***National Peoples Congress of China:-***

The Constitution places all law-making powers in the hands of the National People’s Congress and its Standing Committee. Being a unicameral legislature of a unitary state, the National People’s Congress can make laws on all subjects either by itself or as suggested by its Standing Committee.

In effect, the NPC enacts and amends basic statutes relating to criminal offences, civil affairs, state organs and other matters which the Congress may deem it fit, necessary and expedient to legislate.

On all other subjects, the 1982 Constitution gives legislative power to the Standing Committee. Previously all law-making powers were theoretically in the hands of the NPC but used to be really exercised by its Standing Committee. This informal arrangement has been formally recognized by the Constitution of 1982.

Now the Standing Committee and the NPC share the law-making powers. All the law-making powers of the NPC are exercised by its Standing Committee when the former is not in session. Since its sessions are held for very short durations and after long gaps, the law-making powers are really exercised by the Standing Committee.

#### Amendment Powers:

The National People’s Congress has the power to amend the Constitution. An amendment to the Constitution can be proposed either by the Standing Committee or by at least 1/5th of the Deputies of the NPC. For incorporating an amendment, the NPC has to pass the proposal by a 2/3rd majority of all the Deputies.

Further, the NPC has the responsibility to supervise the enforcement of the Constitution. The Constitution is the supreme law and its dignity has to be upheld by all the state organs. Since the highest organ of state power is the NPC, it becomes its supreme responsibility to maintain the supremacy of the Law and the Constitution.

#### Electoral Functions:

**The National People’s Congress performs several important electoral functions:**

(i) It elects the President and the Vice-President of the People’s Republic of China. Each has a tenure of 5 years. As such, after every 5 years the NPC elects the President and the Vice-President.

(ii) The National People’s Congress elects the Premier of the State Council i. e. the Prime Minister of China. According to the Constitution, the name of the person is proposed by the President of the Republic and the NPC takes the final decision in choosing the Premier. Thereafter, the President formally appoints the Premier.

(iii) On the recommendation of the Premier, the National People’s Congress appoints all the members of the State Council (Cabinet) the Vice-Premiers, State Councilors, Ministers, the Auditor-General and the Secretary General of the State Council.

(iv) The NPC elects the Chairman of the Central Military Commission and upon his recommendation appoints all other members of the Military Commission.

(v) The NPC elects the President (CJ) of the Supreme People’s Court and the Procurator General of the Supreme People’s Procuratorate. Other Judges of the Supreme People’s Court and other members of the Supreme People’s Procuratorate are appointed by the Standing Committee of the NPC.

(vi) The National People’s Congress elects its Standing Committee which regularly performs the assigned law-making functions, and all other functions of the NPC when it is not in session. All the decisions of the Standing Committee require the approval of the NPC. But it is only a formality. In practice, the NPC always endorses the decisions of the Standing Committee. Thus, the NPC performs several important electoral functions.

#### Power of Removal:

The officials of the State —the President and the Vice-President of the People’s Republic of China, the Premier, the members of the State Council, the members of the Standing Committee, the chairman and members of the Military Commission etc., in fact all officials who are elected/appointed by the NPC, can also be removed by it. However, the real power of appointment and removal rests with the top brass of the hierarchy of the Communist leadership of China.

#### Power to Create Provinces:

The National People’s Congress has the power to approve the establishment of provinces, autonomous regions and municipalities directly under the Central Government. The NPC alone can alter or fix their boundaries. Special administrative regions can be established only by it.

#### Power to Make War and Peace:

The National People’s Congress has the power to take all decisions on questions of war and peace. In other words, like the U.S. Congress, China’s National People’s Congress has the right to declare war and to conclude peace. All such decisions require its approval.

#### Financial and Planning Functions:

All economic and social planning in China is controlled by the National People’s Congress. It examines and gives approval to all development plans. All reports on the implementation of the development plans are reviewed by the NPC. The budget of the government is passed by the NPC. The reports on the implementation of the Budget are also reviewed by the NPC.

#### Power to Establish Several Commissions and Committees:

The National People’s Congress establishes several Commissions and Committees — the Nationalities Commission, a Law Committee, a Financial and Economic Committee, an Education Science, Cultural and Public Health Committee, a Foreign Affairs Committee, an Overseas Chinese Committee, and all other such committees as are necessary for the state.

These committees and commissions are responsible to the NPC. When the NPC is not in session, the Standing Committee supervises these and enforces their responsibility. Further, the NPC can appoint committees of inquiry for examining specific questions.

#### Power to Enforce the Responsibility of the State Council:

For all its activities, the State Council is responsible before the NPC. The Deputies of the NPC have the right (in accordance with the procedure established by law) to address questions to the State Council or the Ministers and Commissions. All such questions have to be answered in a responsible manner. However, there is no such thing as collective responsibility of the State Council to the NPC.

#### Other Powers:

The 1982 Constitution categorically states that the National People’s Congress has the authority **“to exercise such other functions and powers as the highest organ of state power should exercise”**. In other words, the NPC enjoys a free hand in exercising power even in respect of matters not specifically given to it by the Constitution.