

中华人民共和国宪法双语版（下）

第三章 国家机构

第一节 全国人民代表大会

第五十七条 中华人民共和国全国人民代表大会是最高国家权力机关。它的常设机关是全国人民代表大会常务委员会。

第五十八条 全国人民代表大会和全国人民代表大会常务委员会行使国家立法权。

第五十九条 全国人民代表大会由省、自治区、直辖市、特别行政区和军队选出的代表组成。各少数民族都应当有适当名额的代表。

全国人民代表大会代表的选举由全国人民代表大会常务委员会主持。

全国人民代表大会代表名额和代表产生办法由法律规定。

第六十条 全国人民代表大会每届任期五年。

全国人民代表大会任期届满的两个月以前，全国人民代表大会常务委员会必须完成下届全国人民代表大会代表的选举。如果遇到不能进行选举的非常情况，由全国人民代表大会常务委员会以全体组成人员的三分之二以上的多数通过，可以推迟选举，延长本届全国人民代表大会的任期。在非常情况结束后一年内，必须完成下届全国人民代表大会代表的选举。

第六十一条 全国人民代表大会会议每年举行一次，由全国人民代表大会常务委员会召集。如果全国人民代表大会常务委员会认为必要，或者有五分之一以上的全国人民代表大会代表提议，可以临时召集全国人民代表大会会议。

全国人民代表大会举行会议的时候，选举主席团主持会议。

第六十二条 全国人民代表大会行使下列职权：

- （一） 修改宪法；
- （二） 监督宪法的实施；
- （三） 制定和修改刑事、民事、国家机构的和其他的基本法律；
- （四） 选举中华人民共和国主席、副主席；

(五) 根据中华人民共和国主席的提名，决定国务院总理的人选；根据国务院总理的提名，决定国务院副总理、国务委员、各部部长、各委员会主任、审计长、秘书长的人选；

(六) 选举中央军事委员会主席；根据中央军事委员会主席的提名，决定中央军事委员会其他组成人员的人选；

(七) 选举最高人民法院院长；

(八) 选举最高人民检察院检察长；

(九) 审查和批准国民经济和社会发展计划和计划执行情况的报告；

(十) 审查和批准国家的预算和预算执行情况的报告；

(十一) 改变或者撤销全国人民代表大会常务委员会不适当的决定；

(十二) 批准省、自治区和直辖市的建置；

(十三) 决定特别行政区的设立及其制度；

(十四) 决定战争和和平的问题；

(十五) 应当由最高国家权力机关行使的其他职权。

第六十三条 全国人民代表大会有权罢免下列人员：

(一) 中华人民共和国主席、副主席；

(二) 国务院总理、副总理、国务委员、各部部长、各委员会主任、审计长、秘书长；

(三) 中央军事委员会主席和中央军事委员会其他组成人员；

(四) 最高人民法院院长；

(五) 最高人民检察院检察长。

第六十四条 宪法的修改，由全国人民代表大会常务委员会或者五分之一以上的全国人民代表大会代表提议，并由全国人民代表大会以全体代表的三分之二以上的多数通过。

法律和其他议案由全国人民代表大会以全体代表的过半数通过。

第六十五条 全国人民代表大会常务委员会由下列人员组成：

委员长，

副委员长若干人，

秘书长，

委员若干人。

全国人民代表大会常务委员会组成人员中，应当有适当名额的少数民族代表。

全国人民代表大会选举并有权罢免全国人民代表大会常务委员会的组成人员。

全国人民代表大会常务委员会的组成人员不得担任国家行政机关、审判机关和检察机关的职务。

第六十六条 全国人民代表大会常务委员会每届任期同全国人民代表大会每届任期相同，它行使职权到下届全国人民代表大会选出新的常务委员会为止。

委员长、副委员长连续任职不得超过两届。

第六十七条 全国人民代表大会常务委员会行使下列职权：

- (一) 解释宪法，监督宪法的实施；
- (二) 制定和修改除应当由全国人民代表大会制定的法律以外的其他法律；
- (三) 在全国人民代表大会闭会期间，对全国人民代表大会制定的法律进行部分补充和修改，但是不得同该法律的基本原则相抵触；
- (四) 解释法律；
- (五) 在全国人民代表大会闭会期间，审查和批准国民经济和社会发展计划、国家预算在执行过程中所必须作的部分调整方案；
- (六) 监督国务院、中央军事委员会、最高人民法院和最高人民检察院的工作；
- (七) 撤销国务院制定的同宪法、法律相抵触的行政法规、决定和命令；
- (八) 撤销省、自治区、直辖市国家权力机关制定的同宪法、法律和行政法规相抵触的地方性法规和决议；
- (九) 在全国人民代表大会闭会期间，根据国务院总理的提名，决定部长、委员会主任、审计长、秘书长的人选；

