

## Structure of Chinese Government

The **government of the People's Republic of China** is collectively the state authority in the People's Republic of China (PRC) under the exclusive political leadership of the Chinese Communist Party (CCP). It consists of legislative, executive, military, supervisory, judicial and procuratorial branches.

The National People's Congress (NPC) is the highest state organ, with control over the constitution and basic laws, as well as over the election and supervision of officials of other government organs. The legislature meets annually for about two weeks in March to review and approve major new policy directions, laws, the budget, and major personnel changes. The NPC's Standing Committee (NPCSC) is the permanent legislative organ that adopts most national legislation, interprets the constitution and laws, and conducts constitutional reviews. The President acts as a ceremonial head of state in compliance with decisions made by the NPCSC, but exercises an independent power to nominate the Premier. Elected separately by the NPC, the Vice-President has no power themselves, but assists the President.

The State Council, also referred to as the Central People's Government, is China's executive organ headed by the Premier of China. Besides the Premier, the State Council has a variable number of Vice Premiers, five State Councilors (protocol equal of vice premiers but with narrower portfolios), the Secretary-General, and 26 ministers and other cabinet-level department heads. It consists of ministries and agencies with specific portfolios. The State Council presents most initiatives to the NPCSC for consideration after previous endorsement by the Communist Party's Politburo Standing Committee, which is headed by CCP General Secretary. Although the NPC generally approves State Council policy and personnel recommendations, it and its Standing Committee have increasingly asserted its role as the national legislature, having been able to force revisions in some laws. For example, the State Council and the Party have been unable to secure passage of a fuel tax to finance the construction of expressways.

China's judicial organs perform prosecutorial and court functions. China's courts are supervised by the Supreme People's Court (SPC), which is headed by the Chief Justice. The Supreme People's Procuratorate (SPP) is responsible for prosecutions and supervises procuracies at the provincial, prefecture, and county levels. At the same administrative ranking as the SPC and SPP, the National Supervisory Commission (NSC) was established in 2018 to investigate corruption within the Communist Party and state organs.

During the 1980s there was an attempt made to separate party and state functions, with the former deciding general policy and the latter carrying it out. The attempt was abandoned in the 1990s with the result that the political leadership within the state are also the leaders of the party. This dual structure thereby creates a single centralized focus of power. At the same time there has been a move to separate party and state offices at levels other than the central government, as it is not unheard of for a sub-national executive to also be party secretary. This frequently causes conflict between the chief executive and the party secretary, and such is widely seen as intentional to prevent either from becoming too powerful. Some special

cases include: the Special Administrative Regions of Hong Kong and Macau, where, according to constitution and respective basic law, most national laws do not apply; and the autonomous regions, where, following Soviet practice, the chief executive is typically a member of the local ethnic group while the party general secretary is non-local and usually Han Chinese.

## **NATIONAL PEOPLE'S CONGRESS**

The NPC is the highest organ of State power in China. It is composed of NPC deputies who are elected from 35 electoral units according to the law. These units include people's congresses of provinces, autonomous regions, municipalities directly under the central government, the servicemen congress of the People's Liberation Army, the deputy election council of the Hong Kong Special Administrative Region, the deputy election council of the Macao Special Administrative Region and the Taiwan compatriots' consultation election council. Each congress is elected for a term of five years. A total of 2,980 deputies were elected to the 13th NPC before its first session began in Beijing on March 5, 2018. The NPC meets in session once a year. A session of the NPC may be convened at any time the Standing Committee deems it necessary or when more than one-fifth of the deputies to the NPC propose it.

### **Powers and functions of the National People's Congress:**

1. The National People's Congress is the sole law-making body of the country. All laws concerning criminal offences, civil affairs and the State organs are enacted and amended by the National People's Congress. The power to legislate on subjects other than those mentioned above is exercised by the Standing Committee.
2. It supervises the enforcement of the constitution so that every organ of State authority upholds the dignity of the Constitution.
3. It can amend the Constitution but only by two-third majority votes of all the deputies.
4. It has budgetary power by which it can decide on national economic plans. It examines and approves the state budget and the financial report.
5. It decides on general amnesties. It deals with questions of war and peace.
6. The National People's Congress elects the President, the Vice-President of the People's Republic of China, the Premier of China and on the recommendation of the Premier, other members of the State Council, the members of the State Council, the members of the Standing Committee, the

Auditor General and Secretary General of the State Council and the Chairman of the Central Military Commission. The National People's Congress elects the President of the Supreme People's Court and the Procurator General of the Supreme People's Procuratorate.

7. The Officials of the State President, the Vice-President of the People's Republic of China, the Premier of China, the members of the State Council, the members of the Standing Committee, the Auditor General and Secretary General of the State Council and the Chairman and members of the Central Military Commission etc., in fact all officials who are elected/appointed by the National People's Congress can be removed by it.

8. The National People's Congress has some other power also. It can take decision on controversial matters like war, peace, armed rebellion and in internal disturbances. But when the congress is not in session then the Standing Committee can exercise these powers.

9. The National People's Congress examines and approves the plan for the national and social development, and the state budget, and the reports on their respective implementation. It can alter or annul inappropriate decisions of the Standing Committee.

10. The National People's Congress approves the establishment of provinces, autonomous regions and municipalities directly under the central government and decides on the establishment of special administrative regions and the systems to be instituted there.

11. The Congress establishes special committee which works under the direction of the Standing Committee 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 congress and its Standing Committee. As a highest organ of state power, congress can exercise enormous power and authority and such power and authority are not bound by any limitation.

