

中華人民共和國憲法

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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。

CONSTITUTION OF THE PEOPLE'S REPUBLIC OF CHINA*

(Adopted at the Fifth Session of the Fifth National
People's Congress on 4 December 1982
Promulgated for implementation by the Proclamation of the
National People's Congress on 4 December 1982)

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Preamble

China is a country with one of the longest histories in the world. The people of all of China's nationalities have jointly created a culture of grandeur and have a glorious revolutionary tradition.

After 1840, feudal China was gradually turned into a semi-colonial and semi-feudal country. The Chinese people waged many successive heroic struggles for national independence and liberation and for democracy and freedom.

* This English translation text is reproduced from "The Laws of the People's Republic of China 1979-1982" compiled by the Legislative Affairs Commission of the Standing Committee of the National People's Congress of the People's Republic of China. It is for reference purposes and has no legislative effect.



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，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。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

Great and earthshaking 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 historic mission of the Chinese people to overthrow imperialism and feudalism remained unaccomplished.

After waging protracted and arduous struggles, armed and otherwise, along a zigzag course, 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 a great victory in the New-Democratic Revolution and founded the People's Republic of China. Since then the Chinese people have taken control of state power and become masters of the country.

After the founding of the People's Republic, China gradually achieved its transition from a New-Democratic to a socialist society. The socialist transformation of the private ownership of the means of production has been completed, the system of exploitation of man by man abolished 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 defeated imperialist and hegemonist aggression, sabotage and armed provocations and have thereby safeguarded China's national independence and security and strengthened its national defence. Major successes have been achieved in economic development. An independent and relatively comprehensive socialist system of industry has basically been established. There has been a marked increase in agricultural production. Significant advances have been made in educational, scientific and cultural undertakings, while education in socialist ideology has produced noteworthy results. The life of the people has improved considerably.

* Both the victory in China's New-Democratic Revolution and the successes in 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, by upholding truth, correcting errors and surmounting numerous difficulties and hardships.

* 關於對本段的修改，請參閱——

- a. 《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)(刊載於第1冊，第3/1頁)第三條；及
- b. 《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)(刊載於第1冊，第3A/1頁)第十二條。

* For amendments to this paragraph, please see—

- a. Article 3 of the Amendment to the Constitution of the People's Republic of China (Adopted at the First Session of the Eighth National People's Congress on 29 March 1993) (in Volume 1, p. 3/1); and
- b. Article 12 of the Amendment to the Constitution of the People's Republic of China (Adopted at the Second Session of the Ninth National People's Congress on 15 March 1999) (in Volume 1, p. 3A/1).

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。

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。

台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台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、農民和知識分子，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、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綫，這個統一戰綫將繼續鞏固和發展。中國人民政治協商會議是有廣泛代表性的統一戰綫組織，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持分不開的。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

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 the socialist road, steadily improve socialist institutions, develop socialist democracy, improve the socialist legal system, and work hard and self-reliantly to modernize the country's 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 abolished in our country. However, class struggle will continue to exist within certain bounds 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 inviolable duty of all Chinese people, including our compatriots in Taiwan, to accomplish the great task of reunifying the motherland.

* In building socialism it is essential to rely on workers, peasants and intellectuals and to unite all 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 which is composed of the democratic parties and people's organizations and which 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. The Chinese People's Political Consultative Conference, a broadly based representative organization of the united front which has played a significant historical role, will play a still more important role in the country's political and social life, in promoting friendship with 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 created jointly by the people of all its nationalities. Socialist relations of equality, unity and mutual assistance have been established among the nationalities 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 to combat local national chauvinism. The state will do its utmost to promote the common prosperity of all the nationalities.

China's achievements in revolution and construction are inseparable from the support of the people of the world. The future of China is closely linked to the future of the world. China consistently carries out an independent foreign

* 關於對本段的修改，請參閱《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)(刊載於第1冊，第3/1頁)第四條。

* For amendment to this paragraph, please see Article 4 of the Amendment to the Constitution of the People's Republic of China (Adopted at the First Session of the Eighth National People's Congress on 29 March 1993) (in Volume 1, p. 3/1).

