

Supplement to No. 2. Vol. II

July 16, 1950

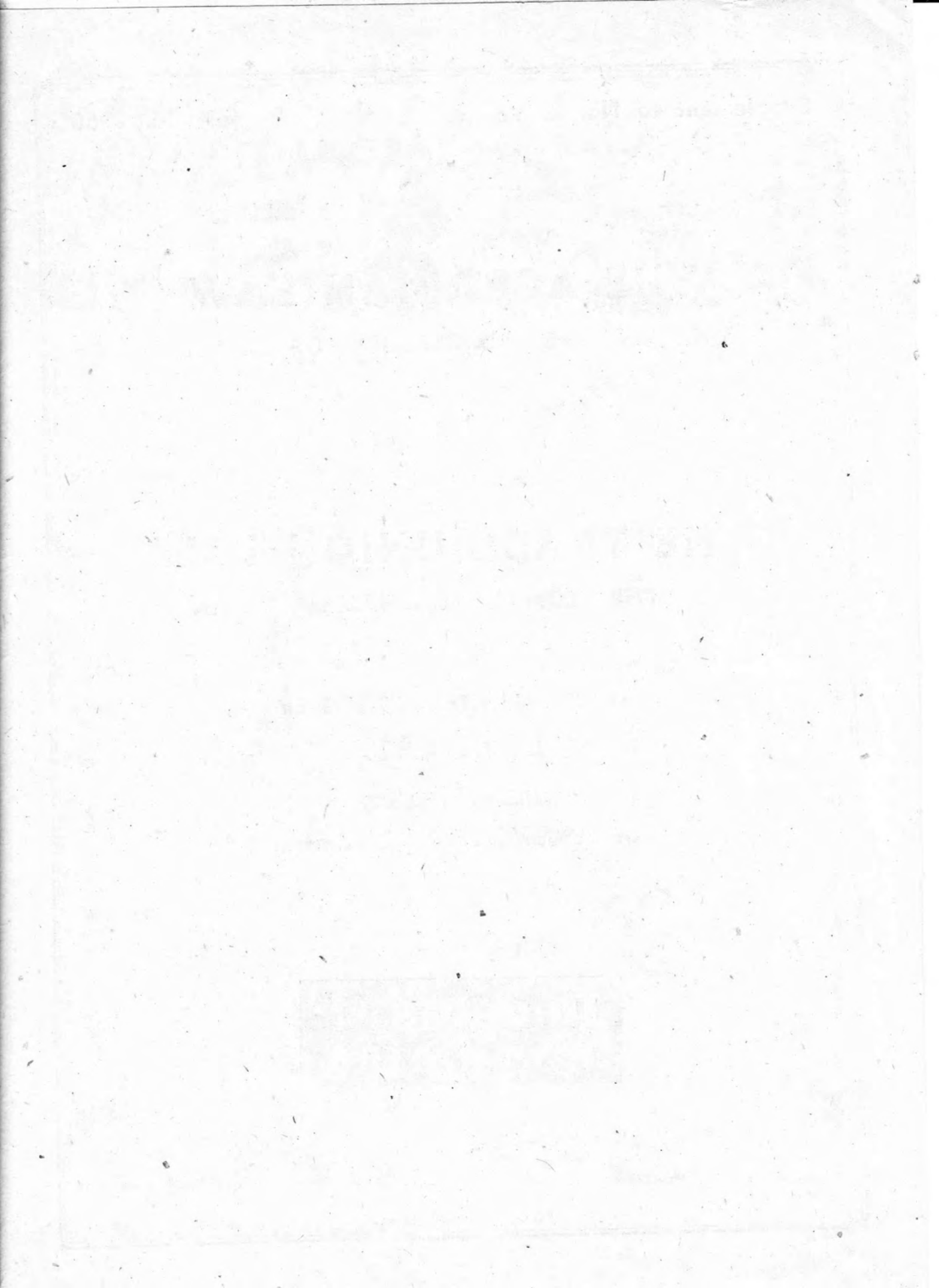
THE AGRARIAN LAW
OF THE PEOPLE'S REPUBLIC OF CHINA

THE TRADE UNION LAW
OF THE PEOPLE'S REPUBLIC OF CHINA

WITH AN INTRODUCTION BY
LI LI-SAN

Minister of Labour
Of the Central People's Government





THE AGRARIAN REFORM LAW

OF THE PEOPLE'S REPUBLIC OF CHINA

Adopted by the Central People's Government Council on June 28, 1950

SECTION ONE

General Principles

Article 1.

The land ownership system of feudal exploitation by the landlord class shall be abolished, and the system of peasant land ownership shall be carried into effect in order to set free the rural productive forces, develop agricultural production and pave the way for the industrialization of the new China.

SECTION TWO

The Confiscating And Requisitioning Of Land

Article 2.

The land, draught animals, farm implements and surplus grain of the landlords, and their surplus houses in the countryside shall be confiscated, but their other properties shall not be confiscated.

Article 3.

The rural land belonging to ancestral shrines, temples, monasteries, churches, schools, institutions and other public land shall be requisitioned, but appropriate measures should be worked out by the local people's government to solve the financial problems of such schools, orphanages, homes for the aged, hospitals, etc., as are dependent upon income from the above land. Some or all land owned by mosques may be retained by them subject to the consent of the Moslems residing in the area.

Article 4.

Industry and commerce shall be protected from infringement.

Industrial and commercial enterprises run by landlords and the land and other properties used directly by landlords for the operation of industrial and commercial enterprises shall not be confiscated. In the process of confiscating feudal land and other properties, no infringement upon industry and commerce is permitted.