12. Besides the National People's Congress has administrative power. It is the highest organ of the state power. The State Council and members of Standing Committee are responsible to the National People's Congress. The Standing Committee is constitutionally bound to submit a report of all its actions and activities to the National People's Congress.

## **The President**

The office of the President is a prestigious one. The President is the Head of the State. The Constitution of 1982 restores powers and functions of the President of Peoples Republic of China and recognizes him as the Head of the State. But he is not the real executive like the American President but only a ceremonial Head. He can be compared with the Indian President or King/Queen of England.

### **Appointment and tenure:**

He is elected by the National People's Congress for a term of five years. The Constitution lays down that no person can serve or remain in power as president for more than two consecutive terms. When the office of President falls vacant, the Vice-President becomes the president. But in case of absence of both the president and the Vice-President, the Chairman of the Standing Committee becomes the acting-President until the new President is elected.

The Constitution also provides for the office of the Vice-President of the Republic to assist the President in his function . The Vice-President "may exercise such parts of the functions and powers of the president as may be deputed by the President." He is, thus an agent or deputy of the President with no original powers. He exercises the powers of the president only when he succeeds to the presidency. When the office of the President falls vacant, the Vice-President succeeds to the office of the President. In case the office of the Vice- President falls vacant, the National People's Congress elects a new Vice- President to fill-up the vacancy.

### **Powers and functions of the President**

The President performs several ceremonial functions as the head of the state. The President has the following functions to perform:

1. Appoints or removes the Premier, the Deputy Premier, State Councillors, Ministers and other members of the Cabinet , high officials of the State, Auditor General and Secretary General of the State Council . The President can exercise this power on the advice of the National Peoples Congress
2. Appoints or recalls Chinese ambassadors and other diplomatic agents in foreign countries. The president receives the ambassadors of foreign countries in China upon the recommendations of the Standing Committee of the National People's Congress

3. Confers state medals and titles of honour on the people
4. Proclaims martial law, a state of war and issues mobilization order on the recommendation of the Standing Committee of the National People's Congress.
5. Proclaims general pardon
6. Rectifies, abrogates treaties concluded between china and foreign countries
7. Represents People's Republic of China in foreign countries
8. Seek the assistance of the vice-president in discharging his power
9. Recommends the name of the person who is to be appointed as the Premier of the People's Republic China.

### **Conclusion:**

From the above mentioned powers and functions of the President, it is quite clear that powers assigned to him are nominal in nature. The President acts on decisions already arrived at by the National People's Congress or its Standing Committee. So, the president is the ceremonial head of the state. The present Constitution of 1982 decreases powers of the President. Now he is not the commander of the armed forces. Similarly he is not the president of the National Defence Council. Yet office of the president is a prestigious one.

### **Standing Committee of the National People's Congress**

One of the distinctive institutions of the Chinese political system is the Standing Committee which is the permanent working body of the National People's Congress. It is responsible for all its acts to the National People's Congress and reports to it. Since the National People's Congress is a numerous body and meets only once in a year for short time therefore, to carry on its functions, the Constitution has provided for a Standing Committee with constitutional status.

**Composition:** It is composed of the Chairman, the Vice-Chairman, the Secretary General and other members. They are elected by the National People's Congress at its first session. The Chairman presides over the meetings of the Standing Committee. It usually meets twice in a month.

Tenure: The term of office of the Standing Committee is five years, but the National People's Congress has the power to recall them from office. The new Constitution of 1982 has limited the tenure of important state functionaries for two consecutive terms and accordingly the Chairman and the Vice-Chairman of the Standing Committee cannot serve for more than two consecutive terms. The Standing Committee exercises its functions and powers until a new Standing Committee is elected by the succeeding National People's Congress.

Powers and functions of the Standing Committee:

The Standing Committee has wide and exhaustive powers and functions including legislative, electoral, executive and judicial functions. Such functions are:

1. To conduct the election of deputies to the National People's Congress
2. To convene the session of the National People's Congress;
3. To adopt decrees;
4. To interpret the laws, Constitution;
5. To supervise the work of the State Council , the Supreme People's Court and the Supreme People's Procuratorate;
6. To annul decisions and orders of the State Council in case they contravene the Constitution, laws or decrees;
7. To appoint or remove Vice-President, judges of the Supreme People's Court;
8. To appoint or remove the Deputy-Chief Procurators etc. ;
9. To enact or amend on residuary matters which are not mentioned in Art-62(3) of the Constitution;
10. To propose amendments to the Constitution;
11. To enacts partial supplements and amendments to statues enacted by the National People's Congress, when the Congress is not in session;
12. To examine and approve partial adjustments to the plan for national economic and social development and to the state budget when the congress is not in session;
13. To annul local regulations or decisions of organs of State power of provinces, autonomous regions and municipalities if such regulations or

decisions contravene the constitutional statutes or administrative rules and regulations of the State Council;

14. To institute system of titles and ranks for military and diplomatic personnel

15. To institute State medals and titles of honour;

16. To decide the appointment and recall of envoys accredited to foreign state;

17. To decide on the ratification and abrogation of treaties and important agreements concluded with foreign states.

18. To decide on the proclamation of war and peace when National People's Congress is not in session;

19. To decide on granting of pardons;

20. To supervise the work of the State Council, the Central Military Commission, the Supreme People's Court and the Supreme People's Procuratorate

### **Conclusion**

An analysis of the powers and functions of the Standing Committee reveals that it is a body performing wide-ranging functions when the National People's Congress is not in session. The Standing Committee occupies a pivotal role in Chinese constitutional system.

### **Compiled by**

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