

ORGANIC LAW OF THE NATIONAL PEOPLE'S CONGRESS OF THE PEOPLE'S REPUBLIC OF CHINA

Adopted by the First Session of the First National People's Congress on September 20, 1954

CHAPTER ONE SESSIONS OF THE NATIONAL PEOPLE'S CONGRES

ARTICLE 1 Sessions of the National People's Congress are convened in accordance with the provisions of Article 25 of the Constitution of the People's Republic of China.

The first session of a new National People's Congress is convened, within two months of the election of its deputies, by the Standing Committee of the current National People's Congress.

ARTICLE 2 When deputies to each National People's Congress attend a session for the first time, they submit their credentials for examination by the Credentials Committee.

Based on the reports submitted by the Credentials Committee, the National People's Congress affirms the qualifications of deputies or declares them unqualified to sit.

ARTICLE 3 Deputies to the National People's Congress are divided into groups based on the units which elect them.

Before each session of the National People's Congress is convened, the deputies in each group consult together on matters concerning preparations for the session put forward by the Standing Committee of the National People's Congress. When the Congress is in session, the groups discuss matters put forward by the National People's Congress or its Presidium.

ARTICLE 4 At the beginning of each session, the National People's Congress elects a Presidium and a Secretary-General for the session, and adopts an agenda for that session.

ARTICLE 5 The Presidium presides over the sittings of the National People's Congress. Executive chairmen to preside over the sittings by turn are elected by and from among the members of the Presidium.

To convene meetings of the Presidium and preside at them, standing chairmen are elected by and from among its members.

ARTICLE 6 For each session, the National People's Congress sets up a Secretariat which works under the direction of the Secretary-General.

Each session of the National People's Congress appoints Deputy Secretaries-General selected by the Presidium.

ARTICLE 7 Responsible officers of the State Council, the various Ministries and Commissions, the Council of National Defence, the Supreme People's Court, and the Supreme People's Procuratorate, if not deputies to the National People's Congress, may, when the Presidium so decides, attend meetings of the National People's Congress and participate in the proceedings.

ARTICLE 8 Bills are submitted to the National People's Congress by the Chairman and Vice-Chairman of the People's Republic of China, by deputies to the National People's Congress, by the Presidium, the Standing Committee and the various other committees of the National People's Congress, and by the State Council.

ARTICLE 9 Candidates for election to the posts of Chairman and Vice-Chairman of the People's Republic of China are nominated by deputies to the National People's Congress acting either collectively or as individuals.

ARTICLE 10 The Premier and other members of the State Council, and the Vice-Chairmen and members of the Council of National Defence, are nominated in accordance with the provisions of Article 27 of the Constitution of the People's Republic of China.

Members of the Standing Committee of the National People's Congress, the President of the Supreme People's Court and the Chief Procurator of the Supreme People's Procuratorate, are nominated by deputies to the National People's Congress acting either collectively or as individuals.

ARTICLE 11 Bills submitted to the National People's Congress are brought before a session of the National People's Congress for discussion by the Presidium; or they are brought before a session of the National People's Congress for discussion after being referred to the Committee or Committees concerned for joint or separate examination.

ARTICLE 12 Bills amending the Constitution, legislative and other bills are adopted by a session of the National People's Congress in accordance with the provisions of Article 29 of the Constitution of the People's Republic of China.

ARTICLE 13 At sessions of the National People's Congress elections are conducted and bills passed by secret ballot or by a show of hands.

ARTICLE 14 When the National People's Congress is in session, deputies from the national minorities are provided with the necessary facilities for interpretation.

ARTICLE 15 Sittings of the National People's Congress are public, but secret sittings may be held when necessary and when the National People's Congress so resolves.

CHAPTER TWO

THE STANDING COMMITTEE OF THE NATIONAL PEOPLE'S CONGRESS

ARTICLE 16 The Standing Committee of the National People's Congress exercises the functions and powers prescribed in Article 31 of the Constitution of the People's Republic of China.

ARTICLE 17 The Chairman, Vice-Chairmen, Secretary-General and members of the Standing Committee of the National People's Congress are elected at the first session of each National People's Congress.

Should the Chairman of the Standing Committee be incapacitated for a prolonged period for reasons of health, or should his office fall vacant, the Standing Committee elects one from

among the Vice-Chairmen to exercise the functions of the Chairman until his recovery or until a new Chairman is elected by the National People's Congress.

ARTICLE 18 Meetings of the Standing Committee are presided over by its Chairman, who directs the work of the Standing Committee.

ARTICLE 19 The Standing Committee has a general office which works under the direction of the Secretary-General.

The Standing Committee has Deputy Secretaries General, whom it appoints on the nomination of the Chairman of the Standing Committee.

ARTICLE 20 Meetings of the Standing Committee are called by the Chairman twice a month. When necessary, the number of such meetings may be increased or reduced.

ARTICLE 21 Bills are submitted to the Standing Committee by the Chairman and Vice-Chairman of the People's Republic of China; by the Chairman, Vice-Chairmen and members of the Standing Committee of the National People's Congress; by the Nationalities Committee and the Bills Committee of the National People's Congress; and by the State Council.

