**Law of the People's Republic of China on Supervision by the Standing Committees of the People's Congresses at All Levels**

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The Law of the People’s Republic of China on Supervision by the Standing Committees of the People’s Congresses at All Levels, adopted at the 23rd Meeting of the Standing Committee of the Tenth National People’s Congress of the People’s Republic of China on August 27, 2006, is hereby promulgated and shall go into effect as of January 1, 2007.

Hu Jintao

President of the People’s Republic of China

August 27, 2006

Law of the People’s Republic of China on Supervision by the Standing Committees of the People’s Congresses at All Levels

( Adopted at the 23rd Meeting of the Standing Committee of the Tenth National People’s Congress on August 27, 2006 )

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General Provisions

Article 1 This Law is enacted in accordance with the Constitution to ensure that the Standing Committee of the National People’s Congress and the standing committees of the local people’s congresses at or above the county level exercise their powers of supervision according to law, to develop socialist democracy, and to promote governing the country according to law.

Article 2 The standing committees of people’s congresses at all levels shall exercise their power of supervision in accordance with the Constitution and the provisions of relevant laws.

The provisions of this Law shall be applicable to the procedure for the standing committees of the people’s congressed at all levels to exercise their power of supervision; where no provisions are stipulated in this law, the provisions of relevant laws shall be applicable.

Article 3 In exercising their power of supervision, the standing committees of the people’s congresses at all levels shall focus on the overall situation of the State, take economic development as the central task, uphold leadership by the Communist Party of China, uphold Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory and the important thought of Three Represents, uphold the people’s democratic dictatorship, uphold the socialist road, and uphold reform and opening to the outside world.

Article 4 The standing committees of the people’s congresses at all levels shall, on the principle of democratic centralism, collectively exercise the power of supervision.

Article 5 The standing committees of the people’s congresses at all levels shall supervise the work of people’s governments, people’s courts and people’s procuratorates at the corresponding levels, in order to promote administration according to law and impartial administration of justice.

Article 6 The standing committees of the people’s congresses at all levels shall report to the people’s congresses at the corresponding levels on their exercise of the power of supervision by way of subjecting themselves to supervision.

Article 7 The standing committees of the people’s congresses at all levels shall make known to the public their exercise of the power of supervision.

Chapter Ⅱ

Hearing of and Deliberation over the Special Work Reports Delivered by People’s Governments, People’s Courts and People’s Procuratorates

Article 8 The standing committees of the people’s congresses at all levels shall annually select a number of important issues, which have a hearing on the overall situation of reform, development and stability and on people’s immediate interests and are of widespread concern, and make arrangements to hear and deliberate such reports of people’s governments, people’s courts and people’s procuratorates at the corresponding levels in a planned way.

The annual plans made by the standing committees to hear and deliberate the special work reports, upon adoption by the Council of Chairmen of the Standing Committee of the National People’s Congress or the councils of chairmen of the standing committees of the local people’s congresses, shall be distributed to the component members of the standing committees and made known to the public.

Article 9 The subjects for discussion in respect of the special work reports of the people’s government, people’s court and people’s procuratorate to be heard and deliberated by the standing committee shall be determined on the basis of the following problems discovered through different channels:

(1) outstanding problems which are discovered by the standing committee of the people’s congress at the corresponding level in the course of inspection of the law enforcement;

(2) problems which are reflected in most of the suggestions, criticisms and opinions on the work of the people’s government, people’s court and people’s procuratorate, which are offered by the deputies to the people’s congress;

(3) problems which are raised by a comparatively large number of the component members of the standing committee of the people’s congress;

(4) outstanding problems which are discovered by the special committees, or the working office of the standing committee of the people’s congress in the course of investigation and study;

(5) problems which are reflected in most of the people’s letters and visits; and

(6) other problems which are of widespread concern;

The people’s government, people’s court or people’s procuratorate may submit a request to the standing committee of the people’s congress that it make a report on special work.

Article 10 Before the standing committee of a people’s congress hears and deliberates a special work report, the Council of Chairmen or the council of chairmen may arrange for the component members of the standing committee and the deputies to the people’s congress at the corresponding level to make inspection tours in respect of relevant work or conduct survey or research on special subjects.

The standing committee may arrange for the deputies who have taken part in the inspection tours or survey or research on special subjects to be present at the meeting of the standing committee as non-voting participants to hear the special work report and put forward their comments.

Article 11 Before the standing committee of a people’s congress hears and deliberates a special work report, its working office shall gather together the opinions on the work put forward by various quarters, and send them to the people’s government, people’s court or people’s procuratorate, which shall study the opinions and make a response in its special work report.

