which shall work under the direction of the Secretary-General.

The Standing Committee shall install Deputy Secretaries-General, whom it shall appoint or remove upon recommendation by the Chairman of the Standing Committee.

Article 28 When necessary, the Standing Committee may establish working commissions.

The chairman, vice-chairmen and members of the working commissions shall be appointed or removed by the Standing Committee upon recommendation by its Chairman.

Article 29 Meetings of the Standing Committee, usually held once every other month, shall be called by its Chairman.

Article 30 When the Standing Committee is in session, the standing committees of the people's congresses of the provinces, autonomous regions, and municipalities directly under the Central Government may each send a chairman or vice-chairman to attend the meetings and express their opinions.

Article 31 The legislative bills and other bills brought before the Standing Committee for deliberation shall be adopted by a simple majority vote of all its members.

Article 32 The special committees of the National People's Congress, the State Council, the Central Military Commission, the Supreme People's Court and the Supreme People's Procuratorate may submit to the Standing Committee bills and proposals that fall within the scope of its functions and powers. The Council of the Chairman shall decide whether to directly submit the bills and proposals to a meeting of the Standing Committee for deliberation or to first refer them to the relevant special committees and after receiving the reports on their deliberations then submit the bills and proposals to the Standing Committee for deliberation.

Bills and proposals that fall within the scope of the functions and powers of the Standing Committee may be submitted to the Standing Committee by ten or more members of the Standing Committee. The Council of the Chairman shall decide whether to directly submit the bills to a meeting of the Standing Committee for deliberation or to first submit them to the relevant special committees and after receiving the reports on their deliberations then submit the bills to the Standing Committee for deliberation.

Article 33 During a session of the Standing Committee, a group of ten or more members of the Committee may submit to the Standing Committee written questions addressed to the State Council and the ministries and commissions under the State Council. The Council of the Chairman shall decide whether to refer the questions to the organs concerned for written replies or to request the heads of those agencies to give oral replies at meetings of the Standing Committee or the relevant special committees. When replies are to be given at meetings of the special committees, the members of the Standing Committee who submitted the questions may attend and express their opinions.

Article 34 During each session of the National People's Congress, the Standing Committee must make a report on its work to the National People's Congress.

Chapter III

The Committees of the National People's Congress

Article 35 The National People's Congress shall establish 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 may be deemed necessary by the National People's Congress. The special committees shall be under the direction of the National People's Congress, and of its Standing Committee when the Congress is not in session.

Each special committee shall be composed of a chairman, vice-chairmen and members.

Candidates for chairman, vice-chairman or member of such special committees shall be nominated from among the deputies by the Presidium and shall be approved by the National People's Congress. When the National People's Congress is not in session, its Standing Committee may appoint additional members to the special committees, including a vice-chairman; the Council of the Chairman shall make nominations for these appointments, which shall be subject to approval by a meeting of the Standing Committee.

Article 36 The chairman of each special committee shall preside over meetings of the committee and direct its work. The vice-chairmen shall assist the chairman in his work.

The special committees may appoint a certain number of experts as advisers, if their work so requires.

The advisers may attend special committee meetings and express their opinions. The advisers shall be appointed or removed by the Standing Committee of the National People's Congress.

Article 37 The work of the special committees shall be as follows:

(1) to deliberate on bills and proposals received from the Presidium or the Standing Committee of the National People's Congress;

(2) to submit to the Presidium or the Standing Committee of the National People's Congress bills and proposals which are related to the special committees and which fall within the scope of functions and powers of the National People's Congress or its Standing Committee;

(3) to examine and submit reports on items received from the Standing Committee of the National People's Congress which are considered to be in contravention of the Constitution or other laws; such items include administrative regulations, decisions and orders issued by the State Council; orders, instructions and regulations issued by the ministries and commissions under the State Council; regulations and resolutions issued locally by the people's congresses of the provinces, autonomous regions, and municipalities directly under the Central Government and their standing committees; and decisions, orders and regulations issued by the people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government;

(4) to examine questions referred by the Presidium or the Standing Committee of the National People's Congress, to hear the replies given by the organs questioned and, when necessary, to submit reports to the Presidium or the Standing Committee of the National People's Congress; and

(5) to investigate and propose solutions to issues which are related to the special committees and which fall within the scope of functions and powers of the National

People's Congress or its Standing Committee.

The Nationalities Committee may, in addition, conduct investigations and make proposals on how to strengthen unity among the nationalities; it shall deliberate on the regulations on autonomy and separate regulations submitted by the autonomous regions to the Standing Committee of the National People's Congress for approval and shall report its deliberations to the Standing Committee of the National People's Congress.

The Law Committee shall deliberate on all drafted laws submitted to the National People's Congress or its Standing Committee; other special committees shall send to the Law Committee their comments on the drafts which concern them.

Article 38 The National People's Congress and its Standing Committee may appoint committees for the investigation of specific issues. The organization and work of the committees shall be decided by the National People's Congress or its Standing Committee.

Chapter IV

Deputies to the National People's Congress

Article 39 The term of office of the deputies to each National People's Congress shall be five years, beginning with its first session and ending with the first session of the succeeding National People's Congress.

Article 40 Deputies to the National People's Congress must observe the Constitution and other laws in an exemplary way, keep State secrets and, in the course of production, other work and the public activities in which they take part, assist in the enforcement of the Constitution and other laws.

Article 41 Deputies to the National People's Congress should maintain close contact with the units that elected them and with the people. They may attend, without voting rights, meetings of the people's congresses of the units that elected them, so as to heed and convey the opinions and demands of the people and work hard to serve them.

Article 42 While deputies to the National People's Congress attend meetings of the Congress or perform other duties required of them as deputies, the State shall provide them with appropriate allowances and material facilities according to their actual needs.

Article 43 No deputy to the National People's Congress or member of its Standing Committee may be held legally liable for his speeches or votes at various meetings of the National People's Congress and its Standing Committee.

Article 44 No deputy to the National People's Congress may be arrested or placed on criminal trial without the consent of the Presidium of the National People's Congress or, when the National People's Congress is not in session, of its Standing Committee.

If a deputy to the National People's Congress is caught in the act and detained, the public security organ which has detained him shall immediately report the matter to the Presidium or the Standing Committee of the National People's Congress.

Article 45 Deputies to the National People's Congress shall be subject to the supervision of the units that elected them. Such units shall have the power to recall the deputies they elect.

The recall of a deputy from the National People's Congress shall require a simple majority vote of all the deputies of the unit that elected him.

If the people's congress of a province, autonomous region, or municipality directly under the Central Government is not in session, its standing committee may, with the approval of a simple majority of its members, recall individual deputies elected to the National People's Congress by its people's congresses.

Deputies being recalled may attend the meetings concerning their recall or submit written appeals to the meetings.

Resolutions to recall deputies must be reported to the Standing Committee of the National People's Congress for the record.

Article 46 If the office of a deputy to the National People's Congress falls vacant for some reason, the electoral unit which elected him shall hold by-elections to fill the vacancy. Should the office of an individual deputy to the National People's Congress fall vacant when the people's congress of his province, autonomous region, or municipality directly under the Central Government is not in session, its standing committee may hold by-elections to fill the vacancy.