Land and peasant dwellings in the countryside which are owned by industrialists and merchants shall be requisitioned, but their other rural properties and lawful enterprises shall be protected from infringement.

Article 5.

Revolutionary army men, dependents of martyrs, workers, employees, professional people, pedlars and others who engage in non-agrarian occupations or lack labour power shall not be classified as landlords if they rent out small portions of land. If the average per capita landholding of such families does not exceed 200 per cent of the average per capita landholding in the locality, it shall remain untouched. (For instance, if the average per capita landholding in the locality is two *mow* and the average per capita landholding of such family members does not exceed four *mow*.) If it exceeds this proportion, the surplus land may be requisitioned. If the land proves to have been purchased with the earnings of the owners' own labour or if old persons living alone, orphans or invalids, depend on this land for their livelihood, allowance may be made for such persons according to their individual cases even though their average per capita landholding may exceed 200 per cent.

Article 6.

Land owned by rich peasants and cultivated by them or by hired labour, and their other properties, shall be protected from infringement.

Small portions of land rented out by rich peasants shall also be retained by them. But in certain special areas, part or all of the land rented out by rich peasants may be requisitioned with the approval of the people's governments at provincial or higher levels.

If the portions of land rented out by rich peasants of a semi-landlord type exceed in size the land worked by them or by hired labourers, the land rented out should be requisitioned.

When rich peasants rent out land and are also tenants of land, these should be balanced against each other in computing their landholdings.

Article 7.

Land and other properties of middle peasants (including well-to-do middle peasants) shall be protected from infringement.

Article 8.

Transfer or dispersal after liberation by sale, mortgage, gift or any other means of any land which according to this law should be confiscated or requisitioned is null and void. Such land should be included in the distributed land. But if the peasants who bought or took mortgages on the land will thereby suffer any considerable losses, measures should be worked out to recompense them suitably.

Article 9.

The legal definition of landlords, rich peasants, middle peasants, poor peasants, farm labourers and other component classes of rural society will be dealt with elsewhere.

SECTION THREE**The Distribution of Land****Article 10.**

All confiscated or requisitioned land and other means of production, with the exception of those to be nationalized as provided by this law, shall be taken over by the *hsiang** peasant associations for distribution in a unified, equitable and rational manner to poor peasants with little or no land and to those who lack other means of production. Landlords shall be given an equal share so that they can rely on their own labour for their living and can reform themselves through labour.

Article 11.

The unit for distributing land shall be the *hsiang* or administrative village corresponding to a *hsiang* and within this unit it will be distributed in a unified manner according to population. The method will be that of readjusting landholdings, having regard to quantity, quality and convenience of location, while observing the principle of allotting the land to the peasant tilling it. However, *chu*** or county peasant associations may make certain necessary adjustments between various *hsiang* or administrative villages corresponding to a *hsiang*. In areas of extensive territory and sparse population, for convenience in cultivation, units for land distribution may be smaller and below the level of the *hsiang*. The land lying across the boundary of two *hsiang* shall be allocated for distribution to the *hsiang* where the tiller resides.

*A *hsiang* is an administrative unit embracing several villages.

***Chu* is a sub-district below county level.

Article 12.

Under the principle of allotting land to the tiller, land owned by the tiller shall not be drawn upon for distribution during land distribution. When rented land is drawn upon for distribution, proper regard should be given to the tiller. The land he acquires through land distribution plus his own landholding (if he has land) shall be slightly and suitably more than the landholding, after distribution, of the peasants who had little or no land. This is in line with the principle that the tiller should retain the approximate average per capita landholding in the locality.

If the tiller possesses the surface rights of the land he rents, a portion of land equivalent to the price of the surface rights in that locality shall be reserved for him if his present land is drawn upon.

Article 13.

During land distribution, certain special problems of the landless and land-poor population shall be settled as follows:

a. Poor peasants who can work but have no or only one family dependent may be given more land than the allotment for one or two persons, if land conditions in the *hsiang* permit.

b. Rural handicraftsmen, pedlars, professional people and their dependents should be given a partial share of land and other means of production according to their individual cases. But if their earnings from these occupations are sufficient to maintain their dependents constantly, land need not be allotted to them.

c. If their homes are in the countryside, martyrs' families (the martyr himself, can be counted as a family member), commanders, fighters, wounded and demobilized servicemen of the People's Liberation Army, functionaries of the people's government and people's organizations as well as their families (including those who travel with the army) shall be given shares of land and other means of production equal to those of the peasants. But with regard to the functionaries of the people's government and people's organizations, less land or none may be allotted in proportion to the amount of their salaries and other income, and the degree to which they are able to maintain their dependents.

d. If local persons take up a profession in another place, their dependents still living in the village should be given and other means of production according to their individual cases. But if the income from their professions is adequate to maintain their dependents constantly, land need not be allotted to them.

e. Monks, nuns, priests and other religious personnel should be given shares of land and other means of production equal to those of the peasants if they have no other means of livelihood and are able and willing to engage in agricultural work.

f. Unemployed workers and their dependents who return to the countryside with certificates from the municipal government or trade union should be given shares of land and other means of production equal to those of the peasants if they ask for land and are able to engage in agricultural work and if local land conditions permit.

g. Landlords who return after running away and persons who once worked for the enemy but return to the countryside and the families of such persons, provided they are willing to earn a living by agricultural work, should be given shares of land and other means of production equal to those of the peasants.

h. Land shall not be given to those whose homes are in the countryside and whom the people's government has ascertained to be collaborators, traitors, war criminals, counter-revolutionaries who have committed extremely grave crimes, or criminals who have persistently sabotaged agrarian reform. Members of their families, who have not participated in their criminal acts, and provided they have no other occupation by which to live, and are able and willing to take up agricultural work, should be given the same share of land and other means of production as peasants.