Proposals for the appointment or removal of any Vice-Premier, Minister, Head of Commission or the Secretary-General of the State Council, or for the appointment or recall of plenipotentiary representatives to foreign states, are submitted to the Standing Committee by the Premier of the State Council.

Proposals for the appointment or removal of Vice Presidents, presiding judges, deputy presiding judges, judges, and other members of the Judicial Committee of the Supreme People's Court, or for the appointment or removal of Deputy Chief Procurators, procurators, and other members of the Procuratorial Committee of the Supreme People's Procuratorate, are submitted to the Standing Committee by its Chairman.

ARTICLE 22 Bills submitted to the Standing Committee are brought before it for discussion by its Chairman; or they are brought before the Standing Committee for discussion after being referred to the appropriate Committee or Committees of the National People's Congress for joint or separate examination.

ARTICLE 23 Resolutions of the Standing Committee require a simple majority vote of all its members.

ARTICLE 24 The Standing Committee must make a report on its work to the National People's Congress at each session of the latter.

CHAPTER THREE

THE COMMITTEES OF THE NATIONAL PEOPLE'S CONGRESS

ARTICLE 25 The National People's Congress establishes a Nationalities Committee, a Bills Committee, a Budget Committee, a Credentials Committee and other necessary committees. These Committees assist the National People's Congress in its work. When the National People's Congress is not in session, the Nationalities Committee and the Bills Committee assist the Standing Committee of the National People's Congress in its work. Each such Committee is composed of a Chairman, Vice-Chairmen and members. Candidates for

chairmanship or membership of such Committees are nominated from among the deputies by the Presidium of that session of the National People's Congress, subject to approval by the National People's Congress. Vice-Chairmen are elected by and from among members of such Committees. Meetings of each Committee are presided over by its Chairman, who directs the work of the Committee.

ARTICLE 26 The work of the Nationalities Committee is as follows:

1. To examine bills or sections of bills that concern the affairs of the nationalities referred to it by the National People's Congress or its Standing Committee;
2. To examine statutes governing the exercise of autonomy or separate regulations which are submitted by autonomous regions, autonomous *chou* and autonomous counties for ratification by the Standing Committee of the National People's Congress;
3. To submit bills and views concerning the affairs of the nationalities to the National People's Congress or its Standing Committee;
4. To study matters concerning the affairs of the nationalities.

ARTICLE 27 The work of the Bills Committee is as follows:

1. To examine statutory and other legislative bills referred to it by the National People's Congress; to examine statutory and other bills concerning laws and decrees referred to it by the Standing Committee of the National People's Congress;
2. To draft laws and decrees in accordance with decisions of the National People's Congress or its Standing Committee;
3. To submit bills and views concerning laws and decrees to the National People's Congress or its Standing Committee.

ARTICLE 28 The Budget Committee examines the state budget, the financial report and bills concerning the budget referred to it by the National People's Congress.

ARTICLE 29 The Credentials Committee examines the qualifications of the deputies to the National People's Congress, in the light of their credentials and other references, when each National People's Congress meets for its first session.

The Credentials Committee examines the qualifications of deputies elected at by-elections in the same manner.

ARTICLE 30 Commissions of inquiry for the investigation of specific questions may be appointed by the National People's Congress or its Standing Committee in accordance with the provisions of Article 35 of the Constitution of the People's Republic of China. The organization and work of such commissions are laid down by the National People's Congress or its Standing Committee at the proper time.

CHAPTER FOUR

DEPUTIES TO THE NATIONAL PEOPLE'S CONGRESS

ARTICLE 31 The term of office of deputies to each National People's Congress begins with its first session, and ends with the first session of the succeeding National People's Congress.

ARTICLE 32 Deputies to the National People's Congress must be loyal to the people's democratic system, observe the Constitution and the law and strive to serve the people; they must also, in the course of production or other work and the public activities in which they take part, give active help to the implementation of the Constitution, the law and the policy of the state.

ARTICLE 33 Deputies to the National People's Congress may attend meetings of the people's Congresses of the units which elect them and participate in the proceedings.

ARTICLE 34 Questions which the deputies to the National People's Congress address to the State Council or to its Ministries and Commissions are forwarded to the organs concerned through the Presidium or the Standing Committee of the National People's Congress. The organs to which questions are addressed are obliged to give an answer to the National People's Congress or its Standing Committee.

ARTICLE 35 Deputies to the National People's Congress, attending meetings of the National People's Congress or performing other duties required of them as deputies, are provided by the state with appropriate allowances and material facilities as needed.

ARTICLE 36 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. When a deputy is apprehended while actually committing a criminal act, the organ detaining him must immediately report the matter to the National People's Congress or its Standing Committee for approval.

ARTICLE 37 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 their deputies at any time. The recall of a deputy requires a simple majority vote of all the deputies of the unit which elects him.

ARTICLE 38 When deputies to the National People's Congress are for some reason unable to perform their duties, the electoral units which elect them are to hold by-elections to fill the vacancies. The term of office of deputies so seated ends with the expiry of the term of office of other deputies to that National People's Congress.