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。

policy and adheres 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, in legal form, affirms the achievements of the struggles of the Chinese people of all nationalities and defines the basic system and basic tasks of the state; 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 institutions in the country must take the Constitution as the basic standard 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. Disruption 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 National People's Congress and the local people's congresses at various levels are the organs through which the people exercise state power.

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 various levels are constituted through democratic elections. 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 by which they are supervised.

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，幫助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 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。

* 關於對本條的增補，請參閱《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)(刊載於第1冊，第3A/1頁)第十三條。

關於對本條的修改，請參閱《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)(刊載於第1冊，第3A/1頁)第十四條。

The division of functions and powers between the central and local state organs is guided by the principle of giving full scope 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 a relationship of equality, unity and mutual assistance among all of China's nationalities. Discrimination against and oppression of any nationality are prohibited; any act which undermines the unity of the nationalities or instigates division is prohibited.

The state assists areas inhabited by minority nationalities in accelerating their economic and cultural development according to the characteristics and needs of the various minority nationalities.

Regional autonomy is practised in areas where people of minority nationalities live in concentrated communities; in these areas organs of self-government are established to exercise the power of autonomy. All national autonomous areas are integral parts of the People's Republic of China.

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

* **Article 5** The state upholds the uniformity and dignity of the socialist legal system.

No laws or administrative or local rules and regulations may contravene the Constitution.

All state organs, the armed forces, all political parties and public organizations and all enterprises and institutions must abide by the Constitution and the law. All acts in violation of the Constitution or the law must be investigated.

No organization or individual is privileged to be beyond the Constitution or 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.

* For addition to this Article, please see Article 13 of the Amendment to the Constitution of the People's Republic of China (Adopted at the Second Session of the Ninth National People's Congress on 15 March 1999) (in Volume 1, p. 3A/1).

For amendment to this Article, please see Article 14 of the Amendment to the Constitution of the People's Republic of China (Adopted at the Second Session of the Ninth National People's Congress on 15 March 1999) (in Volume 1, p. 3A/1).

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。

* 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。

* 第八條 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。

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、灘涂等自然資源，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、灘涂除外。

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。

* 關於對本條的修改，請參閱《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)(刊載於第1冊，第3/1頁)第五條。

* 關於對本條的修改，請參閱——

- a. 《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)(刊載於第1冊，第3/1頁)第六條；及
- b. 《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)(刊載於第1冊，第3A/1頁)第十五條。

** 關於對本條的修改，請參閱《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)(刊載於第1冊，第2/1頁)第二條。

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 plots of cropland and hilly land allotted for their private use, 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 All mineral resources, waters, forests, mountains, grasslands, 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, grasslands, 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. Appropriation or damaging of natural resources by any organization or individual by whatever means is prohibited.

** Article 10 Land in the cities is owned by the state.

* For amendment to this Article, please see Article 5 of the Amendment to the Constitution of the People's Republic of China (Adopted at the First Session of the Eighth National People's Congress on 29 March 1993) (in Volume 1, p. 3/1).

* For amendments to this Article, please see—

- a. Article 6 of the Amendment to the Constitution of the People's Republic of China (Adopted at the First Session of the Eighth National People's Congress on 29 March 1993) (in Volume 1, p. 3/1); and
- b. Article 15 of the Amendment to the Constitution of the People's Republic of China (Adopted at the Second Session of the Ninth National People's Congress on 15 March 1999) (in Volume 1, p. 3A/1).

** For amendment to this Article, please see Article 2 of the Amendment to the Constitution of the People's Republic of China (Adopted at the First Session of the Seventh National People's Congress on 12 April 1988) (in Volume 1, p. 2/1).