Article 14.

During land distribution, on the basis of the *hsiang*, in accordance with local land conditions, small portions of land may be reserved for use on the return of families who have gone away or who have fled but whose conditions are not yet clearly known, or for use in adjusting land in the locality. For the time being, such land shall be under the control of the *hsiang* people's government and be rented to the peasants for cultivation. However, the land thus reserved must not exceed the maximum of one per cent of all land in the *hsiang*.

Article 15.

During land distribution, the people's government of county level or above may, in accordance with the local land situation, set aside part of the land to be nationalized and used for agricultural experiments or as state model farms for one county or more. Such land may be rented to peasants for cultivation until the farms are established.

SECTION FOUR

The Treatment of Special Land Problems

Article 16.

Confiscated and requisitioned woods, fish ponds, tea groves, tung oil plantations, mulberry fields, bamboo groves, orchards, reed lands, wasteland and other distributable land should be evaluated in terms of ordinary land on the basis of an appropriate ratio and distributed in a unified way. In the interests of production, these tracts of land should first be allotted as far as possible to the peasants who have hitherto utilized them. Persons receiving this kind of land may be given little or no ordinary arable land. If this kind of distribution is detrimental to production, the land may be operated by the local people's government properly and under democratic management while observing established customs.

Article 17.

Confiscated and requisitioned irrigation works, such as dams and ponds, should be distributed together with the fields if they are distributable. If it is not convenient to distribute them, they should be democratically managed by the local people's government in conformity with established customs.

Article 18.

All great forests, large water conservancy works, large expanses of wasteland, large uncultivated hillsides, big salt fields and mines as well as lakes, marshes, rivers and ports must be nationalized and be managed and operated by the people's government. Those in which private capital has been invested and which have so far been privately managed shall continue to be operated by the existing management, according to the decrees promulgated by the people's government.

Article 19.

The farms, seedling nurseries and agricultural experimental areas that are cultivated with machinery or other advanced equipment and the large bamboo groves, large orchards, large tea groves, tung oil plantations, large mulberry fields and large pastures—where technique is essential—shall continue under their existing management, and should not be dispersed. But if such land is owned by landlords, it may be nationalized with the approval of the people's government at the provincial level or above.

Article 20.

All grave yards and woods surrounding the graves must remain intact during the confiscation and requisition of land.

Article 21.

Scenic spots and places or historical relics should be carefully preserved. Ancestral shrines, temples, monasteries, churches and other public buildings and landlords' houses should not be damaged. Surplus houses of landlords in the countryside which are not suitable for the use of peasants may come under the management of the local people's government and be used for public purposes.

Article 22.

Wasteland reclaimed after liberation should not be confiscated during land distribution and should continue to be tilled by the reclamer. It should not be included in the amount of land to be distributed to him.

Article 23.

Small portion of land necessary for maintaining bridges in repair, for highway upkeep, resting points, free ferries and such public facilities may be reserved according to established customs and not distributed.

Article 24.

Land and houses owned by overseas Chinese should be handled in accordance with appropriate measures determined by the people's governments (or military and administrative committees) of the various big administrative areas or by provincial people's governments on the principle of having regard for the interests of overseas Chinese and in keeping with the general principles of this law.

Article 25.

Sandy and shoaly land owned by landlords or public bodies should be nationalized and handled in accordance with appropriate measures determined by the people's governments at provincial level or above.

Article 26.

Land bordering railways, highways, river banks and river dykes that is needed for their protection or land occupied by airfields, harbours and fortifications should not be distributed. The sites of projected railways, highways, waterways and airfields whose date of construction has been fixed shall be reserved with the approval of the people's government at provincial level or above.

Article 27.

Private persons managing land owned by the state may not rent it out, sell it or leave it untended. If the private operators no longer need the land, it must be returned to the state.

SECTION FIVE**Organizations and Methods for Carrying Out Agrarian Reform****Article 28.**

In order to strengthen the leadership of the people's governments in the work of agrarian reform, the people's governments at county level or above should, at the time of agrarian reform, organize agrarian reform committees composed of persons elected or nominated by people's representative councils or persons appointed by the people's governments of a higher level. These committees are responsible for directing and handling all matters concerning agrarian reform.

Article 29.

Village peasant meetings, peasant representative conferences and committees of peasant associations elected at such conferences, the peasant congresses at *chu*, county and provincial levels and committees of peasant associations elected at such congresses are the legal organizations for reforming the agrarian system.

Article 30.

After agrarian reform is completed, the people's government shall issue title deeds and shall recognize the right of all land owners to manage, buy, sell or rent out land freely. All land contracts made before the reform of the agrarian system shall be null and void.

Article 31.

The determination of class status shall be carried out according to the decisions on class differentiation in the countryside issued by the Central People's Government. It shall be determined by democratic estimation and decision at the village peasant meetings and peasant representative conferences under the leadership of the village people's governments, by the method of self-assessment and public discussion. If any person concerned is not a member of a peasant association, he should, nevertheless, be invited to participate in the estimation and decision at the meetings and be allowed to argue his case.

The estimation and decision must be reported to the *chu* people's government for ratification. Where any person concerned, or any other person, does not agree with the result, an appeal may be lodged with the county people's court, which shall pass judgement and carry it into effect.

Article 32.

A people's court shall be set up in every county in the course of agrarian reform to ensure that it is carried out. The court shall travel to different places, and try and punish, according to law, hated despotic elements who have committed heinous crimes, whom the masses of the people demand to be brought to justice, and all such persons who resist or violate the provisions of the Agrarian Reform Law and decrees. Indiscriminate arrest, beating or killing of people, corporal punishment or the like are strictly forbidden.