(十) 在全国人民代表大会闭会期间，根据中央军事委员会主席的提名，决定中央军事委员会其他组成人员的人选；

(十一) 根据最高人民法院院长的提请，任免最高人民法院副院长、审判员、审判委员会委员和军事法院院长；

(十二) 根据最高人民检察院检察长的提请，任免最高人民检察院副检察长、检察员、检察委员会委员和军事检察院检察长，并且批准省、自治区、直辖市的人民检察院检察长的任免；

(十三) 决定驻外全权代表的任免；

(十四) 决定同外国缔结的条约和重要协定的批准和废除；

(十五) 规定军人和外交人员的衔级制度和其他专门衔级制度；

(十六) 规定和决定授予国家的勋章和荣誉称号；

(十七) 决定特赦；

(十八) 在全国人民代表大会闭会期间，如果遇到国家遭受武装侵犯或者必须履行国际间共同防止侵略的条约的情况，决定战争状态的宣布；

(十九) 决定全国总动员或者局部动员；

(二十) 决定全国或者个别省、自治区、直辖市进入紧急状态；

(二十一) 全国人民代表大会授予的其他职权。

第六十八条 全国人民代表大会常务委员会委员长主持全国人民代表大会常务委员会的工作，召集全国人民代表大会常务委员会会议。副委员长、秘书长协助委员长工作。

委员长、副委员长、秘书长组成委员长会议，处理全国人民代表大会常务委员会的重要日常工作。

第六十九条 全国人民代表大会常务委员会对全国人民代表大会负责并报告工作。

第七十条 全国人民代表大会设立民族委员会、法律委员会、财政经济委员会、教育科学文化卫生委员会、外事委员会、华侨委员会和其他需要设立的专门委员会。在全国人民代表大会闭会期间，各专门委员会受全国人民代表大会常务委员会的领导。

各专门委员会在全国人民代表大会和全国人民代表大会常务委员会领导下，研究、审议

和拟订有关议案。

第七十一条 全国人民代表大会和全国人民代表大会常务委员会认为必要的时候，可以组织关于特定问题的调查委员会，并且根据调查委员会的报告，作出相应的决议。

调查委员会进行调查的时候，一切有关的国家机关、社会团体和公民都有义务向它提供必要的材料。

第七十二条 全国人民代表大会代表和全国人民代表大会常务委员会组成人员，有权依照法律规定的程序分别提出属于全国人民代表大会和全国人民代表大会常务委员会职权范围内的议案。

第七十三条 全国人民代表大会代表在全国人民代表大会开会期间，全国人民代表大会常务委员会组成人员在常务委员会开会期间，有权依照法律规定的程序提出对国务院或者国务院各部、各委员会的质询案。受质询的机关必须负责答复。

第七十四条 全国人民代表大会代表，非经全国人民代表大会会议主席团许可，在全国人民代表大会闭会期间非经全国人民代表大会常务委员会许可，不受逮捕或者刑事审判。

第七十五条 全国人民代表大会代表在全国人民代表大会各种会议上的发言和表决，不受法律追究。

第七十六条 全国人民代表大会代表必须模范地遵守宪法和法律，保守国家秘密，并且在自己参加的生产、工作和社会活动中，协助宪法和法律的实施。

全国人民代表大会代表应当同原选举单位和人民保持密切的联系，听取和反映人民的意见和要求，努力为人民服务。

第七十七条 全国人民代表大会代表受原选举单位的监督。原选举单位有权依照法律规定的程序罢免本单位选出的代表。

第七十八条 全国人民代表大会和全国人民代表大会常务委员会的组织和工作程序由法律规定。

第二节 中华人民共和国主席

第七十九条 中华人民共和国主席、副主席由全国人民代表大会选举。

有选举权和被选举权的年满四十五周岁的中华人民共和国公民可以被选为中华人民共和国主席、副主席。

中华人民共和国主席、副主席每届任期同全国人民代表大会每届任期相同，连续任职不得超过两届。

第八十条 中华人民共和国主席根据全国人民代表大会的决定和全国人民代表大会常务委员会的决定，公布法律，任免国务院总理、副总理、国务委员、各部部长、各委员会主任、审计长、秘书长，授予国家的勋章和荣誉称号，发布特赦令，宣布进入紧急状态，宣布战争状态，发布动员令。