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用。

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。

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。

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 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。

第十四條 國家通過提高勞動者的積極性和技術水平，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。

* 關於對本條的修改，請參閱——

- a. 《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)(刊載於第1冊，第2/1頁)第一條；及
- b. 《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)(刊載於第1冊，第3A/1頁)第十六條。

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 privately farmed plots of cropland and hilly land are also owned by collectives.

The state may, in the public interest, requisition land for its use in accordance with the law.

No organization or individual may appropriate, buy, sell or lease land or otherwise engage in the transfer of land by unlawful means.

All organizations and individuals using land must ensure its rational use.

* Article 11 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, assists and supervises the individual economy by administrative control.

Article 12 Socialist public property is inviolable.

The state protects socialist public property. Appropriation or damaging 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 according to 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 the organization of work.

The state practises strict economy and combats waste.

The state properly apportions accumulation and consumption, concerns itself with 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.

* For amendments to this Article, please see——

- a. Article 1 of the Amendment to the Constitution of the People's Republic of China (Adopted at the First Session of the Seventh National People's Congress on 12 April 1988) (in Volume 1, p. 2/1); and
- b. Article 16 of the Amendment to the Constitution of the People's Republic of China (Adopted at the Second Session of the Ninth National People's Congress on 15 March 1999) (in Volume 1, p. 3A/1).



* 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。

* 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。

@ 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。

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平。

* 關於對本條的修改，請參閱《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)(刊載於第1冊，第3/1頁)第七條。

* 關於對本條的修改，請參閱《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)(刊載於第1冊，第3/1頁)第八條。

@ 關於對本條的修改，請參閱《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)(刊載於第1冊，第3/1頁)第九條。

* Article 15 The state practises planned economy 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 socioeconomic order or disruption of the state economic plan by any organization or individual is prohibited.

* Article 16 State enterprises have decision-making power with regard to operation and management within the limits prescribed by law, on condition that they submit to unified leadership by the state and fulfil 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. The entire body of their workers elects or removes their managerial personnel and decides 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 Chinese economic organizations in accordance with the law of the People's Republic of China.

All foreign enterprises, other foreign economic organizations as well as Chinese-foreign joint ventures within Chinese territory 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 undertakes the development of socialist education and works to raise the scientific and cultural level of the whole nation.

* For amendment to this Article, please see Article 7 of the Amendment to the Constitution of the People's Republic of China (Adopted at the First Session of the Eighth National People's Congress on 29 March 1993) (in Volume 1, p. 3/1).

* For amendment to this Article, please see Article 8 of the Amendment to the Constitution of the People's Republic of China (Adopted at the First Session of the Eighth National People's Congress on 29 March 1993) (in Volume 1, p. 3/1).

@ For amendment to this Article, please see Article 9 of the Amendment to the Constitution of the People's Republic of China (Adopted at the First Session of the Eighth National People's Congress on 29 March 1993) (in Volume 1, p. 3/1).

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，鼓勵和支持農村集體經濟組織、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。

國家保護名勝古蹟、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，擴大知識分子的隊伍，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。

The state establishes and administers schools of various types, universalizes compulsory primary education and promotes secondary, vocational and higher education as well as preschool education.

The state develops educational facilities in order to eliminate illiteracy and provide political, scientific, technical and professional education as well as general education for workers, peasants, state functionaries and other working people. It encourages people to become educated through independent study.

The state encourages the collective economic organizations, state enterprises and institutions and other sectors of society to establish 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 knowledge of science and technology, and commends and rewards achievements in scientific research as well as technological innovations 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 institutions and neighbourhood organizations, and promotes health and sanitation activities of a mass character, all for the protection of the people's health.

The state develops physical culture and promotes mass sports activities to improve the people's physical fitness.

Article 22 The state promotes the development of art and literature, the press, radio and television broadcasting, publishing and distribution services, libraries, museums, cultural centres and other cultural undertakings that serve the people and socialism, and it sponsors mass cultural activities.

The state protects sites of scenic and historical interest, valuable cultural monuments and relics and other significant items of China's historical and cultural heritage.

