

1951

Speeches/Documents

Title: Provisional Regulations Governing the Appointment and Dismissal of Government Working Personnel of the CPG

Author: CPGC,

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Introductory Note. The principle of "tenure" is unknown in Communist China. These regulations spell out specific areas in which the CPGC and GAC exercise control over regularity of performance of officials at the central and local levels, showing heavy stress on "centralism."

Interim Regulations of the Central People's Government on Appointment and Removal of Staff of State Organs (1951)

November 8, 1951

(Approved at the thirteenth meeting of the Central People's Government Committee on November 5, 1951)

Article 1

These regulations are formulated in accordance with the provisions of Article 7, paragraph 9 and Article 15, paragraph 6, of the Organic Law of the Central People's Government and with reference to the actual conditions of state agencies at all levels.

Article 2

The Committee of the Central People's Government shall, in accordance with the provisions of Article 7, Paragraph 9 of the Organization Law of the Central People's Government, appoint or approve the appointment and removal of the following personnel:

1. The director and deputy director of the General Office of the Central People's Government Committee;
2. The Central People's Government Administration Council (hereinafter referred to as the Administration Council) Prime Minister, Deputy Prime Minister, Councillor, Secretary-General, Deputy Secretary-General; Committee Director, Deputy Director, Member, Secretary-General, Deputy Secretary-General; Minister, Deputy Minister; Director of the Council Committee members, vice-chairmen, and members; presidents and vice presidents; directors and deputy directors; presidents and vice presidents;
3. Special envoys, ambassadors, ministers and plenipotentiaries in foreign countries;
4. The Chairman, Vice Chairman and Member of the People's Revolutionary Military Commission of the Central People's Government (hereinafter referred to as the People's Revolutionary Military Commission); the commander-in-chief and deputy commander-in-chief of the People's Liberation Army; the chief of general staff and the deputy chief of staff; the director and deputy director of the General Political Department; Director and Deputy Minister of the General Rear Service Department; Director and Deputy Minister of the General Cadre Management Department;

5. The President, Vice-President, Member, Secretary-General, and Deputy Secretary-General of the Supreme People's Court of the Central People's Government (hereinafter referred to as the Supreme People's Court);
6. The Chief Procurator, Deputy Chief Prosecutor, Commissioner, Secretary-General, and Deputy Secretary-General of the Supreme People's Procuratorate of the Central People's Government (hereinafter referred to as the Supreme People's Procuratorate);
7. The Chairman, Vice-Chairman, Member, Secretary-General, and Deputy Secretary-General of the People's Government of the Greater Administrative Region (Military and Political Committee, Five-character Military and Political Committee); Committee Directors, Deputy Directors, and Committee Members; Ministers and Vice Ministers; Committee Chairmen, Vice-chairmen and members; president and vice president of the Supreme People's Court of the Great Administrative Division; Chief Prosecutor, Deputy Chief Prosecutor and member of the Great Administrative Division of the Supreme People's Procuratorate
8. The chairman, vice-chairman and member of the people's government of the ethnic autonomous region at or above the provincial level;
9. The Chairman (Director), Vice Chairman (Deputy Director), and members of the Provincial People's Government (People's Administrative Office);
10. The mayor, deputy mayor and members of the people's government of a city directly under the central or a large administrative region (hereinafter referred to as the city);
11. University presidents and vice presidents; deans and vice presidents of specialized colleges.

Article 3

In accordance with the provisions of Article 15 Paragraph 6 of the Organic Law of the Central People's Government, the Government Affairs Council appoints or approves the appointment and removal of the following personnel:

1. Directors and deputy directors of the State Council; directors, deputy directors and counsellors; directors and deputy directors;
2. Minister-counsellors, minister-generals, consul-generals, and counsellors stationed in foreign countries;
3. The directors and deputy directors of the committees, ministries, councils, institutes, departments, and banks of the Government Affairs Council; directors and deputy directors; directors and deputy directors; directors and deputy directors; directors and deputy directors; directors, Deputy director; team leader, deputy team leader (rooms, premises, places, groups side by side with the hall);
4. The directors and deputy directors of the people's government of the large administrative region; the secretary-general and deputy secretary-general of the committee; the director and the deputy director (the bureau alongside the department); the secretary-general and deputy secretary-general of the Supreme People's Procuratorate Office;
5. The secretary-general and deputy secretary-general of the people's government of ethnic autonomous regions at or above the provincial level; directors, deputy directors, and members of

committees; ministers and deputy ministers; presidents and vice presidents of the people's courts; chief procurators and deputy chief procurators of the People's Procuratorate, Members;

6. The secretary-general and deputy secretary-general of the Provincial People's Government (People's Administrative Office); the director, deputy director and members of the committee; the director and deputy director; the chairman, deputy director and members of the committee; the director and deputy director; Director and Deputy Director (Bureaus and Divisions side by side with the department); President and Deputy President of the People's Court; Chief Prosecutor, Deputy Chief Prosecutor and Member of the People's Procuratorate;

7. The secretary-general and deputy secretary-general of the Municipal People's Government; the director, deputy director and members of the committee; the director and deputy director; the chairman, deputy director and members of the meeting;); the president and vice president of the people's court; the chief procurator, deputy chief procurator, and members of the People's Procuratorate;

8. Provincial People's Government (People's Administration Office) district commissioners and deputy commissioners; the chairman, vice chairmen, and members of the people's government of ethnic autonomous regions equivalent to the commissioner's office; the leader, vice chairman, and members of the people's government of the leagues of ethnic autonomous regions above the provincial level ;

9. The mayor, deputy mayor and committee member of the people's government of the municipality directly under the province;

10. According to the proposal of the organs of the Government Administration Council or local people's governments at all levels, with reference to the scope of this article, appoint, remove or approve the appointment and removal of staff members other than those listed in this article.