第八十一条 中华人民共和国主席代表中华人民共和国，进行国事活动，接受外国使节；根据全国人民代表大会常务委员会的决定，派遣和召回驻外全权代表，批准和废除同外国缔结的条约和重要协定。

第八十二条 中华人民共和国副主席协助主席工作。

中华人民共和国副主席受主席的委托，可以代行主席的部分职权。

第八十三条 中华人民共和国主席、副主席行使职权到下届全国人民代表大会选出的主席、副主席就职为止。

第八十四条 中华人民共和国主席缺位的时候，由副主席继任主席的职位。

中华人民共和国副主席缺位的时候，由全国人民代表大会补选。

中华人民共和国主席、副主席都缺位的时候，由全国人民代表大会补选；在补选以前，由全国人民代表大会常务委员会委员长暂时代理主席职位。

第三节 国务院

第八十五条 中华人民共和国国务院，即中央人民政府，是最高国家权力机关的执行机关，是最高国家行政机关。

第八十六条 国务院由下列人员组成：

总理，

副总理若干人，

国务委员若干人，

各部部长，

各委员会主任，

审计长，

秘书长。

国务院实行总理负责制。各部、各委员会实行部长、主任负责制。

国务院的组织由法律规定。

第八十七条 国务院每届任期同全国人民代表大会每届任期相同。

总理、副总理、国务委员连续任职不得超过两届。

第八十八条 总理领导国务院的工作。副总理、国务委员协助总理工作。

总理、副总理、国务委员、秘书长组成国务院常务会议。

总理召集和主持国务院常务会议和国务院全体会议。

第八十九条 国务院行使下列职权：

- (一) 根据宪法和法律，规定行政措施，制定行政法规，发布决定和命令；
- (二) 向全国人民代表大会或者全国人民代表大会常务委员会提出议案；
- (三) 规定各部和各委员会的任务和职责，统一领导各部和各委员会的工作，并且领导不属于各部和各委员会的全国性的行政工作；
- (四) 统一领导全国地方各级国家行政机关的工作，规定中央和省、自治区、直辖市的国家行政机关的职权的具体划分；
- (五) 编制和执行国民经济和社会发展计划和国家预算；
- (六) 领导和管理经济工作和城乡建设；
- (七) 领导和管理教育、科学、文化、卫生、体育和计划生育工作；
- (八) 领导和管理民政、公安、司法行政和监察等工作；
- (九) 管理对外事务，同外国缔结条约和协定；
- (十) 领导和管理国防建设事业；
- (十一) 领导和管理民族事务，保障少数民族的平等权利和民族自治地方的自治权利；
- (十二) 保护华侨的正当的权利和利益，保护归侨和侨眷的合法的权利和利益；

- (十三) 改变或者撤销各部、各委员会发布的不适当的命令、指示和规章；
- (十四) 改变或者撤销地方各级国家行政机关的不适当的决定和命令；
- (十五) 批准省、自治区、直辖市的区域划分，批准自治州、县、自治县、市的建置和区域划分；
- (十六) 依照法律规定决定省、自治区、直辖市的范围内部分地区进入紧急状态；
- (十七) 审定行政机构的编制，依照法律规定任免、培训、考核和奖惩行政人员；
- (十八) 全国人民代表大会和全国人民代表大会常务委员会授予的其他职权。