Article 23 The state trains specialized personnel in all fields who serve socialism, expands the ranks of intellectuals and creates conditions to give full scope to their role in socialist modernization.

Article 24 The state strengthens the building of a socialist society with an advanced culture and ideology by promoting education in high ideals, ethics, general knowledge, discipline and legality, and by promoting the formulation and observance of rules of conduct and common pledges by various sections of the people in urban and rural areas.



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劃相適應。

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，不斷提高工作質量和工作效率，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。

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；

The state advocates the civic virtues of love of the motherland, of the people, of labour, of science and of socialism. It conducts education among the people in patriotism and collectivism, in internationalism and communism and in dialectical and historical materialism, to combat capitalist, feudal 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 environment in which people live and the ecological environment. It 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 performance in order constantly to improve the 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 do their best to serve them.

* Article 28 The state maintains public order and suppresses treasonable and other counter-revolutionary activities; it penalizes criminal activities that endanger public security and disrupt the socialist economy as well as other criminal activities; and it 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 do their best to serve the people.

The state strengthens the revolutionization, modernization and regularization of the armed forces in order to increase 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;

* 關於對本條的修改，請參閱《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)(刊載於第1冊，第3A/1頁)第十七條。

* For amendment to this Article, please see Article 17 of the Amendment to the Constitution of the People's Republic of China (Adopted at the Second Session of the Ninth National People's Congress on 15 March 1999) (in Volume 1, p. 3A/1).



(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。

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。

(3) Counties and autonomous counties are divided into townships, nationalities 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 specific conditions.

Article 32 The People's Republic of China protects the lawful rights and interests of foreigners within Chinese territory; foreigners on Chinese territory must abide by the laws 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 is entitled to 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 ethnic status, 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.



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序對通信進行檢查外，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。

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 Freedom of the 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 detention or deprivation or restriction of citizens freedom of the person by 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 accusation or false incrimination directed against citizens by any means is prohibited.

Article 39 The residences of citizens of the People's Republic of China are inviolable. Unlawful search of, or intrusion into, a citizen's residence is prohibited.

Article 40 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 citizens freedom and privacy of correspondence, except in cases where, to meet the needs of state security or of criminal investigation, 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 regarding any state organ or functionary. Citizens have the right to make to relevant state organs complaints or charges against, or exposures of, any state organ or functionary for violation of the law or dereliction of duty; but fabrication or distortion of facts for purposes of libel or false incrimination is prohibited.

The state organ concerned must deal with complaints, charges or exposures made by citizens in a responsible manner after ascertaining the facts. No one may suppress such complaints, charges and exposures or retaliate against the citizens making them.

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。

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。

* 關於對本條的修改，請參閱《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)(刊載於第1冊，第3/1頁)第十條。

Citizens who have suffered losses as a result of infringement of their civic 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.

Through various channels, the state creates conditions for employment, enhances occupational safety and health, improves working conditions and, on the basis of expanded production, increases remuneration for work and welfare benefits.

Work is a matter of honour for every citizen who is able to work. All working people in state enterprises and in urban and rural economic collectives should approach their work as the masters of the country that they are. 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 for 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 the rest and recuperation of the working people and prescribes working hours and vacations for workers and staff.

Article 44 The state applies the system of retirement for workers and staff of enterprises and institutions and for functionaries of organs of state according to law. 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 social insurance, social relief and medical and health services that are required for 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-mutes and other handicapped citizens.

* For amendment to this Article, please see Article 10 of the Amendment to the Constitution of the People's Republic of China (Adopted at the First Session of the Eighth National People's Congress on 29 March 1993) (in Volume 1, p. 3/1).

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。

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 development of children and young people, morally, intellectually and physically.

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 that are 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, in political, economic, cultural, social and family life.

