

# Sem II General.

## Raya bhattacharya

### Standing committee of NPC

Standing Committee is continuously working organ of the National People's Congress. During the interval between the two session of NPC, the Standing Committee exercises all the powers of NPC. The 1982 constitution has assigned some law making powers directly and independently to the Standing Committee. It has further strengthened and its position

#### Composition-

According to Article 65, the standing committee of the NPC consists of one chairman, several vice-chairman, the secretary general and some other members. In all it consists of some 200 members. All its members are elected by the NPC. Minority nationalities are given appropriate representation in the standing committee. However, no member of the standing committee can hold any administrative or judicial office.

The standing committee holds the tenure of 5 years. The rule is that the standing committee continues to exercise its powers and functions until a new standing committee is elected by the newly elected National people's Congress.

The standing committee works under its chairman who is assisted by a team of Vice Chairman and Secretary General. The chairman convenes its meetings and presides over them. The executive meetings involving the chairman the Vice Chairman and the secretary general, handle the important day to day work of the standing committee. Previously, the chairman of the standing committee used to perform the functions of the heads of the state of China. However, this function is no longer exercised by him because now the office of the President of the Republic has been restored. Further in order to eliminate long tenures for the offices of the Chairman and Vice Chairman, the 1982 constitution specifically states in its Article 66 that, "the Chairman and the vice chairman of the standing committee cannot serve for more than two consecutive terms".

## Functions of the standing committee:

### ✓ 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 process.

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.