Article 12 The people’s government, people’s court or people’s procuratorate shall, 20 days before the meeting of the standing committee is held, have its working office send its special worlk report to to the relevant special committees of the people’s congress or the relevant working office of the standing committee in order to solicit comments; and after revising the report, it shall send the report to the standing committee 10 days before the meeting of the standing committee is held.

The working office of the standing committee shall distribute the special work report to the component members of the standing committee seven days before the meeting of the standing committee is held.

Article 13 The special work report shall be delivered by the leading member of the people’s government, people’s court or people’s procuratorate, to the standing committee of the people’s congress; and the people’s government may authorize the leading member of a department concerned to deliver the report to the standing committee of the people’s congress.

Article 14 The opinions regarding the special work report expressed during deliberation by the component members of the standing committee shall be sent to people’s government, people’s court or people’s procuratorate for study and handling. The said government, court or procuratorate shall submit a written report to the standing committee, after having its working office send the results of the study and handling to the relevant special committee of the people’s congress or the relevant working office of the standing committee for soliciting opinions. When the standing committee deems it necessary, it may adopt a resolution on the special work report; and the people’s government, people’s court or people’s procuratorate shall, within the time limit prescribed in the resolution, report to the standing committee on its implementation of the resolution.

The special work report heard and the opinions expressed during deliberation heard by the standing committee, and the report on the results of study and handling in respect of the opinions expressed during deliberation, or on the implementation of the resolution delivered by the people’s government, people’s court or people’s procuratorate shall be distributed in a circular to the deputies to the people’s congress and made known to the public.

Chapter Ⅲ

Examination and Approval of Final Accounts, Hearing of and Deliberation over Reports on Implementation of the Plans for National Economic and Social Development and the Budgets, and Hearing of and Deliberation over Reports on the Work of Auditing.

Article 15 The State Council shall, in June every year, submit the draft of central final accounts of the previous year to the Standing Committee of the National People’s Congress for examination and approval.

Local people’s governments at or above the county level shall, during the period of June through September every year, submit the drafts of their final accounts of the previous year to the standing committees of the people’s congresses at the corresponding levels for examination and approval.

The draft of the final accounts shall be drawn up under the headings listed in the budget approved by the people’s congress at the corresponding level, namely, the amounts budgeted, adjusted or altered, and the amount practically used, and explanations shall be made.

Article 16 The State Council and the local people’s governments at or above the county level shall, during the period of June through September every year, report to the standing committees of the people’s congresses at the corresponding levels on the implementation of the plan for national economic and social development and the budget during the first half of the current year.

Article 17 Where after approval by the people’s congress, the plan for national economic and social development or the budget needs to be partially adjusted during implementation, the State Council and the local governments at or above the county level shall submit a plan for adjustment to the standing committees of the people’s congresses at the corresponding levels for examination and approval.

Adjustment of budgetary funds between different headings shall strictly be controlled. Where the funds arranged in the budget for agriculture, education, science and technology, culture, public health, social security, etc, need to be reduced, the State Council and the local governments at or above the county level shall submit the matter to the standing committees of the people's congresses at the corresponding levels for examination and approval.

The relevant department in charge under the State Council or the local people’s government at or above the county level shall, one month before the standing committee of the people’s congress at the corresponding level holds meetings to examine and approve the budget adjustment plan, submit a preliminary plan for budget adjustment to the financial and economic affairs committee of the people’s congress at the corresponding level for initial examination, or to the relevant working office of the standing committee for soliciting opinions.

Article 18 When examining the draft final accounts and the report on budget implementation, the standing committee shall focus on the following:

(1) balance between the budget revenues and expenditures;

(2) arrangements for expenditures on key projects and the funds allocated;

(3) arrangements for revenues in excess of the budget and their use;

(4) establishment and application of the budget system in a department;

(5) transfer of payments to the government at the next lower level; and

(6) implementation of the resolution adopted by the people’s congress at the corresponding level on approving the budget.

In addition to what are specified in the preceding paragraph, the Standing Committee of the National People’s Congress shall focus on examining the balance of government bonds; and the standing committees of the local people’s congresses at or above the county level shall, on their part, focus on examining the subsidiary funds arranged by the government at the next higher level and their use. Article 19 At the same time as the standing committee examines and approves the final accounts every year, it shall hear and deliberate over the work report on auditing prepared by the audit department in respect of the implementation of the budget over the precious year and other financial revenues and expenditures, which is submitted by the people’s government at the corresponding level.