第九十条 国务院各部部长、各委员会主任负责本部门的工作；召集和主持部务会议或者委员会会议、委务会议，讨论决定本部门工作的重大问题。

各部、各委员会根据法律和国务院的行政法规、决定、命令，在本部门的权限内，发布命令、指示和规章。

第九十一条 国务院设立审计机关，对国务院各部门和地方各级政府的财政收支，对国家的财政金融机构和企业事业组织的财务收支，进行审计监督。

审计机关在国务院总理领导下，依照法律规定独立行使审计监督权，不受其他行政机关、社会团体和个人的干涉。

第九十二条 国务院对全国人民代表大会负责并报告工作；在全国人民代表大会闭会期间，对全国人民代表大会常务委员会负责并报告工作。

第四节 中央军事委员会

第九十三条 中华人民共和国中央军事委员会领导全国武装力量。

中央军事委员会由下列人员组成：

主席，

副主席若干人，

委员若干人。

中央军事委员会实行主席负责制。

中央军事委员会每届任期同全国人民代表大会每届任期相同。

第九十四条 中央军事委员会主席对全国人民代表大会和全国人民代表大会常务委员会负责。

第五节 地方各级人民代表大会和地方各级人民政府

第九十五条 省、直辖市、县、市、市辖区、乡、民族乡、镇设立人民代表大会和人民政府。

地方各级人民代表大会和地方各级人民政府的组织由法律规定。

自治区、自治州、自治县设立自治机关。自治机关的组织和工作根据宪法第三章第五节、第六节规定的基本原则由法律规定。

第九十六条 地方各级人民代表大会是地方国家权力机关。

县级以上的地方各级人民代表大会设立常务委员会。

第九十七条 省、直辖市、设区的市的人民代表大会代表由下一级的人民代表大会选举；县、不设区的市、市辖区、乡、民族乡、镇的人民代表大会代表由选民直接选举。

地方各级人民代表大会代表名额和代表产生办法由法律规定。

第九十八条 地方各级人民代表大会每届任期五年。

第九十九条 地方各级人民代表大会在本行政区域内，保证宪法、法律、行政法规的遵守和执行；依照法律规定的权限，通过和发布决议，审查和决定地方的经济建设、文化建设和公共事业建设的计划。

县级以上的地方各级人民代表大会审查和批准本行政区域内的国民经济和社会发展规划、预算以及它们的执行情况的报告；有权改变或者撤销本级人民代表大会常务委员会不适当的决定。

民族乡的人民代表大会可以依照法律规定的权限采取适合民族特点的具体措施。

第一百条 省、直辖市的人民代表大会和它们的常务委员会，在不同宪法、法律、行政法规相抵触的前提下，可以制定地方性法规，报全国人民代表大会常务委员会备案。

第一百零一条 地方各级人民代表大会分别选举并且有权罢免本级人民政府的省长和副省长、市长和副市长、县长和副县长、区长和副区长、乡长和副乡长、镇长和副镇长。

县级以上的地方各级人民代表大会选举并且有权罢免本级人民法院院长和本级人民检

察院检察长。选出或者罢免人民检察院检察长，须报上级人民检察院检察长提请该级人民代表大会常务委员会批准。

第一百零二条 省、直辖市、设区的市的人民代表大会代表受原选举单位的监督；县、不设区的市、市辖区、乡、民族乡、镇的人民代表大会代表受选民的监督。

地方各级人民代表大会代表的选举单位和选民有权依照法律规定的程序罢免由他们选出的代表。

第一百零三条 县级以上的地方各级人民代表大会常务委员会由主任、副主任若干人和委员若干人组成，对本级人民代表大会负责并报告工作。

县级以上的地方各级人民代表大会选举并有权罢免本级人民代表大会常务委员会的组成人员。

县级以上的地方各级人民代表大会常务委员会的组成人员不得担任国家行政机关、审判机关和检察机关的职务。

第一百零四条 县级以上的地方各级人民代表大会常务委员会讨论、决定本行政区域内各方面工作的重大事项；监督本级人民政府、人民法院和人民检察院的工作；撤销本级人民政府的不适当的决定和命令；撤销下一级人民代表大会的不适当的决议；依照法律规定的权限决定国家机关工作人员的任免；在本级人民代表大会闭会期间，罢免和补选上一级人民代表大会的个别代表。

