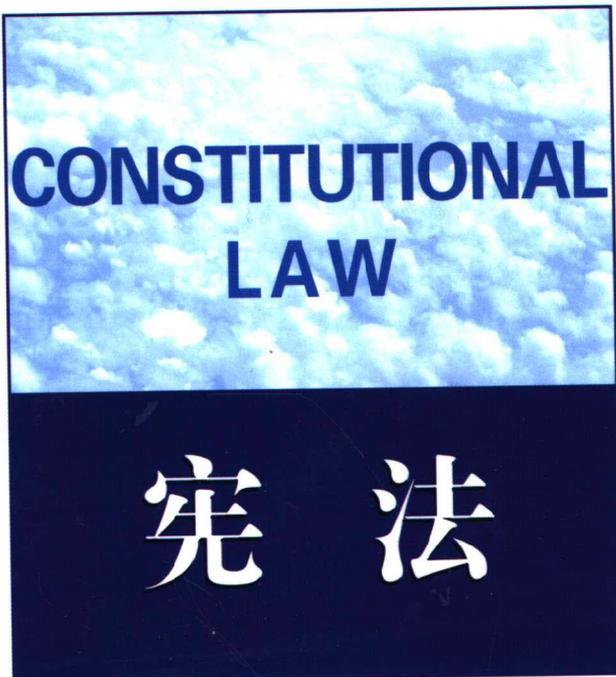


— 中英文对照法规系列 —



中国法制出版社

中英文对照法规系列

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中国法制出版社

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出版说明

为满足广大法律工作者、法学专业师生、外籍人士的学习和实务所需，我社组织出版了《中英文对照法规系列》丛书。

本套丛书按部门法分册，各分册基本收录了该部门法内我国现行有效的法律法规。在编排上，同页英文居左、中文居右，英文字号稍大，希望这种版式更能接近读者的阅读习惯。此外，为方便读者的学习和查阅，对法律文本中的法律专业术语，以脚注的形式在每页下方作了中英文对照标记。

本套丛书共分9册，分别为：《宪法》、《行政法》、《经济法》、《民法》、《商法》、《知识产权法》、《民事诉讼法与仲裁法》、《婚姻家庭与社会法》、《刑法与刑事诉讼法》。

图书编辑不足之处，敬请广大读者指正。

2005年9月

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Constitution of The People's Republic of China

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

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中华人民共和国宪法

(1982年12月4日第五届全国人民代表大会第五次会议通过 1982年12月4日全国人民代表大会公告公布施行)

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Procuratorates

Chapter IV The National Flag, the National Emblem and the Capital

Preamble^①

China is a country with one of the longest histories in the world. The people of all of China's nationalities have jointly created a culture of grandeur and have a glorious revolutionary tradition^②.

After 1840, feudal China was gradually turned into a semi-colonial and semi-feudal country. The Chinese people waged many successive heroic struggles for national independence and liberation and for democracy and freedom.

Great and earthshaking historical changes have taken place in China in the 20th century.

The Revolution of 1911, led by Dr. Sun Yat-sen', abolished the feudal monarchy^③ and gave birth to the Republic of China. But the historic mission of the Chinese people to overthrow imperialism and feudalism remained unaccomplished.

After waging protracted and arduous struggles, armed and otherwise, along a zigzag course, the Chinese people of all nationalities led by the Communist Party of China with Chairman Mao Zedong as its leader ultimately, in 1949, overthrew the rule of imperialism^④,

第四章 国旗、国徽、首都

序 言

中国是世界上历史最悠久的国家之一。中国各族人民共同创造了光辉灿烂的文化，具有光荣的革命传统。

一八四〇年以后，封建的中国逐渐变成半殖民地、半封建的国家。中国人民为国家独立、民族解放和民主自由进行了前仆后继的英勇奋斗。

二十世纪，中国发生了翻天覆地的伟大历史变革。

一九一一年孙中山先生领导的辛亥革命，废除了封建帝制，创立了中华民国。但是，中国人民反对帝国主义和封建主义的历史任务还没有完成。

一九四九年，以毛泽东主席为领袖的中国共产党领导中国各族人民，在经历了长期的艰难曲折的武装斗争和其他形式的斗争以后，终于推翻了帝国主义、封建主义和官僚资本主义的统治，取得了新民主

① Preamble 序言

② revolutionary tradition 革命传统

③ the feudal monarchy 封建帝制

④ imperialism 帝国主义

feudalism and bureaucrat-capitalism^①, won a great victory in the New-Democratic Revolution and founded the People's Republic of China. Since then the Chinese people have taken control of state power and become masters of the country.

