Organic Law of the People’s Courts of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted in accordance with the Constitution to standardize the establishment, organization, and functions of the people's courts, to safeguard the independent and impartial exercise of adjudicative power by the people's courts in accordance with the law, and to enhance the credibility of the judiciary.

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Article 2 — The people's courts are the adjudicative organs of the State. The people's courts shall, through adjudication of criminal cases, civil cases, administrative cases, and other cases prescribed by law, punish crimes, protect the lawful rights and interests of natural persons, legal persons, and unincorporated organizations, safeguard national security and social order, uphold social fairness and justice, and safeguard the smooth progress of the socialist cause under the leadership of the State.

Article 3 — The people's courts shall be established in accordance with the Constitution, this Law, and relevant laws. Their adjudicative power shall be exercised independently in accordance with the law and shall not be subject to interference by administrative organs, public organizations, or individuals.

Article 4 — People's courts shall hear cases in accordance with the law and shall not refuse to hear cases that shall be accepted by the people's courts under the law. People's courts shall uphold judicial fairness, take facts as the basis and the law as the criterion, observe litigation procedures, and protect the procedural rights of the parties.

Article 5 — People's courts shall apply the law equally to all parties in the adjudication of cases and shall not discriminate against any party. No organization or individual shall enjoy the privilege of being above the law.

Article 6 — People's courts shall exercise adjudicative power independently and impartially in accordance with the law. People's courts shall perform their adjudicative functions through their trial organizations including collegiate benches and single judges.

Article 7 — The trials conducted by the people's courts shall be open to the public, except for cases involving State secrets, personal privacy, or juvenile delinquency as provided by law. Cases involving commercial secrets may be heard in camera upon application by a party.

Article 8 — The people's courts shall implement a system of adjudicative accountability. The people's courts shall establish and improve mechanisms for judicial accountability, supervision, and management to ensure the quality and efficiency of adjudication.

Article 9 — The Supreme People's Court shall be responsible to, and report its work to, the National People's Congress and its Standing Committee. Local people's courts at all levels shall be responsible to, and report their work to, the people's congresses at corresponding levels and their standing committees.

Article 10 — The people's courts shall accept supervision by the people's congresses and their standing committees, by the procuratorial organs in accordance with the law, and by the public through public trials, publication of judgments, press conferences, and other forms.

Chapter II — Establishment and Functions of People's Courts

Article 11 — The people's courts shall be divided into the following levels:

(1) The Supreme People's Court;

(2) Higher people's courts;

(3) Intermediate people's courts;

(4) Primary people's courts.

Article 12 — The people's courts shall be divided into the Supreme People's Court, local people's courts at various levels, and special people's courts. The establishment, organization, and functions of special people's courts shall be separately prescribed by the Standing Committee of the National People's Congress.

Article 13 — The Supreme People's Court is the highest adjudicative organ of the State. The Supreme People's Court shall adjudicate cases of first instance falling under its jurisdiction as prescribed by law, cases of first instance that it deems appropriate to try on its own, appeals against judgments and rulings of higher

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people's courts, and appeals against judgments and rulings of special people's courts filed in accordance with the law. The Supreme People's Court shall have the power to approve death penalty cases, as well as death penalty cases with a two-year suspension of execution. It shall have the power to issue judicial interpretations of the specific application of laws in adjudicative work.

Article 14 — The Supreme People's Court may circuit court divisions set up by the Supreme People's Court in accordance with its adjudicative work needs. Circuit court divisions are dispatched organs of the Supreme People's Court, and their judgments and rulings are judgments and rulings of the Supreme People's Court.

Article 15 — The Supreme People's Court may set up intellectual property courts and other adjudicative organs as needed in accordance with the law. The establishment, organization, and functions of intellectual property courts shall be prescribed by the Standing Committee of the National People's Congress.