第一百零五条 地方各级人民政府是地方各级国家权力机关的执行机关，是地方各级国家行政机关。

地方各级人民政府实行省长、市长、县长、区长、乡长、镇长负责制。

第一百零六条 地方各级人民政府每届任期同本级人民代表大会每届任期相同。

第一百零七条 县级以上地方各级人民政府依照法律规定的权限，管理本行政区域内的经济、教育、科学、文化、卫生、体育事业、城乡建设事业和财政、民政、公安、民族事务、司法行政、监察、计划生育等行政工作，发布决定和命令，任免、培训、考核和奖惩行政工作人员。

乡、民族乡、镇的人民政府执行本级人民代表大会的决议和上级国家行政机关的决定和命令，管理本行政区域内的行政工作。

省、直辖市的人民政府决定乡、民族乡、镇的建置和区域划分。

第一百零八条 县级以上的地方各级人民政府领导所属各工作部门和下级人民政府的工作，有权改变或者撤销所属各工作部门和下级人民政府的不适当的决定。

第一百零九条 县级以上地方各级人民政府设立审计机关。地方各级审计机关依照法律规定独立行使审计监督权，对本级人民政府和上一级审计机关负责。

第一百一十条 地方各级人民政府对本级人民代表大会负责并报告工作。县级以上地方各级人民政府在本级人民代表大会闭会期间，对本级人民代表大会常务委员会负责并报告工作。

地方各级人民政府对上一级国家行政机关负责并报告工作。全国地方各级人民政府都是国务院统一领导下的国家行政机关，都服从国务院。

第一百一十一条 城市和农村按居民居住地区设立的居民委员会或者村民委员会是基层群众性自治组织。居民委员会、村民委员会的主任、副主任和委员由居民选举。居民委员会、村民委员会同基层政权的相互关系由法律规定。

居民委员会、村民委员会设人民调解、治安保卫、公共卫生等委员会，办理本居住地区的公共事务和公益事业，调解民间纠纷，协助维护社会治安，并且向人民政府反映群众的意见、要求和提出建议。

第六节 民族自治地方的自治机关

第一百一十二条 民族自治地方的自治机关是自治区、自治州、自治县的人民代表大会和人民政府。

第一百一十三条 自治区、自治州、自治县的人民代表大会中，除实行区域自治的民族的代表外，其他居住在本行政区域内的民族也应当有适当名额的代表。

自治区、自治州、自治县的人民代表大会常务委员会中应当有实行区域自治的民族的公民担任主任或者副主任。

第一百一十四条 自治区主席、自治州州长、自治县县长由实行区域自治的民族的公民担任。

第一百一十五条 自治区、自治州、自治县的自治机关行使宪法第三章第五节规定的地方国家机关的职权，同时依照宪法、民族区域自治法和其他法律规定的权限行使自治权，根据本地方实际情况贯彻执行国家的法律、政策。

第一百一十六条 民族自治地方的人民代表大会有权依照当地民族的政治、经济和文化的特点，制定自治条例和单行条例。自治区的自治条例和单行条例，报全国人民代表大会常务委员会批准后生效。自治州、自治县的自治条例和单行条例，报省或者自治区的人民代表大会议务委员会批准后生效，并报全国人民代表大会常务委员会备案。

