



Population and Family Planning Laws, Policies and Regulations



CHINA

Constitution

Date: Adopted at the Fifth Session of the Fifth National People's Congress and promulgated for implementation by the Proclamation of the National People's Congress on December 4, 1982.

Source: The Legislative Affairs Commission of the Standing Committee of the National People's Congress of the People's Republic of China

Subject: family planning, family, marriage

Text:

Article 25. The state promotes family planning so that population growth may fit the plans for economic and social development.

Article 49. Marriage, the family and mother and child are protected by the state.

Both husband and wife have the duty to practise family planning.
Parents have the duty to rear and educate their children who are minors, and children who have come of age have the duty to support and assist their parents.
Violation of the freedom of marriage is prohibited. Maltreatment of old people, women and children is prohibited.

Article 89. The State Council exercises the following functions and powers:

1. to adopt administrative measures, enact administrative rules and regulations and issue decisions and orders in accordance with the Constitution and the law;
2. to submit proposals to the National People's Congress or its Standing Committee;
3. to formulate the tasks and responsibilities of the ministries and commissions of the State Council, to exercise unified leadership over the work of the ministries and commissions and to direct all other administrative work of a national character that does not fall within the jurisdiction of the ministries and commissions;
4. to exercise unified leadership over the work of local organs of state administration at various levels throughout the country, and to formulate the detailed division of functions and powers between the Central Government and the organs of state administration of provinces, autonomous regions, and municipalities directly under the Central Government;
5. to draw up and implement the plan for national economic and social development and

- the state budget;
6. to direct and administer economic affairs and urban and rural development;
 7. to direct and administer the affairs of education, science, culture, public health, physical culture and family planning;
 8. to direct and administer civil affairs, public security, judicial administration, supervision and other related matters;
 9. to conduct foreign affairs and conclude treaties and agreements with foreign states;
 10. to direct and administer the building of national defense;
 11. to direct and administer affairs concerning the nationalities and to safeguard the equal rights of minority nationalities and the right to autonomy of the national autonomous areas;
 12. to protect the legitimate rights and interests of Chinese nationals residing abroad and protect the lawful rights and interests of returned overseas Chinese and of the family members of Chinese nationals residing abroad;
 13. to alter or annul inappropriate orders, directives and regulations issued by the ministries or commissions;
 14. to alter or annul inappropriate decisions and orders issued by local organs of state administration at various levels;
 15. to approve the geographic division of provinces, autonomous regions and municipalities directly under the Central Government, and to approve the establishment and geographic division of autonomous prefectures, counties, autonomous counties, and cities;
 16. to decide on the imposition of martial law in parts of provinces, autonomous regions, and municipalities directly under the Central Government;
 17. to examine and decide on the size of administrative organs and, in accordance with the law, to appoint or remove administrative officials, train them, appraise their performance and reward or punish them; and
 18. to exercise such other functions and powers as the National People's Congress or its Standing Committee may assign to it.

Article 107F.

Local people's governments at or above the county level, within the limits of their authority as prescribed by law, conduct administrative work concerning the economy, education, science, culture, public health, physical culture, urban and rural development, finance, civil affairs, public security, nationalities affairs, judicial administration, supervision and family planning in their respective administrative areas; issue decisions and orders; appoint or remove administrative functionaries, train them, appraise their performance and reward or punish them.

People's governments of townships, nationality townships, and towns execute the resolutions of the people's congresses at the corresponding levels as well as the decisions and orders of the state administrative organs at the next higher level and conduct

administrative work in their respective administrative areas.

People's governments of provinces and municipalities directly under the Central Government decide on the establishment and geographic division of townships, nationality townships, and towns.

Note: Adopted at the Fifth Session of the Fifth National People's Congress and promulgated for implementation by the Proclamation of the National People's Congress on December 4, 1982. Revised in accordance with the Amendment to the Constitution of the People's Republic of China adopted at the First Session of the Seventh National People's Congress on April 12, 1988 and the Amendment to the Constitution of the People's Republic of China adopted at the First Session of the Eighth National People's Congress on March 29, 1993.

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