The organizational regulations of the people's court will be elaborated separately.

Article 33.

To maintain order during agrarian reform and to protect the people's property, it is strictly prohibited to slaughter draught animals or fell trees without authorization, let land lie untended, destroy farm implements, irrigation works, buildings, crops or the like. Offenders shall be tried and punished by the people's court.

Article 34.

To ensure that all agrarian reform measures conform to the interest and wishes of the overwhelming majority of the people, people's governments at all levels shall be responsible for fully safeguarding the democratic rights of the people and the rights of the peasants and their representatives to criticize freely and bring charges against working personnel of any sphere or level at all meetings. Anyone who infringes these rights shall be punished according to law.

SECTION SIX**Appendix****Article 35.**

This law shall apply to the rural areas in general, but not to the areas in the vicinity of big cities for which agrarian reform regulations will be formulated separately. The big cities

referred to in this article shall be determined by the people's governments of the big administrative areas (or their military and administrative committees) according to the circumstances of the cities.

Article 36.

This law shall not apply to areas of national minorities. But in areas where the Han nationality is in the majority, scattered inhabitants of national minorities shall be treated in the same way under this law as the people of Han nationality in carrying out the agrarian reform in those localities.

Article 37.

This law shall not apply to areas where agrarian reform has in the main been completed.

Article 38.

All areas which begin agrarian reform after the promulgation of this law, with the exception of the areas referred to in *Articles 35, 36 and 37* of this law, shall proceed in accordance with this law. The time for starting agrarian reform in various places shall be regulated by decree and made public by the people's governments of the big administrative areas (or their military and administrative committees) and provincial people's governments.

Article 39.

When this law is made public, each provincial people's government shall formulate regulations for carrying out agrarian reform within its territory in accordance with the principles laid down in this law and the concrete conditions of the territory and shall submit them to the people's governments of the big administrative areas (or their military and administrative committees) and on ratification they shall be put into effect. They shall also be submitted to the Government Administration Council of the Central People's Government to be put on record.

Article 40.

This law shall come into force after it is ratified and made public by the Central People's Government Council.

THE TRADE UNION LAW

OF THE PEOPLE'S REPUBLIC OF CHINA

Adopted by the Central People's Government Council on June 28, 1950

The Trade Union Law is promulgated for the purpose of defining precisely the legal status, functions and obligations of trade union organizations in the New Democratic regime, to enable the working class to become better organized to play its due part in the New Democratic reconstruction.

SECTION ONE

General Principles

Article 1.

Trade unions are mass organizations voluntarily formed by the working class. All manual or non-manual workers, employed by enterprises, institutions and schools in Chinese territory and for whom wages constitute the sole or main part of their means of living and all wage workers, without specific employers, have the right to organize trade unions.

Article 2.

Trade unions should be organized on the principle of democratic centralism, in accordance with the stipulations of the constitution of the All-China Federation of Labour passed by the All-China Labour Congress. Trade union committees at all levels should be set up by election at meetings of members or delegates.

Members of trade unions have the right to recall representatives or committee members whom they have elected at any time, in accordance with the rules laid down in the constitution of the trade unions. Trade union committees at all levels shall report on their work to the members or representative conferences which they represent and shall carry out the decisions and directives of the higher union organizations.

Article 3.

Trade unions are the mass organizations formed in conformity with the resolutions and the constitutions passed by the All-China Labour Congress and the various representative congresses of industrial unions (including the trade union of cultural and educational workers, and the trade union of government workers). Their organization is national, independent and united, having the All-China Federation of Labour as the highest leading organ. All trade unions, immediately after they are set up, must report to the ACFL or its affiliated industrial unions or local unions.

These will examine and ratify their setting up and will register them with the appropriate local people's government organs.

Article 4.

All bodies not organized on the basis of the Article 3 of this law shall not be called trade unions, and shall not be entitled to the rights laid down in this law.

SECTION TWO

The Rights And Duties Of Trade Unions

Article 5.

Trade unions in enterprises operated by the state and by the cooperatives have the right to represent the masses of employed workers and staff members, to take part in the administration and to sign collective agreements with the management.

Article 6.

Trade unions in privately operated enterprises have the right to represent the masses of employed workers and staff members, to carry out negotiations and talks with the owners, to take part in labour-capital consultative councils and to sign collective agreements with the owners.

Article 7.

Trade unions have the obligation to protect the interest of the masses of workers and staff members, and to observe that the managements or the capitalists actually carry out the regulations and directives concerning labour protection, labour insurance, wage standards, the regulation of factory hygiene and safety devices and other matters as laid down in government decrees. The trade unions also have the obligation to carry out measures to improve the material and cultural life of workers and staff members.

Article 8.

Trade unions at all levels, in enterprises operated by the state and by the cooperatives have the right to ask the managements at the corresponding levels to report their work to the trade union committees, the membership meetings or the representative conferences. They have also the right to take part as representatives of the masses of workers and staff members in the meetings of the administrative committees or the managements at the corresponding levels.

Article 9.

Trade unions shall carry out the following work, according to their constitutions and decisions, in order to protect the fundamental interests of the working class:

1. To educate and organize the masses of workers and staff members to support the laws and regulations of the people's government, to carry out the policies of the people's government and to consolidate the people's state power, led by the working class.
2. To educate and organize the masses of workers and staff members to establish a new attitude towards labour, to observe labour discipline, to organize labour emulation campaigns and other production movements in order to ensure the fulfilment of the production plan.
3. To protect public property in enterprises operated by the state and by the cooperatives or in institutions and schools; to oppose corruption, waste and bureaucracy; to fight against sabotage.
4. To promote the policies of developing production and of benefiting both labour and capital in privately owned enterprises, and to oppose violations of government decrees and actions detrimental to production.