The state protects the rights and interests of women, applies the principle of equal pay for equal work to 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 children who are minors, 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 Citizens of the People's Republic of China, in exercising their freedoms and rights, may not infringe upon the interests of the state, of society or 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 unification 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, observe labour discipline and public order and respect social ethics.



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。

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 duty 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 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.

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 procedure of their election are prescribed by law.

Article 60 The National People's Congress is elected for a term of five years.

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、各部部长、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劃和計劃執行情況的報告；
- (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；

The Standing Committee of the National People's Congress must ensure the completion of election of deputies to the succeeding National People's Congress two months prior to the expiration of the term of office of the current National People's Congress. Should extraordinary circumstances prevent such an election, it may be postponed and the term of office of the current National People's Congress extended by the decision of a vote of more than two-thirds of all those on the Standing Committee of the current National People's Congress. The election of deputies to the succeeding National People's Congress must be completed within one year after the termination of such extraordinary 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 and Standing Committee deems it 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 laws governing 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;
- (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 on the choice of the Vice-Premiers, State Councillors, Ministers in charge of ministries or commissions, 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 nomination by the Chairman, to decide on the choice of all 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 report 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;

- (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 全國人民代表大會擁有權罷免下列人員：

- (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。

- (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 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, the Auditor-General and the Secretary-General of the State Council;
- (3) the Chairman of the Central Military Commission and other members of 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 vote of more than two-thirds of all the deputies to the Congress.

Laws and resolutions are to be adopted by a majority vote 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
- the 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, members of its Standing Committee.

No one on the Standing Committee of the National People's Congress shall hold office in any of the administrative, judicial or procuratorial organs of the state.

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。

委員長、副委員長連續任職不得超過兩屆。

第六十七條 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劃、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；

Article 66 The Standing Committee of the National People's Congress is elected for the same term as the National People's Congress; it shall exercise 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 laws, with the exception of those which should be enacted by the National People's Congress;
- (3) to partially supplement and amend, when the National People's Congress is not in session, laws enacted by the National People's Congress provided that the basic principles of these laws are not contravened;
- (4) to interpret laws;
- (5) to review and approve, when the National People's Congress is not in session, partial adjustments to the plan for national economic and social development or 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 law;
- (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 law 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, the Auditor-General or 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 other members of the Commission, when the National People's Congress is not in session;
- (11) to appoint or remove, at the recommendation of the President of the Supreme People's Court, the Vice-Presidents and Judges of the Supreme People's Court, members of its Judicial Committee and the President of the Military Court;

(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，決定戰爭狀態的宣布；

(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、直轄市的戒嚴；

(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。

(12) to appoint or remove, at the recommendation of the Procurator-General of the Supreme People's Procuratorate, 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, and to approve the appointment or 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 or recall of plenipotentiary representatives abroad;

(14) to decide on the ratification or 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 fulfilment of international treaty obligations concerning common defence against aggression;

(19) to decide on general mobilization or partial mobilization;

(20) to decide on the imposition 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 directs the work of the Standing Committee and convenes its meetings. The Vice-Chairmen and the Secretary-General assist the Chairman in his work.

The Chairman, the Vice-Chairmen and the Secretary-General constitute the Council of Chairmen which handles 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



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序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序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。

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 furnish necessary information to the committees of inquiry when they conduct investigations.

Article 72 Deputies to the National People's Congress and members of 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 and members of the Standing Committee have the right, during the sessions of the Congress and the meetings of the Committee, 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 held legally liable 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 public activities, production and other work, assist in the enforcement of the Constitution and the law.

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序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序由法律規定。

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。

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。

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托，可以代行主席的部分職權。

Deputies to the National People's Congress should maintain close contact with the units which elected them and with the people, heed and convey the opinions and demands of the people and work hard to serve them.

Article 77 Deputies to the National People's Congress are subject to supervision by the units which elected them. The electoral units have the power, through procedures prescribed by law, to recall deputies 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 the decisions of the National People's Congress and its Standing Committee, promulgates statutes, appoints or removes the Premier, Vice-Premiers, State Councillors, Ministers in charge of ministries or commissions, 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 the decisions of the Standing Committee of the National People's Congress, appoints or recalls plenipotentiary representatives abroad, and ratifies or 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 functions and powers of the President as the President may entrust to him.