Article 16 — Higher people's courts shall be established in provinces, autonomous regions, and municipalities directly under the Central Government. Higher people's courts shall adjudicate the following cases:

(1) Cases of first instance falling under their jurisdiction as prescribed by law;

(2) Cases of first instance transferred from lower people's courts;

(3) Appeals and protests against judgments and rulings of intermediate people's courts and special people's courts prescribed by law;

(4) Retrial cases filed in accordance with trial supervision procedures.

Article 17 — Intermediate people's courts shall be established in cities divided into districts, autonomous prefectures, and prefectures, as well as in municipalities directly under the Central Government. Intermediate people's courts shall adjudicate the following cases:

(1) Cases of first instance falling under their jurisdiction as prescribed by law;

(2) Cases of first instance transferred from primary people's courts;

(3) Appeals and protests against judgments and rulings of primary people's courts;

(4) Retrial cases filed in accordance with trial supervision procedures.

Article 18 — Primary people's courts shall be established in counties, autonomous counties, cities not divided into districts, and municipal districts. Primary people's courts may set up people's tribunals as dispatched organs based on factors such as geographical area, population, and caseload. The judgments and rulings of people's tribunals are judgments and rulings of the primary people's courts.

Article 19 — Primary people's courts shall adjudicate criminal, civil, and administrative cases of first instance, except as otherwise provided by laws or judicial interpretations.

Article 20 — Primary people's courts may establish comprehensive trial divisions or specialized trial divisions based on their adjudicative work needs. Intermediate people's courts and higher people's courts shall establish specialized trial divisions. The Supreme People's Court shall establish specialized trial divisions.

Article 21 — A people's court shall have a president and a number of vice presidents. The president shall be responsible for the overall work of the court and shall oversee adjudicative activities; vice presidents shall assist the president in their work.

Article 22 — The president of the Supreme People's Court shall be elected by the National People's Congress, and its vice presidents, members of the adjudication committee, presiding judges of trial divisions, deputy presiding judges of trial divisions, and judges shall be appointed or removed by the Standing Committee of the National People's Congress upon recommendation by the president of the Supreme People's Court.

Article 23 — The presidents of local people's courts at all levels shall be elected by the people's congresses at the corresponding levels, and their vice presidents, members of adjudication committees, presiding judges and deputy presiding judges of trial divisions, and judges shall be appointed or removed by the standing committees of the people's congresses at the corresponding levels upon recommendation by the presidents. The appointment and removal of presidents of intermediate people's courts established in provinces and autonomous regions, and of intermediate people's courts established in municipalities directly under the Central Government, shall be carried out by the standing committees of the people's congresses of the provinces, autonomous regions, or municipalities directly under the Central Government upon recommendation by the directors of their standing committees.

Article 24 — People's courts at all levels may establish adjudication committees. Adjudication committees shall consist of the president, vice presidents, and a number of senior judges, and shall be composed of an odd number of members. The functions of an adjudication committee are:

(1) Summing up adjudicative experience;

(2) Discussing and deciding on the application of law in major, difficult, or complex cases;

(3) Discussing and deciding on other major issues relating to adjudicative work.

Article 25 — People's courts shall implement a system where judges are the core of adjudication. Judges shall conduct adjudication work in accordance with the law and within their scope of authority. Judges shall bear adjudicative accountability for the cases they adjudicate.

Article 26 — People's courts at all levels shall establish adjudication committees as internal organizations that exercise democratic centralism. For cases submitted to the adjudication committee for discussion and decision, the opinions of the adjudication committee shall be implemented by the collegiate bench.

Article 27 — The people's courts may establish necessary adjudicative support organs and judicial administrative organs as prescribed in accordance with the actual needs of their adjudicative work.

Chapter III — Trial Organizations of People's Courts

Article 28 — People's courts shall try cases by a collegiate bench or by a single judge. The composition of a collegiate bench shall be an odd number. In a collegiate bench composed of judges, the president or a presiding judge of a trial division shall designate one judge to serve as the presiding judge. Where the president or a presiding judge of a trial division participates in the trial of a case, they shall serve as the presiding judge.

