

## CONTEMPORARY POLITICAL SYSTEM

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### UNIT-V

#### POLITICAL SYSTEM IN CHINA

##### Historical Development:

The earliest known written records of the history of China date from as early as 1250 BC, from the [Shang dynasty](#) (c. 1600–1046 BC), during the king [Wu Ding's](#) reign,<sup>[1][2]</sup> who was mentioned as the twenty-first Shang king by the same.<sup>[3][4]</sup> Ancient historical texts such as the [Book of Documents](#) (early chapters, 11th century BC), the [Records of the Grand Historian](#) (c. 100 BC) and the [Bamboo Annals](#) (296 BC) mention and describe a [Xia dynasty](#) (c. 2070–1600 BC) before the Shang, but no writing is known from the period, and Shang writings do not indicate the existence of the Xia.<sup>[5]</sup> The Shang ruled in the [Yellow River valley](#), which is commonly held to be the cradle of Chinese civilization. However, [Neolithic civilizations](#) originated at various cultural centers along both the Yellow River and [Yangtze River](#). These [Yellow River and Yangtze civilization s](#) arose millennia before the Shang. With thousands of years of continuous history, China is one of the world's oldest [civilizations](#) and is regarded as one of the [cradles of civilization](#). **Sailent**

##### Features of Old and New Constitution:

- Preamble

The paramount position of Marxism, Leninism and Mao's teachings has been acknowledged in relation to ideological goals of the political system. Traditional principle of Democratic Centralism has also been given due place within the Constitutional setup. The old definition of China as a "Dictatorship of the Proletariat" has been replaced with "People's Democratic Dictatorship." The Preamble clearly recognizes Taiwan as an integral part of China and its liberation is declared as a liability of Chinese People. Five points have been set as the underlying principles to be observed in the field of foreign relations. These include:

1. Respect and Preservation of the territorial integrity of all nations

2. Avoidance of aggression
  3. Non-interference in the internal affairs of other countries
  4. Promotion of international cooperation
  5. Peaceful coexistence
- Nature of Constitution

It has close affinity in letter and spirit, with the constitution of the former Soviet Union. It is neither too rigid nor too flexible.

- Basic Principles

Under the Constitution, People's Republic of China is a Socialist State established in the name of People's Democratic dictatorship, wherein Communist Party performs a leadership role to guide the people. People are declared as fountain of power and authority and they will exercise it through National People's Congress.

- Unitary System

The People's Republic of China is a unitary multi-national state created jointly by the people of all its nationalities. In China, a strong central government exists while regional governments, as distinct entities, have not been created under the Constitution. Therefore, In order to encourage people's participation in policy-making and preserve their interest in public affairs, decentralization has been introduced in the governmental affairs. The central government has delegated much authority and powers to the regional and local administrative units.

- Democratic Centralism

Like the political system of former Soviet Union, the principle of "Democratic Centralism" prevails in People's Republic of China as well. Keeping in view democratic norms, elective principle has been introduced at all levels not only within the governmental institutions but also within the Party organization. All the citizens have been secured the right to vote on the basis of adult suffrage.

- One Party System

1. The Communist Party enjoys almost dictatorial powers within the constitutional framework

and has been regarded as the sole source of political authority for all practical purposes.

2. Party organization runs parallel to that of the governmental institutions. Party elite hold all top-notch positions in the government.
3. In practice, no other political party enjoys real freedom to act.
4. Certain youth organizations, loyal to the party and working groups affiliated with the Party, enjoy the right to participate in decision-making.

### **The Chinese Executive:**

The Constitution of the People's Republic of China is nominally the [supreme law of the People's Republic of China](#). It was adopted by the [5th National People's Congress](#) on December 4, 1982, with [further revisions about every five years](#). It is the fourth constitution in the country's history, superseding the [1954 constitution](#), the [1975 constitution](#), and the [1978 constitution](#). Though technically the "supreme legal authority" and "fundamental law of the state", the ruling [Chinese Communist Party \(CCP\)](#) has a documented history of violating many of the constitution's provisions and censoring calls for greater adherence to it. Furthermore, claims of violations of constitutional rights cannot be used in Chinese courts, and the [National People's Congress Constitution and Law Committee](#), the legislative committee responsible for constitutional review, has never ruled a law or regulation unconstitutional.