Article 20 The opinions about the report on the implementation of the plan for national economic and social development, the report on the implementation of the budget, and the work report on auditing, expressed by the component members of the standing committee shall be sent to the people’s government for canvassing and handling. The people’s government shall submit to the standing committee a written report on the results of canvassing and handling. When the standing committee deems it necessary, it may adopt a resolution on the work report on auditing; and the people’s government shall, within the time limit prescribed in the resolution, report to the standing committee on the implementation of the resolution.

The report on the implementation of the plan for national economic and social development, the report on the implementation of the budget, and the work report on auditing heard by the standing committee and the opinions expressed during deliberation over the reports, as well as the report submitted by the people’s government on the results of its canvassing and handling of the said opinions or the report on its implementation of the resolution, shall be distributed in a circular to the deputies of the people’s congress at the corresponding level and made known to the public.

Article 21 After a five-year plan for national economic and social development is approved by the people’s congress, the people’s government shall, at the mid-term stage of its implementation, submit a mid-term assessment report on the implementation of the plan to the standing committee of the people’s congress at the corresponding level for deliberation. Where the mid–term assessment shows that the plan needs to be adjusted, the government shall submit a proposal for adjustment to the standing committee of the people’s congress for examination and approval.

Chapter Ⅳ

Inspection of the Enforcement of Laws and Regulations

Article 22 The standing committees of the people’s congresses at all levels shall, by reference to the channels specified in Article 9 of this Law, annually select a number of important issues which have a bearing on the overall situation of reform, development and stability and on people’s immediate interests and are of widespread concern, and make planned arrangements for inspection of the enforcement of relevant laws and regulations in respect of the said issues.

Article 23 The annual plan of a standing committee for inspection of law enforcement shall, upon adoption by the Council of Chairmen or the council of chairmen, be distributed to the component members of the standing committee and made known to the public.

The standing committee’s inspection of law enforcement shall be arranged and conducted specifically by the relevant special committee of the people’s congress at the corresponding level or the relevant working office of the standing committee.

Article 24 Based on the annual plan for inspection of law enforcement, the standing committee shall organize teams for inspection of law enforcement in accordance with the principles of crack members and high efficiency.

The members of a team for inspection of law enforcement shall be selected from among the component members of the standing committee and the component members of the relevant special committees of the people’s congress at the corresponding level, while some deputies of the people’s congress may also be invited to join the team. Article 25 The Standing Committee of the National People’s Congress and the standing committee of the people’s congress of a province, autonomous region or municipality directly under the Central Government may, where necessary, authorize the standing committee of the people’s congress at the next lower level to inspect the enforcement of relevant laws and administrative regulations in its administrative area. The authorized standing committee shall submit a written report on the inspection to the standing committee of the people’s congress at the next higher level.

Article 26 After inspection of the law enforcement, the team for inspection of law enforcement shall, in a timely manner, present an inspection report which shall be submitted to the standing committee for deliberation upon the decision by the Council of Chairmen or the council of chairmen.

The report on inspection of law enforcement shall contain the following contents:

(1) an assessment of the enforcement of laws and regulations inspected, the problems that exist in law enforcement and suggestions for improving law enforcement; and

(2) suggestions for revising relevant laws and regulations in order to improve them.

Article 27 The opinions expressed by the component members of the standing committee during deliberation over the report on inspection of law enforcement shall, along with the report on inspection of law enforcement, be sent to the people’s government, people’s court or people’s procuratorate at the corresponding level for canvassing and handling. The people’s government, people’s court or people’s procuratorate shall, through their respective working offices, submit the results of canvassing and handling, to the relevant special committees of the people’s congress at the corresponding level or the relevant working offices of the standing committee to solicit their opinions, before presenting a report to the standing committee. Where necessary, the Council of Chairmen or the council of chairmen may decide to request the standing committee to deliberate over the report, or the standing committee may arrange for follow-up inspections; and the standing committee may also authorize a relevant special committee of the people’s congress or a relevant working office of the standing committee to arrange for follow-up inspections.

The report of the standing committee on inspection of law enforcement and the opinions it expressed during deliberation, as well as the report of the people’s government, people’s court or people’s procuratorate on the results of its canvassing and handling of the opinions, shall be distributed in a circular to the deputies of the people’s congress and made known to the public. Chapter Ⅴ

Keeping on File and Reviewing of Regulatory Documents

Article 28 Administrative regulations, local regulations, autonomy regulations, and separate regulations and rules shall be kept on file, reviewed and annulled in accordance with the relevant provisions of the Legislation Law.