After the founding of the People's Republic, China gradually achieved its transition from a New-Democratic to a socialist society. The socialist transformation of the private ownership of the means of production has been completed, the system of exploitation of man by man abolished and the socialist system established. The People's democratic dictatorship led by the working class and based on the alliance of workers and peasants, which is in essence the dictatorship of the proletariat, has been consolidated and developed. The Chinese people and the Chinese People's Liberation Army have defeated imperialist and hegemonist^② aggression, sabotage and armed provocations and have thereby safeguarded China's national independence and security and strengthened its national defence. Major successes have been achieved in economic development. An independent and relatively comprehensive socialist system of industry has basically been established. There has been a marked increase in agricultural production. Significant advances have been made in educational, scientific and cultural undertakings, while education in socialist ideology has produced noteworthy results. The life of the people has improved considerably.

主义革命的伟大胜利，建立了中华人民共和国。从此，中国人民掌握了国家的权力，成为国家的主人。

中华人民共和国成立以后，我国社会逐步实现了由新民主主义到社会主义的过渡。生产资料私有制的社会主义改造已经完成，人剥削人的制度已经消灭，社会主义制度已经确立。工人阶级领导的、以工农联盟为基础的人民民主专政，实质上即无产阶级专政，得到巩固和发展。中国人民和中国人民解放军战胜了帝国主义、霸权主义的侵略、破坏和武装挑衅，维护了国家的独立和安全，增强了国防。经济建设取得了重大的成就，独立的、比较完整的社会主义工业体系已经基本形成，农业生产显著提高。教育、科学、文化等事业有了很大的发展，社会主义思想教育取得了明显的成效。广大人民的生活有了较大的改善。

① bureaucrat-capitalism 官僚资本主义

② hegemonist 霸权主义

Both the victory in China's New-Democratic Revolution and the successes in its socialist cause have been achieved by the Chinese people of all nationalities, under the leadership of the Communist Party of China and the guidance of Marxism-Leninism^① and Mao Zedong Thought, by upholding truth, correcting errors and surmounting numerous difficulties and hardships. The basic task of the nation in the years to come is to concentrate its effort on socialist modernization. Under the leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong Thought, the Chinese people of all nationalities will continue to adhere to the People's democratic dictatorship^② and the socialist road, steadily improve socialist institutions, develop socialist democracy, improve the socialist legal system, and work hard and self-reliantly to modernize the country's industry, agriculture, national defence and science and technology step by step to turn China into a socialist country with a high level of culture and democracy.

The exploiting classes^③ as such have been abolished in our country. However, class struggle^④ will continue to exist within certain bounds for a long time to come. The Chinese people must fight against those forces and elements, both at home and abroad, that are hostile to China's socialist system and try to undermine it.

Taiwan is part of the sacred territory of the

中国新民主主义革命的胜利和社会主义事业的成就，都是中国共产党领导中国各族人民，在马克思列宁主义、毛泽东思想的指引下，坚持真理，修正错误，战胜许多艰难险阻而取得的。今后国家的根本任务是集中力量进行社会主义现代化建设。中国各族人民将继续在中国共产党领导下，在马克思列宁主义、毛泽东思想指引下，坚持人民民主专政，坚持社会主义道路，不断完善社会主义的各项制度，发展社会主义民主，健全社会主义法制，自力更生，艰苦奋斗，逐步实现工业、农业、国防和科学技术的现代化，把我国建设成为高度文明、高度民主的社会主义国家。

在我国，剥削阶级作为阶级已经消灭，但是阶级斗争还将在一定范围内长期存在。中国人民对敌视和破坏我国社会主义制度的国内外敌对势力和敌对分子，必须进行斗争。

台湾是中华人民共和国的神圣领土的一部

- ① Marxism-Leninism 马克思列宁主义
 ② the People's democratic dictatorship 人民民主专政
 ③ The exploiting classes 剥削阶级
 ④ class struggle 阶级斗争

People's Republic of China. It is the inviolable duty of all Chinese people, including our compatriots^① in Taiwan, to accomplish the great task of reunifying the motherland.