Article 10.

Governments at all levels shall allocate to the All-China Federation of Labour, the industrial unions and local unions buildings and furnishings which are necessary to enable them to carry out their office work, meetings, educational, recreational and welfare work. Governments at all levels shall also give the trade unions similar preferential treatment in the use of postal, telegraphic, telephone, railway, motor-road and navigation facilities as is enjoyed by government institutions at the corresponding levels.

Article 11.

The managements of publicly-owned enterprises or the owners of privately-owned enterprises may transfer or remove a member of the trade union committee elected by the workers from his work if they obtain the endorsement of the trade unions concerned beforehand and this can be effected only after the matter has been reported to the higher trade union and ratified by it.

Article 12.

Members of trade union organizations at all levels or representatives sent by them and provided with trade union credentials, may inspect the workshops and dormitories of the enterprises, institutions and schools affiliated with the trade union organizations. The management or the owners may not refuse such inspections except in certain specially stipulated cases.

SECTION THREE**The Basic Organization Of The Trade Unions****Article 13.**

Factories, mines, shops, farms, institutions, schools and other productive or administrative units with more than twenty-five workers and staff members may set up a basic trade union committee (the factory, mine, institution committee, etc.). Those having less than twenty-five persons may elect one organizer, who has the same rights as the basic trade unions committee. Rules governing the organization of the basic trade union committees shall be worked out by the All-China Federation of Labour or the national committees of the industrial unions.

Article 14.

Apart from the basic trade union committee ratified by the industrial unions or the local unions in accordance with *Articles 3 and 13* of this law, the many other organizations in factories, mines, shops, farms, institutions, schools and other productive or administrative units shall not be entitled to the rights of the basic trade union committees.

Article 15.

The number of trade union functionaries in the basic trade union committees who do not engage in production work shall be decided in accordance with the number of workers and staff members employed in the factories, mines, shops, farms, institutions and schools and other productive or administrative units. The ratios are as follows:

Number of workers and staff members	Number of trade union functionaries
200-500	1
501-1000	2
1001-1500	3
1501-2500	4
2501-4000	5

One trade union functionary may be added for every additional two thousand workers in enterprises with over four thousand workers. Basic trade union committees in enterprises with less than two hundred persons may have a full-time trade union worker only with the permission of the higher trade union organization.

Article 16.

After a basic trade union committee has been elected, the management or the owner should be notified of the list of names of the members of the committee. The management or the owner must release those members who are required to be freed from productive work, as decided by the basic trade union committee.

Article 17.

Trade unions workers in the basic committees, who are not engaged in production, shall be paid by the trade union. Their wages shall not be lower than the original wages. They shall continue to share in the labour insurance and other welfare provisions paid for by the management or the owner. After completing their term of office, the management or the owner shall ensure that they return to their original post or post with the same pay.

Article 18.

The management or the owners of factories, mines, shops, farms, institutions, schools, and other productive or administrative units shall not hinder the activities of the basic trade union committees or the meetings of members or delegates which they convene. But the meetings called by the trade unions should not be held during working hours unless special circumstances require this, when it must have the endorsement of the managements or the owners. If members of the basic trade union committee who still engage in production need to conduct trade union activities in working hours, the trade union must notify the management or the owners. In any case, trade union work undertaken during working hours should not exceed two working days per month for any person. In such cases, wages shall be paid in full.

Article 19.

Elections of representatives of trade unions to the people's representative conferences or the people's congresses, in accordance with the directives of the government authorities at city or county levels or above, or elections of trade union representatives to trade union congresses in accordance with the directives of the trade union councils at provincial or city levels or above may be held during working hours if it is necessary. In private enterprises, representatives of workers and staff members who take part in these or other conferences shall be paid by the institutions who call the conferences for the time evolved in the sessions.

Article 20.

The managements or the owners of the factories, mines, shops, farms, institutions, schools and other productive or administrative units employing one hundred or more workers shall provide necessary building and other facilities (such as water, electricity and furniture) for use as offices by the basic trade union committees and shall provide, permanently or temporarily, a suitable place for the mass meetings or representative conferences. Those employing less than one hundred persons, if unable to

provide a separate office for the trade union, shall provide a special trade union desk in rooms for general use. Trade unions may also hold meetings in such rooms.

Article 21.

The managements or the owners of factories, mines, shops, farms, institutions, schools and other productive or administrative units shall inform the basic trade union committees when they are engaging workers and staff members. The basic trade union committee has the right to protest, within three days, if it discovers that such engagements violate laws or decrees of the people's government or run counter to collective agreements. Disputes arising from the managements or owners disagreeing with such protests by the basic trade union committees shall be settled in accordance with the procedure for labour disputes.

Article 22.

The managements or the owners of factories, mines, shops, farms, institutions, schools and other productive or administrative units shall inform the basic trade union committees ten days in advance of the name of any worker they wish to discharge, giving reasons for this. The basic trade union committee has the right to protest, within seven days, if it discovers that the discharge of a worker violates any government decrees or collective agreements. Disputes arising from the managements or the owners disagreeing with such protests by the basic trade union committees shall be settled in accordance with the procedure for labour disputes.

SECTION FOUR**Trade Union Finance****Article 23.**

The principle of independence in financial matters shall apply to trade unions in their budgets, balance sheets and auditing of account.

Article 24.