Article 29 The standing committees of the people’s congresses of provinces, autonomous regions and municipalities directly under the Central Government shall, by reference to the relevant provisions of the Legislation Law, formulate specific provisions for the procedures to the followed by the standing committees of the local people’s congresses at or above the county level in reviewing or annulling the inappropriate resolutions or decisions adopted by the people’s congress and its standing committee at the next lower level as well as the inappropriate decisions or orders published by the people’s government at the corresponding level.

Article 30 The standing committee of a local people’s congress at or above the county level shall have the power to annul the resolutions or decisions adopted by the people’s congress and its standing committee at the next lower level and the decisions or orders published by the people’s government at the corresponding level, where after review, it deems them inappropriate in one of the following manners:

(1) transcending the statutory limits of power in restricting the lawful rights and interests of citizens, legal persons, or other organizations, or depriving them of their lawful rights and interests, or in increasing the obligations of citizens, legal persons, and other organizations;

(2) contravening the provisions of laws and regulations; or

(3) other inappropriate manners which make it necessary to annul the said resolutions, decisions or orders.

Article 31 Interpretations for specific application of a law in judicial or procuratorial work, made by the Supreme People's Court or the Supreme People's Procuratorate, shall be submitted to the Standing Committee of the National People’s Congress for the record within 30 days from the date of promulgation.

Article 32 Where the State Council, the Central Military Commission or the standing committee of the people’s congress of a province, autonomous region or municipality directly under the Central Government, deems that the interpretations for specific application of a law, made by the Supreme People’s Court or the Supreme People’s Procuratorate, contravene the provisions of the law, or where the Supreme People’s Court deems that such interpretations made by the Supreme People’s Procuratorate contravene the provisions of the law, or vice versa, they may submit a written request to the Stand Committee of the National People’s Congress for review, the working office of which shall send the matter to the special committee concerned for review and comment.

Where State organs, other than the ones mentioned in the preceding paragraph, public organizations, enterprises and institutions or citizens deem that the interpretations for specific application of a law, made by the Supreme People’s Court or the Supreme People’s Procuratorate, contravene the provisions of the law, they may submit to the Standing Committee of the National People’s Congress a written suggestion for review, the working office of which shall study the matter and, when necessary, send it to the special committee concerned for review and comment.

Article 33 Where after review, the Law Committee of the National People’s Congress or the relevant special committee concerned, deems that the interpretations for specific application of a law, made by the Supreme People’s Court or the Supreme People’s Procuratorate, contravenes the provisions of the law, whereas the latter refuses to revise or repeal the interpretations, it may propose a motion for requesting the Supreme People’s Court or the Supreme People’s Procuratorate to revise or repeal such interpretations, or propose a motion for requesting the Standing Committee of the National People’s Congress to make legal interpretations. The motion shall be submitted to the Standing Committee for deliberation upon decision by the Council of Chairmen.

Chapter Ⅵ

Questioning and Addressing Inquiries

Article 34 When the standing committee of a people’s congress at a certain level deliberates over motions and related reports at a meeting, the people’s government at the corresponding level or its relevant departments, the people’s court or people’s procuratorate shall send the leading members concerned to the meeting to hear opinions and answer questions.

Article 35 Ten or more of the component members of the Standing Committee of the National People’s Congress, five or more of the component members of the standing committee of the people’s congress of a province, autonomous region, or municipality directly under the Central Government, autonomous prefecture, or a city divided into districts, or three or more of the component members of the standing committee of the people’s congress at the county level, may jointly submit a written proposal to the standing committee for addressing queries to the people's government, including its departments, and to the people's court or people's procuratorate at the corresponding level. To whom the queries are addressed, the queries and the contents of the queries shall clearly be stated in the proposal.

Article 36 A proposal for addressing inquiries shall, upon decision by the Council of Chairmen or the council of chairmen, be sent to departments addressed for replying.

The Council of Chairmen or the council of chairmen may decide whether the organ addressed should give an oral reply at a meeting of the standing committee or at a meeting of the special committee concerned, or it should give a written reply. Where a reply is made at a meeting of the special committee, the component members of the standing committee who submit the proposal shall have the right to attend the meeting as non-voting participants and to express their opinions. When the Council of Chairmen or the council of chairmen deems it necessary, it may have the report on the reply distributed at the meeting of the standing committee.

