Law of the PRC on Deputies to the National People’s Congress and to the Local People’s Congresses at Various Levels

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Amended for the first time in accordance with the Decision on Amending the Law of the People's Republic of China on Deputies to the National People's Congress and to the Local People's Congresses at Various Levels adopted at the 12th Meeting of the Standing Committee of the Tenth National People's Congress on October 31, 2009; amended for the second time in accordance with the Decision on Amending the Law of the People's Republic of China on Deputies to the National People's Congress and to the Local People's Congresses at Various Levels adopted at the Fifth Session of the Twelfth National People's Congress on March 15, 2015

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Chapter I — General Provisions

Article 1 — This Law is enacted in accordance with the Constitution to ensure that deputies to the National People's Congress and to the local people's congresses at various levels exercise their functions and

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powers in accordance with law, perform their duties as deputies, and play their role.

Article 2 — Deputies to the National People's Congress and to the local people's congresses at various levels shall be elected in accordance with law. Deputies to the National People's Congress are members of the highest organ of state power, and deputies to local people's congresses at various levels are members of local organs of state power.

Article 3 — Deputies shall uphold the leadership of the Communist Party of China, adhere to the guidance of Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory, the Important Thought of Three Represents, the Scientific Outlook on Development, and Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, and exercise their functions and powers in accordance with the provisions of the Constitution and laws.

Article 4 — Deputies shall represent the interests and will of the people, participate in the exercise of state power in accordance with law, exemplarily observe the Constitution and laws, safeguard state secrets, and assist in the enforcement of the Constitution and laws in the production, work, and social activities in which they participate.

Article 5 — Deputies shall enjoy the following rights: (1) to attend the sessions of the people's congress at the corresponding level, participate in the deliberation of all bills and proposals and reports placed on the agenda, and express their opinions; (2) to submit bills and proposals in accordance with law; (3) to put forward suggestions, criticisms, and opinions in accordance with law; (4) to put forward inquiries in accordance with law; (5) to participate in elections and voting in accordance with law; (6) to put forward proposals for the recall of functionaries in accordance with law; (7) to participate in inspections, special investigations, and other activities organized by the standing committee of the people's congress at the corresponding level or the standing committees of the people's congresses at lower levels; and (8) to enjoy other rights prescribed by law.

Article 6 — Deputies shall fulfill the following obligations: (1) to exemplarily observe the Constitution and laws and assist in the enforcement of the Constitution and laws; (2) to attend the sessions of the people's congress at the corresponding level on time, and conscientiously deliberate on all bills and proposals and reports; (3) to actively participate in the activities organized by the standing committee of the people's congress at the corresponding level, the special committees, and the standing committees of the people's congresses at lower levels during the intersessional period; (4) to maintain close contact with the electoral units and the masses of the people, listen to and convey their opinions and demands, and strive to serve the people; (5) to consciously abide by social morality, be honest and self-disciplined, be fair and upright, and be diligent in performing their duties; (6) to conscientiously study and master the knowledge needed to perform their duties as deputies; and (7) other obligations prescribed by law.

Chapter II — Work of Deputies During Sessions of the People's Congresses

Article 7 — Deputies shall attend the sessions of the people's congress at the corresponding level on time. Deputies who are unable to attend a session for any reason shall ask the standing committee of the people's congress at the corresponding level or the presidium of the people's congress of the township, ethnic township, or town for leave in writing before the session. Deputies to the people's congresses at or above the county level who are unable to attend a session shall ask for leave from the standing committee of the people's congress at the corresponding level. Deputies to the people's congresses of townships, ethnic townships, and towns who are unable to attend a session shall ask for leave from the presidium of the people's congress at the corresponding level.

Article 8 — Before the sessions of the people's congress, deputies shall conscientiously prepare for attending the sessions, including participating in intensive inspections organized by the standing committee, reading the relevant documents, and, in light of the actual circumstances of their own regions and work,

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conducting investigations and research, so as to be fully prepared for the deliberation of bills and proposals and reports during the sessions.

Article 9 — During sessions of the people's congress, deputies shall conscientiously deliberate on the bills, proposals, and reports placed on the agenda of the session. During deliberation, deputies may express opinions on any issue involved in the bills, proposals, and reports. Deputies shall focus on the overall situation, speak truthfully, and make targeted comments, criticisms, and suggestions.