Article 4

Regulations for the appointment and removal of staff directly under the Central People's Government Committee outside the scope of Article 2 Paragraph 1 of this Regulation shall be formulated separately.

Article 5

The rules for the appointment and removal of personnel of the People's Revolutionary Military Commission and its management and command systems outside the scope of Article 2 of these Regulations shall be formulated and implemented by the People's Revolutionary Military Commission on its own.

Article 6

The Supreme People's Court and the Supreme People's Procuratorate shall respectively appoint and remove staff directly under the scope of the above clauses. The measures shall be drafted by the Supreme People's Court and the Supreme People's Procuratorate and implemented after being approved by the Chairman of the Central People's Government.

Article 7

County (city, banner) people's government county (city, banner) chiefs, deputy county (city, banner) chiefs, committee members, and directors, deputy directors, and committee members of the people's government of the ethnic autonomous region equivalent to the county, temporarily

authorizing the large administrative region and the ethnic autonomous region Or the provincial people's government directly under the central government may appoint and remove them, and each of the people's governments will report to the Council of Government Affairs.

Article 8

The Government Affairs Council, its subordinate organs, and local people's governments respectively appoint and dismiss staff members other than those specified in the above-mentioned articles and paragraphs. The measures may be drafted by the respective organs and people's governments with reference to these Regulations; It will be implemented after the approval of the Prime Minister of the Government Affairs Council; the appointment and removal measures for the staff of the Government Affairs Council shall be drafted by each agency itself and be implemented after being approved by the Prime Minister of the Government Affairs Council; The central leading agency formulates or implements after approval; all levels of local people's governments (including their affiliated political and legal, financial, enterprise, cultural and educational institutions) staff appointment and removal measures shall be formulated or implemented by the people's governments at that level.

The appointment and removal measures formulated by the above-mentioned agencies and the people's government shall not conflict with these regulations, and the conflicts shall be invalid.

Article 9

The procedures for requesting the Central People's Government Committee or the Government Affairs Council to appoint and remove staff are all handled by the Central People's Government Personnel Department (hereinafter referred to as the Central Personnel Department). , The appointment and removal of staff of local institutions under its jurisdiction shall be directly sent to the Central Ministry of Personnel by the relevant central leading agency, and the appointment and removal of staff of local institutions temporarily entrusted by the local people's government shall be handled by the entrusted local people's government, The request shall be transferred to the Central Personnel Department for handling by the central agency entrusted to manage it. When local people's governments at all levels propose to appoint and remove staff, they can either request it level by level or send it directly to the Central Personnel Department for processing. Regarding the appointment and dismissal procedures of university presidents, vice presidents, deans, and vice deans of specialized colleges, they shall be sent directly by the Ministry of Education of the Central People's Government or submitted by the People's Government of the Greater Administrative Regions, Central Provinces and Municipalities directly under the Central Ministry of Education to the Central Ministry of Personnel for approval.

Article 10

The personnel listed in Articles 2 and 3 of these Regulations shall be directly appointed and removed by the Central People's Government Committee or the Government Affairs Council, when necessary, except that the agencies or local people's governments to which they are affiliated apply for appointment and removal in accordance with regulations.

Article 11

The appointments and removals of personnel listed in Articles 2 and 3 of this Regulation are generally approved by the Central People's Government Committee meeting or the Government Affairs Meeting of the Government Affairs Council respectively. However, the Chairman of the Central People's Government or the Premier of the Government Affairs Council may first approve as needed, and then report to the Central People's Government Committee meeting afterwards. Or

government affairs meeting report. The chairman, vice-chairman, committee member, mayor, deputy mayor, committee member of the local people's government elected by the people's congress or the people's congress of all walks of life that exercise its powers shall not go through the removal procedures after the term of office expires.

Article 12

The removal of the personnel listed in Articles 2 and 3 of these regulations shall be carried out by the Central People's Government, the Government Administration Council, and the People's Revolutionary Military Commission respectively.

Article 13

The personnel of non-recurring or special organizations shall be appointed by the government or agency to which they are directly affiliated. The removal procedures are the same.

Article 14

These regulations shall be promulgated and implemented after being approved by the Central People's Government Committee. The modification is the same.

Remark

This repeated the Government Administrative Council's "Ordinance on Appointments and Dismissals" of November 1949, but changed one key point: "provisionally," it read, "the prefects, sub prefects, and council members of the hsien are to be named by the Great Region governments." Thus, in another critical area of local government, the Military Administrative Committees had won powers not initially assigned to them; it may be concluded both that their political power had grown over two years of local rule, and that they emerged from this new decision either with greater powers than before or with legal recognition of a de facto situation.

Regional Government and Political Integration in Southwest China, 1949-1954: A Case Study. Dorothy J. Solinger - author, University of California, Berkeley - University of California Press 1977. Page 36.