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，
各部部长，
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。

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 the event that the office of the President of the People's Republic of China falls vacant, the Vice-President succeeds to the office of the President.

In the event that 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 assumes overall responsibility for the work of the State Council. The Ministers assume overall responsibility for the work of the ministries and commissions.

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.



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，發布決定和命令；
- (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劃和國家預算；
- (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；

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 to be attended by 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 law;
- (2) to submit proposals to the National People's Congress or its Standing Committee;
- (3) to formulate 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 various levels throughout the country, and to formulate 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 affairs and urban and rural development;
- (7) to direct and administer the affairs of education, science, culture, public health, physical culture and family planning;
- (8) to direct and administer 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 to 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;

- (十三) 改變或者撤銷各部、各委員會發布的不適當的命令、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) 決定省、自治區、直轄市的範圍內部分地區的戒嚴；
- (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，在本部門的權限內，發布命令、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。

(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 various 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 imposition 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 or remove administrative officials, train them, appraise their performance 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 to it.

Article 90 Ministers in charge of the ministries or commissions of the State Council are responsible for the work of their respective departments and they convene and preside over ministerial meetings or general and executive meetings of the commissions to 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 law 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 various levels, and the revenue and expenditure of all financial and monetary organizations, enterprises and institutions of the state.

Under the direction of the Premier of the State Council, the auditing body independently exercises its power of supervision 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.

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。

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

the members.

The Chairman assumes overall responsibility for the work of the Central Military 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 Congresses and Local People's Governments at Various 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 various 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 5 and 6 of Chapter III of the Constitution.

Article 96 Local people's congresses at various 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 various levels and the manner of their election are prescribed by law.



* 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。

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；依照法律規定的權限，通過和發布決議，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劃。

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劃、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權限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。

* 關於對本條的修改，請參閱《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）（刊載於第1冊，第3/1頁）第十一條。

* 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 various levels ensure the observance and implementation of the Constitution and the law 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 the development of public services.

Local people's congresses at and above the county level shall examine and approve the plans for economic and social development and the budgets of their respective administrative areas and examine and approve the 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 characteristics 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 and the law and 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 Local people's congresses at their respective levels 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.

* For amendment to this Article, please see Article 11 of the Amendment to the Constitution of the People's Republic of China (Adopted at the First Session of the Eighth National People's Congress on 29 March 1993) (in Volume I, p. 3/1).

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序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；依照法律規定的權限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。

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 various levels have the power to recall the deputies according to procedures prescribed by law.

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.

A local people's congress at or above the county level elects, and has the power to recall, members of its standing committee.

No one on the standing committee of a local people's congress at or above the county level shall hold office in state administrative, judicial and procuratorial organs.

Article 104 The standing committee of a local people's congress at or 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 or removal of functionaries of state organs within the limits of its authority 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 various levels are the executive bodies of local organs of state power as well as the local organs of state administration at the corresponding levels.

Governors, mayors and heads of counties, districts, townships and towns assume overall responsibility for local people's governments at various levels.

Article 106 The term of office of local people's governments at various levels is the same as that of the people's congresses at the corresponding levels.

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權限，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，發布決定和命令，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。

Article 107 Local people's governments at and above the county level, within the limits of their authority as prescribed by law, conduct 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 or remove administrative functionaries, train them, appraise their performance and reward or punish them.

People's governments of townships, nationality townships, and towns execute the resolutions of the people's congresses at the corresponding levels 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 of the 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 various levels independently exercise their power of supervision 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 various levels are responsible and report on their work to people's congresses at the corresponding levels. Local people's governments at and above the county level are responsible and report on their work to the standing committees of the people's congresses at the corresponding levels when the congresses are not in session.