The sources of income of trade union shall be:

- A. Membership dues of trade union members, paid in accordance with the constitution of the All-China Federation of Labour.
- B. The managements or the owners of factories, mines, shops, farms, institutions, schools and other productive or administrative units shall allocate to the trade union organizations each month, as trade union funds, a sum equal to two per cent of the total amount of the real wages (including those

paid in currency and in commodity and board) of all manual and non-manual workers employed (excluding agents of the owners in privately owned enterprises). Of this, 1.5 per cent of the total amount of real wages shall be used in cultural and educational work for the workers.

- C. Income deriving from cultural and physical training undertakings sponsored by the trade unions.
- D. Subsidies from the people's governments at various levels.

Article 25.

Rules for using the incomes of the trade union committees at all levels shall be worked out by the All-China Federation of Labour.

SECTION FIVE

Appendix

Article 26.

This law has been passed by the Central People's Government Council of the People's Republic of China and shall be promulgated and carried into effect.



SOME EXPLANATORY REMARKS ON THE DRAFT TRADE UNION LAW

by LI LI-SAN *

Delivered to the 8th meeting of the Central People's Government Council on June 28, 1950

Chairman and Members of the Council:

The Draft Trade Union Law, submitted to this meeting of the Central People's Government Council for discussion, has gone through a rather long period of preparations. It was first formulated by the All-China Federation of Labour (ACFL) at the request of and in conformity with the opinions of all Chinese local trade union organizations. The Organizational Conference of the ACFL discussed, revised and drew up the law, which was then submitted to the Ministry of Labour for examination. The Ministry of Labour submitted this draft to the All-China Conference of Directors of Labour Bureaux, attended by all local trade union organizations and the representatives of industrialists and businessmen. After careful study and discussion, the draft was forwarded to the Government Administration Council for its consideration. This council first sent the draft to the Financial and Economic Section of the National Committee of the Chinese People's Political Consultative Council for endorsement. Following this, the draft was placed before the 29th regular meeting of the Government Administration Council, where it was approved on April 21. It then went to

the Central People's Government Council for final consideration and adoption. At this same time the draft was published in the press in order to ascertain the opinions of all the Chinese people. During the last two months, the draft has been enthusiastically discussed in all the local people's organizations throughout China, in the press, and especially in trade union organizations and among workers. This resulted in unanimous support for the draft Trade Union Law, although a few suggestions were put forward for revising certain articles.

From all this one may see that the Trade Union Law really reflects the will and demands of all Chinese people, particularly of the broad masses of workers. One may also see that the legislative methods of the Chinese People's Government are basically different from those of all reactionary governments.

The laws of any reactionary government are enacted by the reactionary ruling class, or even by a particular reactionary bloc, in the private interests of this minority group. These laws are then compulsorily imposed upon the majority to the detriment of their interests.

Our people's government enacts laws in accordance with the principle "from the masses and to the masses," as Chairman Mao Tse-tung has directed. So all laws promulgated by the peo-

* Li Li-san, Vice-President of the ACFL, is Minister of Labour of the Central People's Government.

ple's government are certain to conform to the interests of the broad masses and are certain to gain their support. This is one of the chief characteristics of New Democratic politics.

I am now going to offer some brief explanations of the following relatively important problems.

(1) Regarding the character of trade unions.

Article 1 of the draft Trade Union Law states: "Trade unions are mass organizations voluntarily formed by the working class." This means that every worker has the freedom and right to join a trade union or to refrain from joining.

Thus this law is completely different from the fascist trade union law promulgated by the KMT reactionary government which compelled the workers to join the trade unions and transformed trade unions into organs for controlling the workers.

Our draft law also stipulates that "All manual or non-manual workers employed by enterprises, institutions and schools in Chinese territory and for whom wages constitute the sole or main part of their means of living and all wage workers without specific employers have the right to organize trade unions." This means that every wage worker has the right to join a trade union on the sole condition that he supports himself on his wage earnings, no matter in which enterprise or institution he is employed.

This is another radical difference from the trade union law of the KMT reactionary government and those of certain capitalist countries, under which a large section of workers and staff members are debarred from organizing trade unions. (For instance, government functionaries, staff members and workers in the munition industry are sometimes forbidden to form unions. In some states in the U.S.A., negroes are not permitted to join trade unions.)

Our Trade Union Law conforms entirely with the spirit of *Article 5* of the Common Programme of the Chinese People's Political Consultative Conference, which stipulates that the Chinese people have the freedom and right of assembly and association without any conditions or restrictions. The class character of our trade unions is expressed in the provision that only wage workers have the right to join trade unions. The mass character of our trade unions is expressed in the provision that all wage workers may join trade unions irrespective of political belief or other conditions. The provision that all wage workers have the right but not obligation to join trade unions expresses the fact that

our trade unions have the character of unions voluntarily formed by broad masses of the workers.

(2) The Relationship between trade unions and the people's government.

The draft Trade Union Law specifies that the people's government entrusts the trade unions with the responsibility of ensuring that all labour protection laws are strictly carried out by the managements of the state-owned enterprises and the proprietors of privately-owned enterprises. (*Articles 7 and 12*). At the same time, the government shall provide trade unions with all kinds of material support and preferential treatment (*Articles 10, 11 and 20, and B and D of Article 24, etc.*).

On the other hand, the draft Trade Union Law also states: "According to their constitutions and decisions in order to protect the fundamental interests of the working class, the trade unions . . . shall educate and organize the masses of workers and staff members to support the laws and regulations, to carry out the policies of the people's government and to consolidate the people's state power, led by the working class."

