



中华人民共和国民事诉讼法

Civil Procedure Law of
the People's Republic of China

中国法制出版社

China Legal System Publishing House

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Civil Procedure Law of the People's Republic of China

(Adopted at the Fourth Session of the Seventh National People's Congress on April 9, 1991, promulgated by Order No. 44 of the President of the People's Republic of China on April 9, 1991, and effective as of the date of promulgation)

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第一编 总 则

第一章 任务、适用范围和基本原则

第一条 中华人民共和国民事诉讼法以宪法为根据,结合我国民事审判工作的经验和实际情况制定。

第二条 中华人民共和国民事诉讼法的任务,是保护当事人行使诉讼权利,保证人民法院查明事实,分清是非,正确适用法律,及时审理民事案件,确认民事权利义务关系,制裁民事违法行为,保护当事人的合法权益,教育公民自觉遵守法律,维护社会秩序、经济秩序,保障社会主义建设事业顺利进行。

第三条 人民法院受理公民之间、法人之间、其他组织之间以及他们相互之间因财产关系和人身关系提起的民事诉讼,适用本法的规定。

第四条 凡在中华人民共和国领域内进行民事诉讼,必须遵守本法。

Part One General Provisions

Chapter I The Aim, Scope of Application and Basic Principles

Article 1 The Civil Procedure Law of the People's Republic of China is formulated on the basis of the Constitution and in the light of the experience and actual conditions of our country in the trial of civil cases.

Article 2 The Civil Procedure Law of the People's Republic of China aims to protect the exercise of the litigation rights of the parties and ensure the ascertaining of facts by the people's courts, distinguish right from wrong, apply the law correctly, try civil cases promptly, affirm civil rights and obligations, impose sanctions for civil wrongs, protect the lawful rights and interests of the parties, educate citizens to voluntarily abide by the law, maintain the social and economic order, and guarantee the smooth progress of the socialist construction.

Article 3 In dealing with civil litigation arising from disputes on property and personal relations between citizens, legal persons or other organizations and between the three of them, the people's courts shall apply the provisions of this Law.

Article 4 Whoever engages in civil litigation within the territory of the People's Republic of China must abide by this Law.

第五条 外国人、无国籍人、外国企业和组织在人民法院起诉、应诉,同中华人民共和国公民、法人和其他组织有同等的诉讼权利义务。

外国法院对中华人民共和国公民、法人和其他组织的民事诉讼权利加以限制的,中华人民共和国人民法院对该国公民、企业和组织的民事诉讼权利,实行对等原则。

第六条 民事案件的审判权由人民法院行使。

人民法院依照法律规定对民事案件独立进行审判,不受行政机关、社会团体和个人的干涉。

第七条 人民法院审理民事案件,必须以事实为根据,以法律为准绳。

第八条 民事诉讼当事人有平等的诉讼权利。人民法院审理民事案件,应当保障和便利当事人行使诉讼权利,对当事人在适用法律上一律平等。

第九条 人民法院审理民事案件,应当根据自愿和合法的原则进行调解;调解不成的,应当及时判决。

第十条 人民法院审理民事案件,依照法律规定实

Article 5 Aliens, stateless persons, foreign enterprises and organizations that bring suits or enter appearance in the people's courts shall have the same litigation rights and obligations as citizens, legal persons and other organizations of the People's Republic of China.

If the courts of a foreign country impose restrictions on the civil litigation rights of the citizens, legal persons and other organizations of the People's Republic of China, the people's courts of the People's Republic of China shall follow the principle of reciprocity regarding the civil litigation rights of the citizens, enterprises and organizations of that foreign country.

Article 6 The people's courts shall exercise judicial powers with respect to civil cases.

The people's courts shall try civil cases independently in accordance with the law, and shall be subject to no interference by any administrative organ, public organization or individual.

Article 7 In trying civil cases, the people's courts must base themselves on facts and take the law as the criterion.

Article 8 The parties in civil litigation shall have equal litigation rights. The people's courts shall, in conducting the trials, safeguard their rights, facilitate their exercising the rights, and apply the law equally to them.

Article 9 In trying civil cases, the people's courts shall conduct conciliation for the parties on a voluntary and lawful basis; if conciliation fails, judgments shall be rendered without delay.

Article 10 In trying civil cases, the people's courts shall, according to the provisions of the law, follow the systems of panel

行合议、回避、公开审判和两审终审制度。

第十一条 各民族公民都有用本民族语言、文字进行民事诉讼的权利。

在少数民族聚居或者多民族共同居住的地区,人民法院应当用当地民族通用的语言、文字进行审理和发布法律文书。

人民法院应当对不通晓当地民族通用的语言、文字的诉讼参与人提供翻译。

第十二条 人民法院审理民事案件时,当事人有权进行辩论。

第十三条 当事人有权在法律规定的范围内处分自己的民事权利和诉讼权利。

第十四条 人民检察院有权对民事审判活动实行法律监督。

第十五条 机关、社会团体、企业事业单位对损害国家、集体或者个人民事权益的行为,可以支持受损害的单位或者个人向人民法院起诉。

第十六条 人民调解委员会是在基层人民政府和基层人民法院指导下,调解民间纠纷的群众性组织。

hearing, withdrawal, public trial and the court of second instance being that of last instance.

Article 11 Citizens of all nationalities shall have the right to use their native spoken and written languages in civil proceedings.

Where minority nationalities live in aggregation in a community or where several nationalities live together in one area, the people's courts shall conduct hearings and issue legal documents in the spoken and written languages commonly used by the local nationalities.

The people's courts shall provide translations for any participant in the proceedings who is not familiar with the spoken or written languages commonly used by the local nationalities.

Article 12 Parties to civil actions are entitled in the trials by the people's courts to argue for themselves.

Article 13 The parties are free to deal with their own civil rights and litigation rights the way they prefer within the scope provided by the law.

Article 14 The people's procuratorates shall have the right to exercise legal supervision over civil proceedings.

Article 15 Where an act has infringed upon the civil rights and interests of the State, a collective organization or an individual, any State organ, public organization, enterprise or institution may support the injured unit or individual to bring an action in a people's court.

Article 16 The people's conciliation committees shall be mass organizations to conduct conciliation of civil disputes under the guidance of the grass-roots level people's governments and the basic level people's courts.

人民调解委员会依照法律规定,根据自愿原则进行调解。当事人对调解达成的协议应当履行;不愿调解、调解不成或者反悔的,可以向人民法院起诉。

人民调解委员会调解民间纠纷,如有违背法律的,人民法院应当予以纠正。

第十七条 民族自治地方的人民代表大会根据宪法和本法的原则,结合当地民族的具体情况,可以制定变通或者补充的规定。自治区的规定,报全国人民代表大会常务委员会批准。自治州、自治县的规定,报省或者自治区的人民代表大会常务委员会批准,并报全国人民代表大会常务委员会备案。

第二章 管 辖

第一节 级别管辖

第十八条 基层人民法院管辖第一审民事案件,但