Article 29 — For cases tried by a collegiate bench, the collegiate bench shall deliberate on the case after the conclusion of court hearings and shall form its decision based on the opinions of the majority, while the opinions of the minority shall be recorded in the case file. The deliberation records shall be signed by all members of the collegiate bench.

Article 30 — Where a collegiate bench considers that a case is difficult, complex, or major and requires a decision from the adjudication committee, the president shall decide whether to submit it to the adjudication committee for discussion and decision. The collegiate bench shall implement the decision of the adjudication committee.

Article 31 — The people's courts may establish specialized collegial discussion mechanisms for judges, to provide reference opinions on the application of law in cases.

Article 32 — For cases tried by a single judge, where the judge considers the case to be difficult, complex, or major, the judge may request that the case be transferred to a collegiate bench for trial, subject to approval by the president.

Article 33 — The people's courts shall set up adjudication committees, which shall perform the functions of summing up adjudicative experience and discussing and deciding on the application of law in major, difficult, or complex cases and other issues relating to adjudicative work. The Supreme People's Court shall interpret the specific application of law in adjudicative work and issue guiding cases.

Article 34 — People's assessors shall participate in trials in the people's courts in accordance with the law. People's assessors shall have the same powers as judges when participating in trials conducted by a collegiate bench, except that they shall not serve as the presiding judge.

Article 35 — The people's courts shall establish and improve mechanisms for the protection of the rights and interests of judges, implement a judicial personnel management system, ensure judicial personnel perform their duties in accordance with the law, and protect the personal safety and property security of judicial personnel and their close relatives.

Chapter IV — Personnel of People's Courts

Article 36 — The personnel of people's courts shall consist of judges, judicial auxiliary personnel, and judicial administrative personnel. Judges shall exercise State adjudicative power in accordance with the law. Judicial auxiliary personnel include judges' assistants, court clerks, judicial police officers, and other personnel who assist in adjudicative work. Judicial administrative personnel are responsible for the administrative affairs of the court.

Article 37 — Judges shall be appointed and removed in accordance with the procedures prescribed by law. The qualifications, selection, appointment, and removal of judges shall be governed by the provisions of the Judges Law of the PRC.

Article 38 — The Supreme People's Court and higher people's courts may select judges from lower people's courts. Judges may also be selected from among lawyers, legal scholars, and other legal professionals who meet the qualifications for judgeship. The president of a people's court shall possess legal knowledge and practical legal experience. Vice presidents and members of the adjudication committee shall be selected from among judges and other persons qualified to serve as judges.

Article 39 — The quota of judges in people's courts shall be determined based on the volume of cases, population, level of economic and social development, and other factors within the limits prescribed by the Supreme People's Court and the relevant departments, and shall be approved through statutory procedures.

Article 40 — People's courts shall implement a system of separate management of adjudicative personnel and administrative personnel. Judges shall be subject to a separate sequence of management and shall be treated differently from judicial auxiliary personnel and judicial administrative personnel.

Article 41 — Presidents and vice presidents of people's courts shall fulfill their adjudicative duties by hearing cases directly. Where presidents or vice presidents do not hear cases directly, they shall perform adjudicative management and supervision functions in accordance with the law.

Article 42 — The term of office of the president of the Supreme People's Court shall be the same as that of the National People's Congress and shall be limited to two consecutive terms. The term of office of presidents of local people's courts shall be the same as that of the people's congresses at the corresponding levels. Where a president of a people's court cannot continue to perform their duties due to illness or other reasons, the standing committee of the people's congress at the corresponding level shall appoint an acting president upon the recommendation of the president; where the president is unable to make such a recommendation, the standing committee of the people's congress shall appoint an acting president from among the vice presidents of that court.

Article 43 — Judges of people's courts shall not concurrently hold any post in the standing committees of people's congresses, administrative organs, procuratorial organs, enterprises, public institutions, law firms,

or other organizations that is incompatible with the office of judge. Judges shall not serve as legal representatives or agents ad litem in cases while holding judicial office.

