

Quadrant II – Transcript and Related Materials

Programme: Bachelor of Arts (T.Y.B.A)

Subject: Political Science

Course Code: POD 105

Course Title: Comparative Politics

Unit: Political Structure

Module Name: Unicameral legislature of China

Name of the Presenter: Ms. Sanskruti Ayir

Notes:

Introduction

- The constitutional structure of China provides for a unicameral legislature.
- It is composed of National People's Congress(NPC) and the Standing Committee of the National People's Congress.
- China has opted for a unitary form of Government.
- NPC is the highest organ of State power.
- NPC is the exclusive legislative authority of the country

Composition, tenure & sessions

- The Constitution is silent about the composition of NPC.
- It is elected for a period of 5 years.
- Elections are organized by the Standing Committee.
- Elections to the new NPC to be completed within two months before the expiry of the tenure of old NPC.
- With 2,980 members in 2018, it is the largest parliamentary body in the world.

- At least one session of NPC is to be convened in a year by the Standing Committee.

Powers and Functions of NPC

- 1) It is the sole law making body of the country.
- 2) It supervises the enforcement of the constitution.
- 3) It elects the office bearers like the President, Vice President of People's Republic of China, the Prime Minister etc.
- 4) It can amend the constitution with 2/3rd majority.
- 5) It controls the economic and social planning of the country.
- 6) It examines and approves the budget prepared by the government.
- 7) It accords approval to the establishment of provinces, autonomous regions and municipalities.
- 8) 8) It can alter the boundaries of the provinces, regions and municipalities.
- 9) 9) It takes decisions regarding establishment of special administrative regions.
- 10) 10) It decides on the question of war and peace.
- 11) 11) It can remove and recall the officers elected.
- 12) 12) It has free hand in respect of all matters not specified in the Constitution.

The Standing Committee of NPC

- The National People Congress China meets once in a year and that also for a very short period of time.
- Therefore the Standing Committee does its work in the constitution system of China.
- The Standing Committee of the National People Congress exercises almost all the powers and functions of the NPC.
- Article-57 of Chinese constitution describes the Standing Committee as "Permanent body".

Composition & Tenure

- The Standing Committee consists of the Chairman, Vice-Chairman, Secretary General and some other members.
- All these members are elected by the National People Congress.
- Standing Committee is responsible to the National People Congress and reports to it.
- The members of the Standing Committee may be recalled by the National People Congress.

- The tenure is same as that of NPC.

Functions of Standing Committee

Legislative Functions

- 1) It summons the NPC.
- 2) It enacts legislation on behalf of NPC.
- 3) It supervises the work of highest office bearers.
- 4) It supplements and adopts amendments to the statutes enacted by NPC.
- 5) Committees created by NPC work under the direction of Standing Committee.

Elective Functions

- 1) It decides the choice of the office bearers.
- 2) It appoints and removes the Vice Presidents and judges of the Supreme Court.
- 3) It appoints and removes the Chairman of the military court.

Executive Functions

- 1) It decides on the appointment and recall of ambassadors and diplomats.
- 2) It decides on the ratification of treaties.
- 3) It institutes titles and ranks for military and diplomatic personnel.
- 4) It decides on the grant of special pardons.
- 5) It decides on general and partial mobilization.
- 6) It decides on the enforcement of martial law.

Judicial Functions

- 1) It interprets the laws.
- 2) It interprets the constitution.
- 3) It can annul decisions, orders and administrative rules framed by the State Council.

Conclusion

- NPC is the highest organ and exclusive legislative authority of China.
- Standing Committee performs most of the functions during NPC's long interval.
- The authority of Standing Committee is unquestionable.
- However it is the Communist Party of China that is significant and predominant.
- NPC and its Standing Committee legalizes the orders and commands of the Communist Party.

In reality it is one of the weakest legislatures in the world.