In building socialism it is essential to rely on workers, peasants and intellectuals and to unite all forces that can be united. In the long years of revolution and construction, there has been formed under the leadership of the Communist Party of China a broad patriotic united front which is composed of the democratic parties and People's organizations and which embraces all socialist working people, all patriots who support socialism and all patriots who stand for the reunification of the motherland. This united front will continue to be consolidated and developed. The Chinese People's Political Consultative Conference, a broadly based representative organization of the united front which has played a significant historical role, will play a still more important role in the country's political and social life, in promoting friendship with other countries and in the struggle for socialist modernization and for the reunification and unity of the country.

The People's Republic of China is a unitary multinational state created jointly by the people of all its nationalities. Socialist relations of equality, unity and mutual assistance have been established among the nationalities and will continue to be strengthened. In the struggle to safeguard the unity of the nationalities, it is necessary

分。完成统一祖国的大业是包括台湾同胞在内的全中国人民的神圣职责。

社会主义的建设事业必须依靠工人、农民和知识分子，团结一切可以团结的力量。在长期的革命和建设过程中，已经结成由中国共产党领导的，有各民主党派和各人民团体参加的，包括全体社会主义劳动者、拥护社会主义的爱国者和拥护祖国统一的爱国者的广泛的爱国统一战线。这个统一战线将继续巩固和发展。中国人民政治协商会议是有广泛代表性的统一战线组织，过去发挥了重要的历史作用，今后在国家政治生活、社会生活和对外友好活动中，在进行社会主义现代化建设、维护国家的统一和团结的斗争中，将进一步发挥它的重要作用。

中华人民共和国是全国各族人民共同缔造的统一的多民族国家。平等、团结、互助的社会主义民族关系已经确立，并将继续加强。在维护民族团结的斗争中，要反对大民族主义，主要是大汉族主

① compatriots 同胞

to combat big-nation chauvinism^①, mainly Han chauvinism, and to combat local national chauvinism. The state will do its utmost to promote the common prosperity of all the nationalities.

China's achievements in revolution and construction are inseparable from the support of the people of the world. The future of China is closely linked to the future of the world. China consistently carries out an independent foreign policy and adheres to the five principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit, and peaceful coexistence in developing diplomatic relations and economic and cultural exchanges with other countries. China consistently opposes imperialism, hegemonism and colonialism^②, works to strengthen unity with the people of other countries, supports the oppressed nations and the developing countries in their just struggle to win and preserve national independence and develop their national economies, and strives to safeguard world peace and promote the cause of human progress.

This Constitution, in legal form^③, affirms the achievements of the struggles of the Chinese people of all nationalities and defines the basic system and basic tasks of the state; it is the fundamental law^④ of the state and has supreme legal authority. The people of all nationalities, all state organs, the armed forces,

也要反对地方民族主义。国家尽一切努力,促进全国各民族的共同繁荣。

中国革命和建设的成就是同世界人民的支持分不开的。中国的前途是同世界的前途紧密地联系在一起的。中国坚持独立自主的对外政策,坚持互相尊重主权和领土完整、互不侵犯、互不干涉内政、平等互利、和平共处的五项原则,发展同各国的外交关系和经济、文化的交流;坚持反对帝国主义、霸权主义、殖民主义,加强同世界各国人民的团结,支持被压迫民族和发展中国家争取和维护民族独立、发展民族经济的正义斗争,为维护世界和平和促进人类进步事业而努力。

本宪法以法律的形式确认了中国各族人民奋斗的成果,规定了国家的根本制度和根本任务,是国家的根本法,具有最高的法律效力。全国各族人民、一切国家机关和武装力量、各政党和各社会团体、各

① big-nation chauvinism 大民族主义

② colonialism 殖民主义

③ in legal form 以法律的形式

④ the fundamental law 根本法

all political parties and public organizations and all enterprises and institutions in the country must take the Constitution as the basic standard of conduct, and they have the duty to uphold the dignity of the Constitution and ensure its implementation^①.

Chapter I General Principles

Article 1 The People's Republic of China is a socialist state under the People's democratic dictatorship led by the working class and based on the alliance of workers and peasants.