Article 44 — People's courts shall ensure that judges have the conditions necessary to perform their functions. Judges shall have the right to adjudicate cases independently and shall not be subject to interference by administrative organs, public organizations, or individuals. No judge shall be transferred, removed, demoted, dismissed, or otherwise sanctioned except on statutory grounds and through statutory procedures.

Article 45 — People's courts shall establish a scientific system for the evaluation, rewards, and discipline of adjudicative personnel. People's courts shall formulate evaluation methods for judicial personnel in accordance with adjudicative work patterns, to conduct comprehensive evaluation, the results of which shall serve as the basis for the appointment, removal, rewards, and discipline of judicial personnel.

Article 46 — The judicial police of the people's courts shall be responsible for court security, guarding criminal defendants during court proceedings, serving legal documents, executing detention and other compulsory measures, and carrying out other tasks assigned by the people's courts.

Article 47 — People's courts shall strengthen the capacity building of their adjudicative personnel and carry out systematic theoretical and professional training. The Supreme People's Court and higher people's courts shall establish judicial training institutions to train judicial personnel.

Article 48 — A judge shall withdraw from hearing a case where the judge is a party to the case or a close relative of a party or agent ad litem to the case, where the judge has an interest in the case, or where the judge has any other relationship with a party to the case or the agent ad litem that may affect the fair adjudication of the case. A party shall have the right to request the withdrawal of a judge on the grounds set forth in the preceding paragraph.

Article 49 — The withdrawal of the president of a people's court shall be decided by the adjudication committee. The withdrawal of other judges shall be decided by the president. The withdrawal of court clerks, interpreters, and expert witnesses shall be decided by the presiding judge.

Chapter V — Safeguards for Exercise of Adjudicative Power

Article 50 — The people's courts shall exercise adjudicative power independently and impartially in accordance with the law. Administrative organs, public organizations, and individuals shall not interfere in the adjudicative activities of the people's courts.

Article 51 — No organization or individual shall retaliate against judges of people's courts in any form. Where a judge is subjected to retaliation because of the lawful performance of duties, legal protection shall be provided. Judges shall enjoy personal and property safety protection and shall not be subject to insult, slander, false accusation, personal injury, or threat of personal injury.

Article 52 — The people's courts shall have the power to refuse to engage in land expropriation, housing demolition, and other administrative law enforcement activities assigned by administrative organs, public organizations, or individuals unrelated to their adjudicative work.

Article 53 — No organization or individual shall transfer, remove, demote, dismiss, or discipline a judge in violation of the law. Where a judge is transferred, removed, demoted, dismissed, or otherwise sanctioned, they shall have the right to a hearing, to make a defense, and to appeal or file a complaint in accordance with the law.

Article 54 — People's courts at all levels shall ensure that their adjudicative personnel perform their duties in accordance with the law and shall create conditions conducive to the stable development of the adjudicative workforce. People's courts shall strengthen information technology applications and promote the construction of smart courts.

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Article 55 — The expenses of the people's courts shall be included in the fiscal budget and guaranteed by the people's governments at the corresponding levels. The Supreme People's Court shall establish a unified judicial funding and logistical support system. The expenses of circuit court divisions established by the Supreme People's Court shall be separately included in the central fiscal budget.

Article 56 — The people's courts shall strengthen information technology applications and promote the construction of smart courts. The people's courts shall employ information technology to realize the full-process disclosure of case handling and to provide convenient and efficient judicial services to the public.

Chapter VI — Supplementary Provisions

Article 57 — Special people's courts such as military courts, maritime courts, and intellectual property courts shall be established in accordance with the provisions of relevant laws. The establishment, organization, functions, and powers of special people's courts shall be prescribed by the Standing Committee of the National People's Congress.

Article 58 — This Law shall come into force on January 1, 2019.

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