Article 37 Where more than half of the component members of the standing committee who submit the proposal for addressing queries are not satisfied with the reply given by the organ to which the queries are addressed, they may demand another reply from the said organ, upon decision by the Council of Chairmen or the council of chairmen.

Article 38 Where a reply is to be made orally, the leading person of the organ addressed shall give the reply at a meeting. Where the reply is to be made in writing, it shall be signed by the leading person of the organ addressed.

Chapter Ⅶ

Investigation into Special Issues

Article 39 When the standing committees of the people’s congresses at all levels need to adopt resolutions or decisions on matters which fall within the scope of their powers, but they are not clear about certain important facts involved, they may set up investigation commissions on special issues.

Article 40 The Council of Chairmen or the council of chairmen may propose to the standing committee of the people’s congress at the corresponding level that an investigation commission on special issues should be set up, for the latter to deliberate.

At least one-fifth of the component members of the standing committee may jointly submit a written proposal to the standing committee of the people’s congress at the corresponding level that an investigation commission on special issues should be set up, for the Council of Chairmen or the council of chairmen to decide to put it forward to the standing committee for deliberation, or do so by referring it to the special committee concerned for deliberation and drawing up a report on it first.

Article 41 An investigation commission on special issues shall be composed of a chairman, vice-chairmen and members, who are to be nominated by the Council of Chairmen or the council of chairmen from among the component members of the standing committee and deputies to the people’s congress at the corresponding level, subject to deliberation and acceptance by the standing committee. The investigation commission may invite experts to take part in investigation.

The component members of the standing committee and other persons who have an interest in the issue under investigation shall not join the investigation commission.

Article 42 When the investigation commission conducts investigation, the State organs, public organizations, enterprises and institutions and citizens concerned all have the duty to provide it with the necessary materials.

The investigation commission shall keep the origin of the materials confidential if so requested by the citizen who provides them.

In the course of investigation, the investigation commission may choose not to publish the results and materials of the investigation.

Article 43 The investigation commission shall submit an investigation report to the standing committee that sets it up. The standing committee may make an appropriate resolution or decision on the basis of the report.

Chapter Ⅷ

Deliberation and Decision on Proposals for Removal from Office

Article 44 The standing committee of a local people's congress at or above the county level may decide, when the people's congress is not in session, decide on the removal from office of individual deputy governors, vice-chairmen of an autonomous region, deputy mayors, deputy prefects and deputy county or district heads of the people’s government at the corresponding level; and it may remove from office the other component members of the people’s government, vice-presidents, chief judges and associate chief judges of divisions, members of the judicial committees and judges of the people's courts, deputy chief procurators, members of the procuratorial committees and procurators of the people's procuratorates, presidents of the intermediate people's courts and chief procurators of the branches of the people's procuratorates, all at the corresponding level--all of whom are appointed by it.

Article 45 The local people’s government, people’s court and people’s procuratorate at or above the county level may submit to the standing committee of the people’s congress at the corresponding level proposals for removal from office of the staff members of the State organs as specified in Article 44 of this Law.

The council of chairmen of a standing committee of a local people’s congress at or above the county level may submit to the standing committee proposals for removal from office of the staff members of State organs as specified in Article 44 of this Law.

At least one-fifth of the component members of the standing committee of a local people’s congress at or above the county level may jointly submit to the standing committee written proposals for removal from office of the staff members of State organs as specified in Article 44 of this Law, subject to decision by the council of chairmen as to whether to submit the proposals to the meeting of the standing committee for deliberation; or the council of chairmen, may propose a motion to set up an investigation commission, upon decision by the standing committee at a plenary meeting, and the standing committee shall, on the basis of the report from the investigation commission, make a decision on the proposals after deliberation at a subsequent meeting.

Article 46 In a proposal for removal from office, the persons subject to removal and the reasons for their removal shall clearly be stated, and the relevant materials shall also be provided.

Before a proposal for removal from office is submitted for voting, the person for whose removal a proposal is submitted shall have the right to defend himself at the meeting of the standing committee, or to do so by submitting his written defence, which shall be distributed at the meeting of the standing committee upon decision by the council of chairmen.

The voting of a proposal for removal from office shall be conducted by secret ballot, and the proposal shall be adopted by more than half of all the component members of the standing committee.

Chapter Ⅸ

Supplementary Provisions

Article 47 The standing committee of the people's congresses of provinces, autonomous regions and municipalities directly under the Central Government may, in accordance with this Law and other relevant laws and in light of the actual local conditions, formulate measures for implementation.

Article 48 This Law shall go into effect as of January 1, 2007.