Article 10 — Deputies shall have the right to submit bills and proposals to the people's congress at the corresponding level in accordance with the procedures prescribed by law. The bills and proposals submitted by deputies shall have clear subject matter, concrete content, and clear plans. Deputies shall submit nominations for candidates for election by the people's congress in accordance with the statutory procedures.

Article 11 — During the deliberation of bills and proposals, deputies may raise suggestions, criticisms, and opinions to the relevant state organs, which shall be handled in accordance with law. During the deliberation of reports, deputies may submit suggestions, criticisms, and opinions on the work of the relevant state organs, which shall be handled by the relevant state organs in accordance with law.

Article 12 — Deputies shall have the right to submit to the people's congress at the corresponding level inquiries to the people's government at the corresponding level and its subordinate departments, the people's court, or the people's procuratorate in accordance with the procedures prescribed by law.

Article 13 — Deputies to the people's congresses at or above the county level shall have the right to submit to the people's congress at the corresponding level proposals for the recall of members of the standing committee of the people's congress, members of the people's government, the head of the supervision commission, the president of the people's court, or the chief procurator of the people's procuratorate at the corresponding level in accordance with the procedures prescribed by law. Deputies to the people's congresses of townships, ethnic townships, and towns shall have the right to submit to the people's congress at the corresponding level proposals for the recall of the chairperson or vice-chairperson of the presidium of the people's congress, or the head or deputy head of the people's government at the corresponding level in accordance with the procedures prescribed by law.

Article 14 — Deputies shall have the right to participate in elections of the people's congress at the corresponding level and to vote on the resolutions of the people's congress. Deputies to the people's congresses at or above the county level shall have the right to participate in the election of deputies to the people's congress at the next higher level. During elections and voting, deputies shall exercise their rights conscientiously, and may vote for or against any candidate or resolution, or abstain from voting.

Chapter III — Activities of Deputies During the Intersessional Period

Article 15 — Deputies shall actively participate in activities such as inspections, special investigations, and law enforcement inspections organized by the standing committee of the people's congress at the corresponding level, the special committees, and the standing committees of the people's congresses at lower levels during the intersessional period.

Article 16 — The standing committee of the people's congress at or above the county level shall organize deputies to conduct inspections of the work of the state organs at the corresponding level or at lower levels. Deputies may, with a deputy certificate issued by the standing committee of the people's congress at or above the county level, conduct inspections of the work of state organs at the corresponding level or at lower levels. Units and individuals targeted for inspection shall truthfully report on the situation.

Article 17 — Deputies shall have the right to submit to the standing committee of the people's congress at the corresponding level proposals for organizing special investigations on specific issues in accordance with

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the procedures prescribed by law.

Article 18 — Deputies shall participate in the appraisal of the work of the people's government and its subordinate departments, the people's court, and the people's procuratorate at the corresponding level organized by the standing committee of the people's congress. Deputies may also be invited to sit in on meetings of the standing committee or the special committees of the people's congress at the corresponding level.

Article 19 — Deputies to the people's congresses at or above the county level may, in accordance with the arrangements of the standing committee of the people's congress at the corresponding level, listen to and deliberate on the work reports of the people's government and its subordinate departments, the people's court, and the people's procuratorate at the corresponding level on special topics, and may also submit inquiries about the relevant work.

Article 20 — Deputies shall maintain close contact with the masses of the people, listen to and convey their opinions and demands through means such as visiting the electoral districts, receiving the masses of the people, and participating in symposia. Deputies shall report to the electoral units or the electoral districts on their performance of duties.

Article 21 — The standing committees of the people's congresses at or above the county level shall strengthen contacts and exchanges with the deputies to the people's congresses at the corresponding level. The standing committees of the people's congresses at or above the county level shall, through various means, inform the deputies of the important situations of the economic and social development and the work of the state organs at the corresponding level, and provide the deputies with the necessary information and materials.

Article 22 — The standing committees of the people's congresses of townships, ethnic townships, and towns shall organize the deputies to the people's congresses at the corresponding level to carry out activities such as inspections, investigations, and appraisals during the intersessional period.

Chapter IV — Safeguards for Deputies in Performing Their Duties

Article 23 — The speeches and votes of deputies at various meetings of the people's congress shall not be subject to legal liability.

Article 24 — No deputy to the people's congress at or above the county level may be arrested or placed on criminal trial without the consent of the presidium of the current session of the people's congress at the corresponding level or, when the people's congress is not in session, without the consent of its standing committee. If a deputy is caught in the act of committing a crime and is detained, the organ effecting the detention shall immediately report to the presidium or the standing committee of the people's congress at the corresponding level. Where personal freedom is restricted by other measures prescribed by law, the organ implementing such measures shall, in accordance with the procedures prescribed by law, report to or obtain the permission of the presidium or the standing committee of the people's congress at the corresponding level.

