

## ***THE STANDING COMMITTEE OF THE NPC***

This article throws light upon the ten powers and functions of the Standing Committee of the NPC. Some of the powers and functions are: 1. Standing Committee and Law-Making 2. The Power of the NPC to Change the Laws of the NPC 3. Appointment-making and Electoral Functions of Standing Committee and Others.

### **1. Standing Committee and Law-Making:**

With the exception of the law-making powers solely entrusted to the NPC (the enactment and amendment of the Basic Statutes), the Standing Committee is competent to make laws on all other subjects. The members of the Standing Committee, along with the Deputies of the NPC, participate actively in the law-making processes.

They can propose in the NPC any measure for legislation or for constitutional amendment. The Standing Committee performs a leadership role in the law-making that the NPC undertakes. The Standing Committee independently makes laws on the subjects not exclusively reserved for the NPC.

### **2. The Power of the NPC to Change the Laws of the NPC:**

When the NPC is not in session, the Standing Committee exercises all the law-making powers. It can even modify any statute provided the modifications do not contravene the basic principles of the statute. Here again, the Standing Committee has an upper hand in so far as it has the power to interpret the statutes.

By the exercise of its 'interpreting power', the Standing Committee virtually determines the nature of the statute. This power considerably strengthens the role of the Standing Committee in the legislative sphere.

### **3. Appointment-making and Electoral Functions of Standing Committee:**

(i) When the NPC is not in session, the Standing Committee fills up the vacancies in the State Council. All electoral or appointment-making functions of the NPC are performed by the Standing Committee when the NPC is not in session.

In other words, during the absence of the NPC, the Standing Committee appoints, upon the

recommendations of the Premier, Ministers and Secretary General of the State Council and the Auditor General.

(ii) Similarly, the Standing Committee exercises the power to appoint Vice-Presidents and Judges of the Supreme People's Court, members of the Military Commissions and the Procurators of the Supreme People's Procuratorate. However, the appointments of the Premier, the Chief Justice, and the Procurator General are the exclusive prerogatives of the NPC.

#### **4. Power to Guide the Foreign Relations of China:**

(i) The Standing Committee decides upon the appointment and recall of Chinese ambassadors and other diplomatic representatives abroad. All such appointments are made by the President of the Peoples Republic of China (PRC) on the basis of the decisions made by the Standing Committee of the NPC.

(ii) The Standing Committee decides on the ratification and abrogation of all treaties of China with foreign countries. This is done by the President of the PRC in accordance with the decisions of the Standing Committee.

(iii) The NPC has the power to take all decisions regarding war and peace. However, when the NPC is not in session these functions are performed by the Standing Committee. The Standing Committee has the responsibility to take decisions regarding general mobilization. It also decides on the issue of the enforcement of martial law in the whole of China or any part thereof.

#### **5. Power to Grant Ranks and Titles:**

The Standing Committee institutes titles and ranks for military and diplomatic personnel. It institutes state medals and titles of honour and decides on their conferment. The medals and titles are, however, conferred by the President of the PRC.

#### **6. Power to Grant Pardons:**

The Standings Committee decides all cases for the grant of special pardons to the criminals. All pardons are, in practice granted by the President of the PRC in accordance with the decisions of the Standing Committee.

#### **7. Supervisory Powers:**

The Standing Committee supervises the work of the State Council, the Central Military Commission, the Supreme People's Court and the Supreme People's Procuratorate.

#### **8. Power to Review Decisions, Rules and Orders:**

The Standing Committee can reject all decisions, orders and rules made by the State Council in case it finds them against of the Constitution and the law. In other words, it exercises a sort of 'judicial review' power over the decisions and rules made by the State Council.

### **9. Power Relating to the Implementation of the Constitution and the Laws:**

To supervise the implementation of the Constitution and the laws is the power of the National People's Congress. However in practice, it is mostly exercised by the Standing Committee because the NPC meets only after long intervals and only for small sessions.

### **10. Role in Respect of Development Plans:**

Finally, the NPC has the power to approve the socio-economic developmental plans and the budget. The Standing Committee, can examine and approve partial amendments and adjustments in these plans and the budget when the NPC is not in session.

In addition to all these functions, the Standing Committee performs all such functions as may be assigned to it by the National People's Congress.