

CONSTITUTIONAL DEVELOPMENT OF CHINA

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About China

- *Area wise 4th largest country in the world.*
- *Population wise 1st largest country.*
- *Official name : People's Republic of China (PRC).*
- *Almost 56 tribes resides in China. They are Han (largest in number), Mongolian, Hui, Tibbetian , Uinur, Thiao, Korian, Manchou etc.*
- *Early civilization formed on the bank of Yellow River such as Shang dynasty, Chou dynasty, Chin dynasty, Han dynasty.*

Major events

- *1839- 1st Opium War (between Britain and China).*
- *1856- 2nd Opium War (between Anglo-French and China)*
- *Slave society and Feudal society were existed in China before Opium War, after war capitalism emerged.*
- *1894- China – Japan war leads to Chinese defeat.*
- *1898- Reform movement started opposing imperialism and feudalism and for establishment of a democratic society .*
- *1911- Revolution by San-Yat-Sen and this lead to the end of Feudal monarchy and for the first time in 1912 Republic was established in China.*
- *1917- Chinese influenced by the Russian Revolution.*
- *1921- Chinese Communist Party formed.*
- *1923- Mao-Tse-Tung elected as CCP leader.*

Towards Communist Society

- *During the 2nd World War, in 1940 Mao published the book “New Democracy”. In this book he emphasized on political, economic and cultural revolution to overthrow the capitalist culture from China and establish a socialist society.*
- *Thus civil war started in China and it leads to the defeat of Chiang – Kai- Shek and his exile to Foramosa.*
- *Mao and CCP win in this civil war and in 1949, 1as Oct. PRC established.*
- *First President – Mao Tse Tung, present – Ji Jinping.*
- *First Prime Minister – Zhou En Lai, present – Li Qiang.*

First Constitution of China, 1954

- *Although China achieved its independence in 1949, its first constitution was adopted in 1954.*
- *The ideological basis of this constitution was Marxism Leninism.*
- *Features – Written constitution, Preamble, One party rule (CCP), Unitary state (centralisation), Unicameral legislature (NPC), Established communism (people's democratic dictatorship), Integrated Judicial System, Recognition of fundamental rights and duties.*

Constitution of 1975

- *This is the second constitution of PRC.*
- *This constitution was based on Marxism, Leninism and Maoism.*
- *Features – Written constitution, Established China as a socialist state of the proletariat dictatorship, Emphasis on CCP, Abolition of President, Joint ownership.*

Constitution of 1978

- *This is the 3rd constitution of PRC.*
- *This constitution was adopted after cultural revolution (1966-1976).*
- *This constitution was based on Marxism, Leninism and Maoism.*
- *All power vested on people and recognised China as a socialist state of worker and farmers.*
- *Other features – Unitary (pluralist) state, Right to property, Ten year plan for economic development, Importance on labour and duty to work of every citizen, Recognition of fundamental rights and duties, Emphasis on military development and modernization.*

Constitution of 1982

- *This is the 4th as well as present constitution of PRC.*
- *This constitution was amended in 1988,1993,1999,2004 and 2018.*
- *Features-*
- *Written constitution including a preamble and 138 article. (art. 1-32 about general principles) (art. 33-56 about fundamental rights and duties of the citizens) (art. 57-135 about administration) (art. 136-138 about national flag, emblem and capital).*
- *Rigid constitution – amendment of the constitution is very difficult.*
- *Socialist state.*
- *Supremacy of the constitution – constitution has the supreme legal authority and it is the law of the land. No one is above the constitution.*

- *Nature of the state – according to article 1 of the constitution, PRC is a socialist state under the people’s democratic dictatorship. It means dictatorship of the proletariat.*
- *Marxism, Leninism and Maoism.*
- *Unitary state – all decisions are taken by central authority and CCP.*
- *Democratic centralisation.*
- *Collective ownership .*
- *Economic planning.*
- *Role of the communist party – the constitution gives importance on CCP.*
- *Popular sovereignty – according to article 2 all power vested on the people.*

- *Fundamental rights and duties.*
- *Right to work.*
- *Importance on labour.*
- *Absence of the theory of separation of power.*
- *Unicameral legislature – NPC, the members are directly elected by people. It's members are over 3000, and regarded as world's largest house.*
- *One party system.*
- *Parliamentary government.*
- *Family planning.*
- *Judiciary without judicial review power.*

Preamble of the constitution of 1982

- *The preamble is not a basic part of the constitution but it contains the important features of the constitution.*
- *The preamble describes the history of China, The successful role of CCP, nature of administration, national as well as international principles.*
- *The main issues of the preamble are-*
 1. *Recognized the supremacy of the constitution. The constitution is the law of the land.*
 2. *The history of evolution of China and its beautiful culture are reflected in preamble*
 3. *The preamble talks about the establishment of socialism through the public ownership of the means of production.*

4. *The preamble recognised the needs of class struggle.*
5. *The preamble describes Taiwan as the sole part of their motherland.*
6. *About the formation of the Chinese people's political consultative conference and to preserve and protect the unity and integrity of the nation.*
7. *The preamble draws about the foreign policy and diplomacy and to adopt the principle of Panchaseel.*
8. *China is a unitary pluralist state.*

Principles of the constitution of 1982

- 1. Democratic socialist state.*
- 2. Popular sovereignty.*
- 3. Equity – art. 4, rights of the minority.*
- 4. Socialist law.*
- 5. Economic principle.*
- 6. Economic planning.*
- 7. Educational principle.*
- 8. Family planning.*
- 9. Military.*

MAOISM

- *Though Mao was a supporter of Marxism – Leninism, he reform those principles and applied in the context of China .*
- *According to Mao dictatorship of the proletariat is a long term process and for this revolution is necessary.*
- *After the establishment of socialism, revolution will continue in the field of political, social, cultural educational etc.*
- *Sometimes the revolution will become very high and sometimes it will become low.*
- *In this long term period the communist party will decide the best way of proletariat.*

1. *For the first time Mao give importance on the farmer and their role in revolution.*
2. *Along with farmers he also give emphasis on the general people. He believed in the principle that – **from the masses, to the masses and for the masses.***
3. *He give more emphasis on revolution and on violence to establish socialism by overthrowing imperialism, colonialism and capitalism.*
4. *According to him, power comer from the barrel of the gun.*
5. *He emphasis on the guerrilla warfare.*
6. *For him, let the hundred flowers blossom, let the hundred schools of thought contend.*

- He published the book New Democracy in 1940.
- In this book he divided the Chinese revolution into two stages – democratic revolutionary stage and socialist revolutionary stage.
- New democrac implies that – first, new democracy will be for the people and second there will be a dictatorship for the opponents .
- The revolutionary