### **The President:**

The President of the People's Republic of China, is the [ceremonial head of state of the People's Republic of China \(PRC\)](#). Under the current [PRC Constitution](#), the presidency is a largely ceremonial office with very limited power. However, since 1993, as a matter of convention, the presidency has been held simultaneously by the [General Secretary of the Chinese Communist Party](#), the [top leader of this one-party state](#). The presidency is officially regarded as [an institution of the state](#) rather than an administrative post; theoretically, the president serves at the pleasure of the [National People's Congress \(NPC\)](#), the legislature, and is not legally vested to take executive action on his own prerogative.

### **Council of Ministers:**

The State Council, [constitutionally](#) synonymous with the Central People's Government since 1954 (particularly in relation to local governments), is the [chief administrative authority of the People's Republic of China](#). It is chaired by the [premier](#) and includes the heads of each of the [cabinet-level executive departments](#). Currently, the council has 35 members: the premier, one

executive vice premier, three other vice premiers, five state councillors (of whom three are also ministers and one is also the secretary-general), and 26 in charge of the [Council's constituent departments](#). In the [politics of the People's Republic of China](#), the Central People's Government forms one of three interlocking branches of power, the others being the [Chinese Communist Party](#) (CCP) and the [People's Liberation Army](#). The State Council directly oversees the various subordinate People's Governments in the provinces, and in practice maintains membership with the top levels of the Chinese Communist Party.

### **The Prime Minister:**

The premier of the State Council of the People's Republic of China, sometimes also referred to informally as the "[prime minister](#)", is the [head of the central government of China](#) and is the holder of the highest rank in the [Civil Service](#). This position replaced the role of premier of the Government Administration Council of the Central People's Government [Chinese](#): which existed from 1949 to 1954. The premier is formally approved by the [National People's Congress](#) upon the nomination of the [president](#). In practice, the candidate is chosen within the [Communist Party of China](#) (CPC) through the same process that determines the composition of the [CPC Central Politburo](#). Both the President and the Premier are selected once every five years. The premier is limited to two terms, but the president is not. The premier has always been a member of the powerful [Politburo Standing Committee](#).

### **National People 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.

### **Standing company of NPC:**

The Standing Committee of the National People's Congress (NPCSC), officially the Standing Committee of the National People's Congress of the People's Republic of China, is the permanent body of the [National People's Congress](#) (NPC) of the [People's Republic of China](#). Both

the NPC and the NPCSC exercise the legislative power of the state. The NPCSC oversees the election of the NPC, and can extend the term of the current NPC by a put off election by at most a year with a two thirds majority vote. The NPCSC meets every two months with each meeting lasting a week. The NPCSC convenes the NPC once a year, and may do so when it finds it necessary or with a proposal from one fifth of NPC's members. The NPCSC holds power until the succeeding NPC elects its standing committee.

### **Judicial System:**

The people's courts are judicial organs exercising judicial power on behalf of the states. According to the Constitution and the Organic Law of the People's Courts of 1979 as amended in 1983, China practices a system of courts characterized by "four levels and two instance of trials". The judicial authority of the PRC is exercised by the following people's courts: local people's courts at various levels; military courts and other special people's courts and the Supreme People's Courts. The local people's courts are divided into basic people's courts, intermediate people's courts and higher people's courts. In the administration of adjudication, the people's courts adopt the system whereby a case should be finally decided after two trials. This means, first, a judgment or orders of a first instance must come from a local people's court, and a part may bring an appeal only once to the people's court at the next higher level. The people's procuratorate may present a protest to the people's court at the next higher level. Secondly, judgment or orders of the first instance of the local people's courts at various levels become legally effective if, within the prescribed period for appeal, no party makes an appeal. Thirdly, judgments and orders of the court of the second instance shall be seen as final decisions of the case. However, any judgments and orders rendered by the Supreme People's Courts as the court of the first instance shall become immediately legally effective.

### **Local Government:**

Due to [China's](#) large [population](#) and geographical area, the administrative divisions of China have consisted of several levels since [ancient era](#). The constitution of China provides for three [de jure](#) levels of government. Currently, however, there are five practical ([de facto](#)) levels of local government: the provincial (province, autonomous region, municipality, and special administrative region), prefecture, county, township, and village. Since 17th century, provincial boundaries in China have remained largely static. Major changes since then have been the reorganization of provinces in the northeast after the establishment of the People's Republic of China and the formation of [autonomous regions](#), based on Soviet ethnic policies. The provinces

serve an important cultural role in China, as people tend to identify with their native province.