This kind of mutual relationship, in which the government protects trade unions while trade unions support the government, can only be realized in Socialist and New Democratic countries. It is possible because in these countries, the broad masses of workers know from personal experience that the government has been established by the working class and by the broad masses of the people following a long period of sacrifice and struggle resulting in the overthrow of the reactionary regime. Only by consolidating its own government can the working class be assured of achieving final victory in liberating itself and of gradually improving its living standards so as to attain a full and happy life. Therefore, only in Socialist and New Democratic countries can the masses of workers display the most ardent and genuine patriotism and support for their own governments.

On the other hand, the people's government must also depend on trade unions to rally around it the broad masses of workers as its main pillars. In any city, wage workers and their dependents constitute more than half the population. For instance, about 400,000 of Peking's 2,000,000 population are wage workers. If we estimate that every person has two dependents, then they and their dependents will come to more than 1,200,000. Among Shanghai's 6,000,000 population more than 1,100,000 are wage workers; adding their dependents, they total more than 3,300,000 persons. If trade unions can organize all wage workers and unite their dependents around the unions, these members and their families will constitute the most important pillar supporting the people's government in the cities.

(3) The relationship between trade unions and both state and private enterprises.

Various opinions have been expressed in discussing the draft trade union law. Some comrades thought that since there is no class antagonism in the state enterprises and since the workers and staff members there are all serving the people which means serving the working class, workers in state enterprises should not be called hired workers. However, this employer-employee relationship is the form in which the wage system expresses itself. As long as the wage system exists in the state enterprises, the form of the employer-employee relationship exists too. Only here this relationship is essentially different from that in capitalist enterprises. In fact, this sort of relationship has become a public-private relationship. Therefore, state enterprises should firmly adopt the policy of taking both public and private interests into consideration. The trade unions are also duty-bound to protect the public welfare of the workers and staff members.

The employer-employee relationship in the state enterprises is a public-private relationship, i.e., the employer is the whole of the people while the employed are a part of the whole people. So here, the entire output of the wage workers belong to all the people. There is no exploitation in this relationship. But in the case of private enterprises, the entire enterprises is owned by a private individual. Here, the whole of the employed labourers' output (including the products of both necessary and surplus labour) belongs to the owner of the concern. So an exploitative relationship remains.

Because state enterprises belong to all the people, the draft trade union law stipulates that trade unions have the right to take part in the management of production as representatives of the wage workers and staff members (*Article 5*). They also have the right to represent the workers and staff members at the meetings of the management committees (*Article 8*). Since private enterprises belong to private individuals, there the trade unions take part in the labour-capital consultative councils as representatives of the wage workers and staff members.

It is true that a difference exists regarding the relationships between trade unions and the management in state and private enterprises, and uniformity should not be arbitrarily imposed.

However, both state and private enterprises alike are beneficial to the nation, to the people and to the working class in that they are increasing and developing production, thus adding to the nation's wealth. In this respect, the workers and staff members in both the state and private enterprises are similarly serving the nation and the people. Labour is a glorious

thing, no matter whether one works in state or private enterprises. Therefore, *Article 9* of the draft Trade Union Law states that "the trade unions shall . . . in accordance with their constitution and decisions . . . protect the fundamental interests of the working class," . . . "to educate and organize the masses of workers and staff members, to establish a new attitude towards labour, to observe labour discipline, to organize labour emulation campaigns and other production movements in order to ensure the fulfilment of the production plan."

These things should be carried out in both state and private enterprises. That is to say, the central task of trade union organizations in private enterprises as well is the attainment of increased production. Only in this way are trade unions able to take fully into consideration the benefits of the working class. On the other hand, owners of private enterprises should rely on the workers in order to carry out production well, the same as the administrative authorities of state enterprises. They must therefore change their former practices of imposing oppressive and compulsory controls over the workers and also change their former attitude of looking down upon the workers. They should adopt frank attitude towards the workers and employ the method of democratic consultation, thus facilitating the work of the trade unions in mobilizing and organizing the workers for energetic production.

Meanwhile, the trade unions should of course pay attention to the daily welfare of the employed masses of workers and staff members and see to it that the capitalists really enforce all government orders regarding labour protection (*Article 7*), so that the aim of benefiting both labour and capital in order to develop production can be realized. To sum up, although state and private enterprises are different in character, they should in general be considered of equal importance in regard to the question of promoting production and improving labour conditions.

(4) Concerning the basic organizations of trade unions.

By the basic organizations we mean the basic trade union committees in the factories, mines, shops, farms, institutions, schools and other productive or administrative units. These are the most fundamental link in the trade union organizational system. In productive enterprises, the central task of the trade union committees is to educate and organize the masses of workers and staff members in order to help them establish a new labour attitude, to observe labour discipline, to organize production emulation campaigns, to raise labour efficiency and accuracy, to oppose red-tape and procrastination, to struggle against bureaucratism, and to guarantee the completion of the administration's plans.

As to the basic trade union committees' tasks of safeguarding the daily welfare of the workers and staff members, of promoting all sorts of mutual-aid, cultural and recreational activities and other educational and organizational projects—these tasks are just same either in productive enterprises or in administrative institutions. Consequently, if the basic trade union committee is sound and strong, and if it can rally the whole body of the workers and staff members to struggle for the fulfilment of the production plans, this is the management's best guarantee for carrying out its tasks. Therefore, not only the administrative bodies of state enterprises, but also the open-minded capitalists and factory managers of private enterprises as well, prefer to have a sound basic trade union committee in their enterprises.