The socialist system is the basic system of the People's Republic of China. Disruption of the socialist system by any organization or individual is prohibited.

Article 2 All power in the People's Republic of China belongs to the people.

The National People's Congress and the local People's congresses at various levels are the organs through which the people exercise state power.

The people administer state affairs^② and manage economic, cultural and social affairs through various channels and in various ways in accordance with the law.

Article 3 The state organs of the People's Republic of China apply the principle of democratic centralism^③.

企业事业组织,都必须以宪法为根本的活动准则,并且负有维护宪法尊严、保证宪法实施的职责。

第一章 总纲

第一条 中华人民共和国是工人阶级领导的、以工农联盟为基础的人民民主专政的社会主义国家。

社会主义制度是中华人民共和国的根本制度。禁止任何组织或者个人破坏社会主义制度。

第二条 中华人民共和国的一切权力属于人民。

人民行使国家权力的机关是全国人民代表大会和地方各级人民代表大会。

人民依照法律规定,通过各种途径和形式,管理国家事务,管理经济和文化事业,管理社会事务。

第三条 中华人民共和国的国家机构实行民主集中制的原则。

① implementation 实施

② state affairs 国家事务

③ democratic centralism 民主集中制

The National People's Congress and the local People's congresses at various levels are constituted through democratic elections. They are responsible to the people and subject to their supervision.

All administrative, judicial and procuratorial organs of the state are created by the People's congresses to which they are responsible and by which they are supervised.

The division of functions and powers between the central and local state organs is guided by the principle of giving full scope to the initiative and enthusiasm of the local authorities under the unified leadership of the central authorities.

Article 4 All nationalities in the People's Republic of China are equal. The state protects the lawful rights and interests of the minority nationalities^① and upholds and develops a relationship of equality, unity and mutual assistance among all of China's nationalities. Discrimination^② against and oppression of any nationality are prohibited; any act which undermines the unity of the nationalities or instigates division is prohibited.

The state assists areas inhabited by minority nationalities in accelerating their economic and cultural development according to the characteristics and needs of the various minority nationalities.

Regional autonomy is practised in areas where people of minority nationalities live in concentrated

全国人民代表大会和地方各级人民代表大会都由民主选举产生，对人民负责，受人民监督。

国家行政机关、审判机关、检察机关都由人民代表大会产生，对它负责，受它监督。

中央和地方的国家机构职权的划分，遵循在中央的统一领导下，充分发挥地方的主动性、积极性的原则。

第四条 中华人民共和国各民族一律平等。国家保障各少数民族的合法的权利和利益，维护和发展各民族的平等、团结、互助关系。禁止对任何民族的歧视和压迫，禁止破坏民族团结和制造民族分裂的行为。

国家根据各少数民族的特点和需要，帮助各少数民族地区加速经济和文化的发展。

各少数民族聚居的地方实行区域自治，设立自治机关，行使自治权。各民族自治地方都

① the minority nationalities 少数民族

② Discrimination 歧视

communities; in these areas organs of self-government^① are established to exercise the power of autonomy^②. All national autonomous areas are integral parts of the People's Republic of China.

All nationalities have the freedom to use and develop their own spoken and written languages and to preserve or reform their own folkways and customs.

Article 5 The state upholds the uniformity and dignity of the socialist legal system.

No laws or administrative or local rules and regulations may contravene^③ the Constitution.

All state organs, the armed forces, all political parties and public organizations and all enterprises and institutions must abide by the Constitution and the law. All acts in violation of the Constitution or the law must be investigated.

No organization or individual is privileged to be beyond the Constitution or the law.

Article 6 The basis of the socialist economic system of the People's Republic of China is socialist public ownership of the means of production, namely, ownership by the whole people and collective ownership^④ by the working people.

