



SELECTION OF JUDGES IN COMMUNIST CHINA  
(THE PEOPLE'S REPUBLIC OF CHINA)

In Communist China legal education is not a requirement for judgeship. Chinese citizens who have the right to vote and stand for election, who are not less than 23 years old, and who have not been deprived of their political rights, are qualified to be elected presidents of people's courts, or appointed vice-presidents, presidents, chief judges and associate chief judges of divisions, judges and assistant judges.<sup>1/</sup>

Article 1 of the Court Law states that the judicial authority of the People's Republic of China is exercised by the following courts: (1) local people's courts (which consist of three levels: basic, intermediate, and higher people's courts), (2) special people's courts (which consist of military courts, railway transport courts, and water transport courts; the latter two were abolished in 1957), and (3) the Supreme People's Court.

Presidents of local people's courts are elected by the local people's congresses at the corresponding levels, while vice-presidents, chief and associate chief judges of divisions,

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<sup>1/</sup> Court Law (Organic Law of the People's Courts of the People's Republic of China, Adopted by the First Session of the First National People's Congress on September 21, 1954), art. 31.

both civil and criminal, and judges of the local people's courts are appointed and removed by the local people's councils at the corresponding levels. The President of the Supreme People's Court is elected by the National People's Congress; Vice-Presidents, chief judges of divisions, associate chief judges of divisions, and judges are appointed and removed by the Standing Committee of the National People's Congress.<sup>2/</sup>

The presidents of people's courts at all levels have a tenure of four years. A people's congress has the power to remove from office the presidents of the people's courts whom it elects.<sup>3/</sup>

The people's courts of all levels have a criminal division and a civil division. Under the Court Law, it is also possible to set up other divisions of a special nature in the intermediate courts and above.<sup>4/</sup> The courts of all levels usually have a president, two (for basic courts) or more vice-presidents, chief judges

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<sup>2/</sup> Court Law, art. 32. This article also contains provisions governing the election or appointment and removal of the judicial officers of intermediate people's courts established in various areas in provinces or municipalities directly under the central authority and of local people's courts in national autonomous areas. The Law Governing the Organization of the Local People's Congresses at All Levels and Local People's Councils at All Levels of the People's Republic of China, art. 6(6) and art. 27(7), is in Collection of Laws and Regulations of the People's Republic of China (in Chinese), v. 1, p. 139-150.

<sup>3/</sup> Ibid., art. 33.

<sup>4/</sup> Collection of Laws and Regulations of the People's Republic of China, v. 7, p. 109, arts. 21, 24, 29.

of the divisions, associate chief judges of the divisions, and judges.

According to a decision of the Standing Committee of the National People's Congress, the presidents of the local people's courts at all levels as well as the chief procurators of the local people's procuratorates at all levels are not allowed to serve concurrently as members of the local people's government councils at all levels.<sup>5/</sup>

The Supreme People's Court and the local people's courts of all levels may, according to need, have assistant judges.<sup>6/</sup>

Unlike the judges, whose appointment and removal are effected by an organ other than the court, the assistant judges are appointed and removed by the court in which they serve.<sup>7/</sup> Besides helping the judges, the assistant judges may provisionally exercise the

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<sup>5/</sup> The decision was passed by the 26th session of the Standing Committee of the National People's Congress on November 10, 1955. Kuang-ming Jih-pao, Nov. 11, 1955.

<sup>6/</sup> Court Law, art. 34.

<sup>7/</sup> Decision of the Standing Committee of the National People's Congress Regarding the Question of the Appointment and Removal of the Assistant Judges of the Supreme People's Court and Local People's Courts at Various Levels, see Collection of Laws and Regulations of the People's Republic of China, v. 11, p. 120.

function of a judge, upon the recommendation of the president  
of the court and the approval of the judicial committee of the  
court.<sup>8/</sup>

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<sup>8/</sup> Court Law, art. 34.