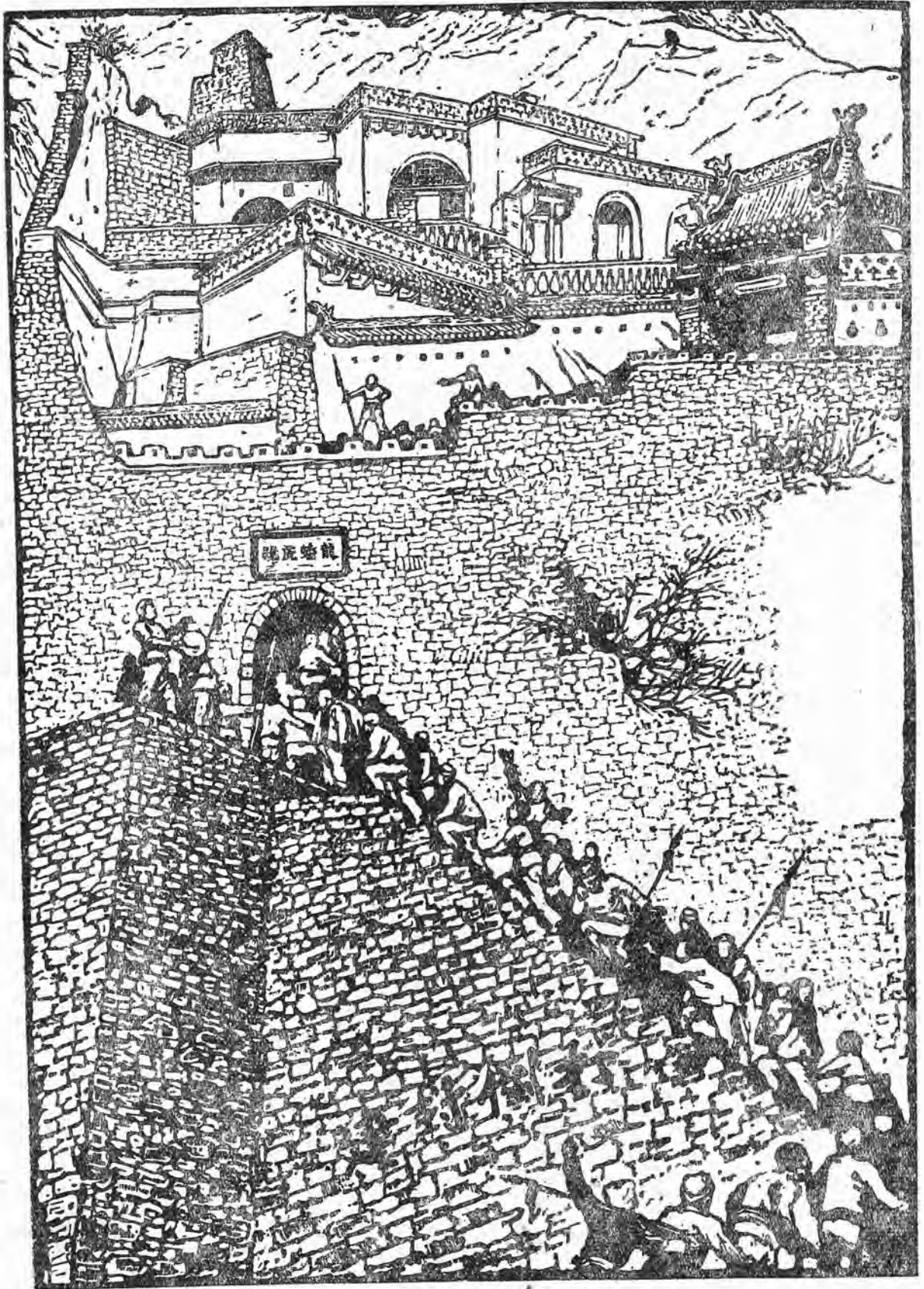
In order to strengthen and consolidate the basic trade union committees it is necessary to furnish all necessary conditions and facilities. Thus, *Articles 18, 20, 21 and 22* of the draft Trade Union Law have provided that the basic trade union committees shall enjoy and receive certain rights as well as definite material assistance from the management. These conditions are essential for the basic trade union committees to carry out their tasks.

The Chinese working class under the leader of the Chinese Communist Party, has been struggling for nearly 30 years and has paid a very high price in terms of sacrifice and bloodshed during its fight for the freedom to organize trade unions. The famous big strike of "February 7th" was also part of the struggle for the freedom to organize the trade unions and therefore, the strikers were ruthlessly massacred by the imperialist henchmen

and feudal warlords of those days. During the 28 years since then, the Chinese working class, under the leadership of the Chinese Communist Party and Chairman Mao Tse-tung, has developed their struggle for the freedom to organize trade unions into a revolutionary struggle against the rule of imperialism, feudalism and bureaucratic capitalism. The Chinese working class has suffered continuous suppression, persecution and slaughter; many advanced leaders and outstanding members of the working class have sacrificed their lives.

Now, victory is finally won; the reactionary regime has been overthrown; and the people's state power, led by the working class, has been established. Only now the working masses attain real freedom to organize trade unions, can they attain full political freedom and rights, and can they propose such a progressive draft Trade Union Law, which is beneficial to the working class and to all the Chinese people.

We ask the Central People's Government Council to pass the draft Trade Union Law because it meets the demand of the broad masses of workers and is in complete conformity with the spirit of the Common Programme of the Chinese People's Political Consultative Conference. We are certain that the promulgation of the Trade Union Law will accelerate the development of our trade union organizations and make them become a strong bulwark of the people's government. The law will certainly heighten the political awareness of the working class and will unite the broad masses of workers solidly behind Chairman Mao Tse-tung's banner in the struggle for a fundamental turn for the better in the financial and economic conditions of China.



Storming the Fortress of Feudalism

by Shih Lu