The system of socialist public ownership^⑤ supersedes^⑥ the system of exploitation of man by man; it applies the principle of "from each according to his a

是中华人民共和国不可分离的部分。

各民族都有使用和发展自己的语言文字的自由,都有保持或者改革自己的风俗习惯的自由。

第五条 国家维护社会主义法制的统一和尊严。

一切法律、行政法规和地方性法规都不得同宪法相抵触。

一切国家机关和武装力量、各政党和各社会团体、各企业事业组织都必须遵守宪法和法律。一切违反宪法和法律的行为,必须予以追究。

任何组织或者个人都不得有超越宪法和法律的特权。

第六条 中华人民共和国的社会主义经济制度的基础是生产资料的社会主义公有制,即全民所有制和劳动群众集体所有制。

社会主义公有制消灭人剥削人的制度,实行各尽所能,按劳分配的原则。

- ① self-government 自治
- ② the power of autonomy 自治权
- ③ contravene 抵触
- ④ collective ownership 集体所有制
- ⑤ public ownership 公有制
- ⑥ supersedes 消灭, 替代, 更换

bility, to each according to his work.”

Article 7 The state economy is the sector of socialist economy under ownership by the whole people; it is the leading force in the national economy. The state ensures the consolidation and growth of the state economy.

Article 8 Rural People's communes, agricultural producers cooperatives and other forms of cooperative economy, such as producers', supply and marketing, credit and consumers' cooperatives, belong to the sector of socialist economy under collective ownership by the working people. Working people who are members of rural economic collective have the right, within the limits prescribed by law, to farm plots of cropland^① and hilly land allotted for their private use, engage in household sideline production and raise privately owned livestock.

The various forms of cooperative economy in the cities and towns, such as those in the handicraft, industrial, building, transport, commercial and service trades, all belong to the sector of socialist economy under collective ownership by the working people.

The state protects the lawful rights and interests of the urban and rural economic collective and encourages, guides and helps the growth of the collective economy.

Article 9 All mineral resources, waters, forests, mountains, grassland, unreclaimed land^②, beaches^③ and other natural resources are owned by the state, that is,

第七条 国营经济是社会主义全民所有制经济，是国民经济中的主导力量。国家保障国营经济的巩固和发展。

第八条 农村人民公社、农业生产合作社和其他生产、供销、信用、消费等各种形式的合作经济，是社会主义劳动群众集体所有制经济。参加农村集体经济组织的劳动者，有权在法律规定的范围内经营自留地、自留山、家庭副业和饲养自留畜。

城镇中的手工业、工业、建筑业、运输业、商业、服务业等行业的各种形式的合作经济，都是社会主义劳动群众集体所有制经济。

国家保护城乡集体经济组织的合法的权利和利益，鼓励、指导和帮助集体经济的发展。

第九条 矿藏、水流、森林、山岭、草原、荒地、滩涂等自然资源，都属于国家所

① cropland 农田，农地

② unreclaimed land 荒地

③ beaches 滩涂

by the whole people, with the exception of the forests, mountains, grasslands, unreclaimed land and beaches that are owned by collective in accordance with the law.

The state ensures the rational use of natural resources and protects rare animals and plants. Appropriation or damaging of natural resources by any organization or individual by whatever means is prohibited.

Article 10 Land in the cities is owned by the state.

Land in the rural and suburban areas is owned by collectives except for those portions which belong to the state in accordance with the law; house sites and privately farmed plots of cropland and hilly land are also owned by collectives.

The state may, in the public interest, requisition^① land for its use in accordance with the law.

No organization or individual may appropriate, buy, sell or lease land^② or otherwise engage in the transfer of land by unlawful means.

All organizations and individuals using land must ensure its rational use.

Article 11 The individual economy^③ of urban and rural working people, operating within the limits prescribed by law, is a complement to the socialist public economy. The state protects the lawful rights and interests of the individual economy.

The state guides, assists and supervises the

有，即全民所有；由法律规定属于集体所有的森林和山岭、草原、荒地、滩涂除外。

国家保障自然资源的合理利用，保护珍贵的动物和植物。禁止任何组织或者个人用任何手段侵占或者破坏自然资源。

第十条 城市的土地属于国家所有。

农村和城市郊区的土地，除由法律规定属于国家所有的以外，属于集体所有；宅基地和自留地、自留山，也属于集体所有。

国家为了公共利益的需要，可以依照法律规定对土地实行征用。

任何组织或者个人不得侵占、买卖、出租或者以其他形式非法转让土地。

一切使用土地的组织和个人必须合理地利用土地。

第十一条 在法律规定的范围内的城乡劳动者个体经济，是社会主义公有制经济的补充。国家保护个体经济的合法的权利和利益。

国家通过行政管

① requisition 征用

② lease land 出租土地

③ The individual economy 个体经济