Article 25 — No deputy to the people's congress of a township, ethnic township, or town who is caught in the act of committing a crime and is detained shall have his or her personal freedom restricted by arrest, criminal trial, or other measures prescribed by law; the organ effecting such restriction shall immediately report to the people's congress of the township, ethnic township, or town.

Article 26 — All organizations and individuals shall respect the rights of deputies and support them in performing their duties as deputies. Where an organization or individual retaliates against a deputy who performs his or her duties as a deputy, the organization or individual shall be investigated for liability in accordance with law.

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Article 27 — Deputies who participate in activities organized by the standing committee of the people's congress at the corresponding level, the special committees, and the standing committees of the people's congresses at lower levels during the intersessional period shall be guaranteed by their respective units the time required for such activities and shall enjoy the same wages and other benefits as during their normal work. Deputies who are not entitled to wages and benefits from their units shall be given appropriate subsidies for the performance of their duties, which shall be paid from the government funds of the corresponding level.

Article 28 — The expenses for the activities of deputies shall be included in the government budget of the corresponding level and shall be guaranteed. Deputies of the people's congresses at various levels shall be entitled to certain financial subsidies for the performance of their duties. The funds for deputies' activities shall be used exclusively for the designated purpose and shall be subject to strict management.

Article 29 — The standing committees of the people's congresses at or above the county level shall establish and improve a working mechanism for contacting deputies, and strengthen contacts with deputies. The standing committees of the people's congresses and the people's governments and the people's courts and people's procuratorates at the corresponding levels shall promptly inform deputies of their work situations and ensure the deputies' right to be informed.

Article 30 — The standing committees of the people's congresses at or above the county level shall adopt various forms to organize training for deputies in performing their duties in accordance with law. Deputies shall actively participate in training and continuously enhance their ability and level to perform their duties.

Chapter V — Supervision of Deputies

Article 31 — Deputies shall be subject to supervision. Deputies shall maintain close contact with the masses of the people and shall be subject to supervision by the electoral units and the masses of the people. Deputies to the people's congresses at various levels who are elected directly by voters shall be subject to supervision by the voters of the electoral districts from which they were elected. Deputies to the people's congresses at various levels who are elected by the people's congresses at the next lower level shall be subject to supervision by the electoral units from which they were elected.

Article 32 — Deputies shall report to the electoral units or electoral districts on their performance of duties through various means. Deputies shall truthfully report on their compliance with and enforcement of the Constitution and laws, their attendance at sessions of the people's congress, their deliberation on bills, proposals, and reports, their submission of bills, proposals, suggestions, criticisms, and opinions, their participation in activities such as inspections and investigations during the intersessional period, and their contacts with the masses of the people, and shall consciously accept supervision.

Article 33 — Deputies shall correctly handle the relationship between their personal professional activities and the performance of their duties as deputies, and may not interfere with specific judicial cases, procurement projects, or tendering and bidding activities, or seek improper benefits by taking advantage of their status as deputies.

Article 34 — Deputies shall strictly observe the rules of discipline during the sessions of the people's congress and during their activities in the intersessional period.

Article 35 — Voters or electoral units shall have the power to recall deputies elected by them in accordance with law. The requirements and procedures for recalling deputies shall be governed by the relevant provisions of the Electoral Law.

Article 36 — A deputy may resign in accordance with law. The resignation of a deputy to the people's congress at or above the county level shall be submitted to the standing committee of the people's congress at the corresponding level. The resignation of a deputy to the people's congress of a township, ethnic

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township, or town shall be submitted to the people's congress at the corresponding level. A deputy may submit a written resignation to the relevant organ when he or she is unable to perform his or her duties as a deputy for any reason.

Chapter VI — Supplementary Provisions

Article 37 — The standing committees of the people's congresses of provinces, autonomous regions, and municipalities directly under the Central Government and of cities divided into districts and of autonomous prefectures may, in accordance with this Law and in light of the actual circumstances of their respective administrative areas, formulate specific implementation measures for the work of deputies. The implementation measures for the work of deputies to the people's congresses of townships, ethnic townships, and towns shall be formulated by the standing committees of the people's congresses at the provincial, autonomous region, or municipality directly under the Central Government level.

Article 38 — This Law shall enter into force on the date of its promulgation.

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