Local people's governments at various levels are responsible and report on their work to the state administrative organs at the next higher level. Local people's governments at various levels throughout the country are state administrative organs under the unified leadership of the State Council and are subordinate to it.



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權限行使自治權，根據本地方實際情況貫徹執行國家的法律、政策。

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 sub-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, autonomous prefecture or autonomous county, in addition to the deputies of the nationality exercising regional autonomy in the administrative area, the other nationalities inhabiting the area are also entitled to appropriate representation.

Among the chairman and vice-chairmen of the standing committee of the people's congress of an autonomous region, autonomous prefecture or autonomous county there shall be one or more citizens of the nationality or nationalities exercising regional autonomy in the area concerned.

Article 114 The chairman of an autonomous region, the prefect of an autonomous prefecture or the head of an autonomous county shall be a citizen of the nationality exercising regional autonomy in the area concerned.

Article 115 The organs of self-government of autonomous regions, autonomous prefectures and autonomous counties exercise the functions and powers of local organs of state as specified in Section 5 of Chapter III of the Constitution. At the same time, they exercise the power of autonomy within the limits of their authority as prescribed by the Constitution, the Law of the People's Republic of China on Regional National Autonomy and other laws and implement the laws and policies of the state in the light of the existing local situation.



第一百一十六條 民族自治地方的人民代表大會有權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劃的指導下，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。

Article 116 The people's congresses of national autonomous areas have the power to enact regulations on the exercise of autonomy and other separate regulations in the light of the political, economic and cultural characteristics of the nationality or nationalities in the areas concerned. The regulations on the exercise of autonomy and other separate 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 by the organs of self-government of those areas on their own.

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 exploiting 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, protect and sift through the cultural heritage of the nationalities and work for a vigorous development 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 practical 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 regulations on the exercise of autonomy in those areas, employ the spoken and written language or languages in common use in the locality.



第一百二十二條 國家從財政、物資、技術等方面幫助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。

Article 122 The state provides 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 various levels and specialized personnel and skilled workers of various professions and trades from among the nationality or nationalities in those areas.

Section 7 The People's Courts and the People's Procuratorates

Article 123 The people's courts of 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 people's courts at various local 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. The President shall serve no more than two consecutive terms.

The organization of the people's courts is prescribed by law.

Article 125 Except in special circumstances as specified by law, all cases in the people's courts are heard in public. The accused has the right to defence.

Article 126 The people's courts exercise judicial power independently, in accordance with the provisions of the law, and are not subject to interference by any administrative organ, public organization or individual.

Article 127 The Supreme People's Court is the highest judicial organ.

The Supreme People's Court supervises the administration of justice by the people's courts at various local 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 various 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.

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、布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。

Article 130 The People's Republic of China establishes the Supreme People's Procuratorate and the people's procuratorates at various local 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; the Procurator-General shall serve no more than two consecutive terms.

The organization of the people's procuratorates is prescribed by law.

Article 131 The people's procuratorates exercise procuratorial power independently, in accordance with the provisions of the law, and are not subject to interference by any administrative organ, public organization or individual.

Article 132 The Supreme People's Procuratorate is the highest procuratorial organ.

The Supreme People's Procuratorate directs the work of the people's procuratorates at various local 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. People's procuratorates at various local levels are responsible to the organs of state power which created them and to the people's procuratorates at higher levels.

Article 134 Citizens of all China's nationalities have the right to use their native spoken and written languages 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 commonly used in the locality.

In an area where people of a minority nationality live in a concentrated community or where a number of nationalities live together, court hearings should be conducted in the language or languages commonly used in the locality; indictments, judgments, notices and other documents should be written, according to actual needs, in the language or languages commonly used in the locality.

Article 135 The people's courts, the people's procuratorates and the 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 the correct and effective enforcement of the law.

第四章 國旗、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。

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，周圍是谷穗和齒輪。

第一百三十八條 中華人民共和國首都北京。



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 consists of an image of Tian'anmen in its 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.