第一百一十七条 民族自治地方的自治机关有管理地方财政的自治权。凡是依照国家财

政体制属于民族自治地方的财政收入，都应当由民族自治地方的自治机关自主地安排使用。

第一百一十八条 民族自治地方的自治机关在国家计划的指导下，自主地安排和管理地方性的经济建设事业。

国家在民族自治地方开发资源、建设企业的时候，应当照顾民族自治地方的利益。

第一百一十九条 民族自治地方的自治机关自主地管理本地方的教育、科学、文化、卫生、体育事业，保护和整理民族的文化遗产，发展和繁荣民族文化。

第一百二十条 民族自治地方的自治机关依照国家的军事制度和当地的实际需要，经国务院批准，可以组织本地方维护社会治安的公安部队。

第一百二十一条 民族自治地方的自治机关在执行职务的时候，依照本民族自治地方自治条例的规定，使用当地通用的一种或者几种语言文字。

第一百二十二条 国家从财政、物资、技术等方面帮助各少数民族加速发展经济建设和文化建设事业。

国家帮助民族自治地方从当地民族中大量培养各级干部、各种专业人才和技术工人。

第七节 人民法院和人民检察院

第一百二十三条 中华人民共和国人民法院是国家的审判机关。

第一百二十四条 中华人民共和国设立最高人民法院、地方各级人民法院和军事法院等专门人民法院。

最高人民法院院长每届任期同全国人民代表大会每届任期相同，连续任职不得超过两届。

人民法院的组织由法律规定。

第一百二十五条 人民法院审理案件，除法律规定的特殊情况外，一律公开进行。被告人有权获得辩护。

第一百二十六条 人民法院依照法律规定独立行使审判权，不受行政机关、社会团体和个人的干涉。

第一百二十七条 最高人民法院是最高审判机关。

最高人民法院监督地方各级人民法院和专门人民法院的审判工作，上级人民法院监督下级人民法院的审判工作。

第一百二十八条 最高人民法院对全国人民代表大会和全国人民代表大会常务委员会负责。地方各级人民法院对产生它的国家权力机关负责。

第一百二十九条 中华人民共和国人民检察院是国家的法律监督机关。

第一百三十条 中华人民共和国设立最高人民检察院、地方各级人民检察院和军事检察院等专门人民检察院。

最高人民检察院检察长每届任期同全国人民代表大会每届任期相同，连续任职不得超过两届。

人民检察院的组织由法律规定。

第一百三十一条 人民检察院依照法律规定独立行使检察权，不受行政机关、社会团体和个人的干涉。

第一百三十二条 最高人民检察院是最高检察机关。

最高人民检察院领导地方各级人民检察院和专门人民检察院的工作，上级人民检察院领导下级人民检察院的工作。

第一百三十三条 最高人民检察院对全国人民代表大会和全国人民代表大会常务委员会负责。地方各级人民检察院对产生它的国家权力机关和上级人民检察院负责。

第一百三十四条 各民族公民都有用本民族语言文字进行诉讼的权利。人民法院和人民检察院对于不通晓当地通用的语言文字的诉讼参与人，应当为他们翻译。

在少数民族聚居或者多民族共同居住的地区，应当用当地通用的语言进行审理；起诉书、判决书、布告和其他文书应当根据实际需要当地通用的一种或者几种文字。

第一百三十五条 人民法院、人民检察院和公安机关办理刑事案件，应当分工负责，互相配合，互相制约，以保证准确有效地执行法律。

第四章 国旗、国歌、国徽、首都

第一百三十六条 中华人民共和国国旗是五星红旗。

中华人民共和国国歌是《义勇军进行曲》。

第一百三十七条 中华人民共和国国徽，中间是五星照耀下的天安门，周围是谷穗和齿

轮。

第一百三十八条 中华人民共和国首都是北京。

全国人民代表大会 2004 年 3 月 14 日 颁布

the Constitution of the People's Republic of China (下)

Chapter III The Structure of the State

Section 1 The National people's Congress

Article 57 The National People's Congress of the People's Republic of China is the highest organ of state power. Its permanent body is the Standing Committee of the National People's Congress.

Article 58 The National People's Congress and its Standing Committee exercise the legislative power of the state.

Article 59 The National People's Congress is composed of deputies elected by the provinces, autonomous regions, municipalities directly under the Central Government, and special administrative regions, as well as by the armed forces. All the minority ethnic groups 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.

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 year and is convened by its Standing Committee. A session of the National People's Congress may be convened at any time the Standing Committee deems 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;

(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.

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.

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;

(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 declaration of the country as a whole or particular provinces, autonomous regions or municipalities directly under the Central Government to be under a state of emergency; 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 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.

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 Councilors, Ministers in charge of ministries or commissions, the Auditor-General and the Secretary-General of the State Council; confers state medals and titles of honor; issues orders of special pardons; declares a state of emergency, declares a state of war, and issues a mobilization order.

Article 81 The President of the People's Republic of China represents the People's Republic of China in conducting activities of national affairs and receiving foreign diplomatic representatives 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.

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.

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;

(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 by law to place parts of provinces, autonomous regions, and municipalities directly under the Central Government under a state of emergency

(17) to examine and decide on the size of administrative organs and, 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.

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 Congress 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.

Article 98 The term of office of local people's congresses at various levels is five 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.

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.

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.

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 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.

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.

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.

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.

Chapter IV The National Flag , the National Anthem , 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.

The national anthem of the People's Republic of China is "March of the Volunteers".

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.

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