

Fundamental Rights of Chinese Citizens:

The following are the main rights of the Chinese citizens:

1. Right to Equality:

Article 33 of the Constitution states that **“all persons holding the nationality of the People’s Republic of China are citizens of the country. They are equal before law and enjoy all fundamental rights.”** All are equally bound by the duties as specified by the Constitution and law. As such, equality before law and equal entitlement of all to all rights and freedoms is a salient feature of the Chinese Bill of Rights.

2. No Discrimination:

All Chinese citizens are equal before law and there is no discrimination on the basis of nationality, race, sex, occupation, family background, religious belief, education, property status or length of residence.

3. Right to Work:

Article 42 of 1982 Constitution declares that work is both the right and duty of the citizens. The state has the responsibility to provide work well as payment in lieu of work to all citizens. The state has been called upon to provide employment to the people in accordance with the principle of overall consideration.

On the basis of increased production, the state is to gradually increase payment for labour. **“Every citizen is ensured food, clothing, shelter, primary education and decent burial.”**

In order to ensure the enjoyment of the right to work, the state provides necessary vocational training to the

citizens before they are employed. Using various channels, it creates conditions for employment. No one is allowed to remain without work.

4. Right to Rest:

Along with the right to work, the Constitution grants the right to rest. 'Rest after work' is considered essential for socialist labour discipline and the goal of high production. The state provides facilities for rest and recuperation of the working people and prescribes working hours and vacations for workers and other staff.

5. Right to Retirement:

The state prescribes by law the system of retirement for workers and staff in all establishments. The livelihood for the retired persons is ensured by the state and society. The earlier constitutions of China did not provide for retirement and a guaranteed livelihood for the retired personnel.

6. Right to Material Assistance:

Under Article 45 of the Constitution, the citizens have the right to material assistance from the state and society during old age and when they are sick or suffer a disability. For this purpose, the state ensures social insurance, social relief and medical and healthcare services.

This Article also provides that the state and the society should provide help in making arrangements for the work, livelihood and education of the blind, deaf and all other handicapped citizens. Disabled soldiers are looked after by the state. Preferential treatment is given to the families of military personnel, pension is provided to the families of the martyrs.

7. Social, Educational and Cultural Rights of the Chinese:

The Constitution of 1982 provides several social, educational and cultural rights to the citizens for enabling them to become fully qualified and learned citizens. Right to education and freedom to engage in scientific research are available to all citizens.

Primary level education is compulsory for all citizens.

“No one is denied education and no one can refuse education.” The state promotes all-round moral, intellectual and physical development of the children and young people.

Citizens also enjoy the freedom to engage themselves in scientific research, literary and artistic creation and other cultural pursuits. The state encourages and assists all creative endeavours provided they are conducive to the interests of the people.

8. Equality between Men and Women:

Women enjoy equal rights with men in all spheres of life —political, economic, cultural and social, including family life. The state protects equality, rights and interests of women. It applies the principle of equal pay for equal work for men and women alike, and trains and selects cadres from among them.

9. Protection of Marriage and Family:

Right to marriage and family life has been granted to all the citizens. Marriage, the family and the mother and the children enjoy state protection. Article 49 of the 1982 Constitution prohibits violation of the freedom of marriage and maltreatment of old people, women and children.

10. Civil Rights and Personal Freedoms of the Chinese Citizens:

The 1982 Constitution grants a number of civil rights and personal freedoms to the citizens. The people of China have the right to freedom of speech, freedom of the press, freedom of assembly, freedom of association and freedom of procession and demonstration.

The Constitution promises personal freedom to all citizens. Article 37 guarantees “the freedom of the persons of citizens.” Arbitrary arrests cannot be made. The freedom of person is inviolable. No one can be arrested except with the approval of a competent authority. Unlawful detention or deprivation is prohibited. Searches can be carried out only with the permission of the competent organ or functionary of the state.

Article 38 of the 1982 Constitution declares that the personal dignity of the citizens is inviolable and prohibits insults, libel, false charging or ‘frame up’s’ directed against citizens by any means or form. Article 39 guarantees the inviolability of the home of citizens.

The law protects the freedom and privacy of correspondence of the citizens. No person or organisation is allowed to violate the privacy of correspondence under any circumstance. However, in the interest of the security of the state or in cases of investigation into criminal offences, certain organs of the state such as procurators’ offices are permitted to censor correspondence according to the procedure prescribed by law.

11. Right to Freedom of Religious Belief:

The citizens of the Peoples Republic of China enjoy the Freedom of Religious Belief. Article 36 declares that no state organ, public organisation or individual may compel citizens to believe in, or not to believe in any religion. Nor may they discriminate against citizens who believe in, or do not believe in any religion.

The state protects normal religious activities. But no one is permitted to misuse religious freedom. No one can use religion for engaging in activities that disrupt public order, impair the health of the citizens or interfere with the educational system of the state. Religious bodies and affairs are not subject to any foreign control or domination.

12. Political Rights:

All citizens who have attained the age of 18 years or above have the right to vote and seek election to any office of a state organ. This political right is available to all without any discrimination on the basis of nationality, race, sex, education, occupation, property, status or length of residence.

Only persons specifically debarred by law from exercising the political rights constitute an exception to the above principle. Article 35 does not specify grounds of ineligibility of a particular category of persons. In practice, it includes those persons who are opposed to the Marxist-Leninist-Maoist ideas.

Article 41 gives to the citizens the right to criticize and make suggestions to any state organ or functionary. The citizens can report against any person or organ which violates a law or is considered guilty of dereliction of duty. The concerned authorities to whom the complaint

is made are required to deal with the complaint in a responsible manner.

13. Rights of Chinese Nationals:

Under its Article 50, the Constitution protects the legitimate rights and interests of the Chinese nationals living abroad and lawful rights and interests of returned overseas Chinese as well as of the family members of the Chinese nationals living abroad.

Fundamental Duties of Chinese Citizens:

Along with these Fundamental Rights, the Constitution of 1982 also lists the fundamental duties of the Chinese citizens. The Constitution subscribes to the view that there can be no rights without duties. As such, while explaining a particular right of the citizens, the constitution simultaneously states their duties also. Every citizen enjoys his fundamental rights and freedoms only when he performs his fundamental duties.

1. Duty to Follow the Constitution:

The foremost fundamental duty of a Chinese citizen is to abide by the Constitution and the law and to respect the rights of his fellow citizens. Article 53 enjoins on all citizens “to abide by the Constitution and the law, keep state secrets, protect public property and observe labour discipline and public order and respect social ethics.” No organisation or individual is above the constitution and the law.

All state organs, the armed forces, all political parties and public organisations and all enterprises and

undertakings must abide by the constitution. The Constitution is the supreme law of the land and it is the duty of everyone to uphold the dignity of the Constitution and ensure its implementation.

2. Duty to Safeguard the Unity of the Nation:

It is one of the foremost duties of the citizens of China to safeguard the unity of the country and the unity of all its nationalities. It is the responsibility of all the citizens to help the state in preserving the unity of all nationalities and in suppressing treasonable and other counter-revolutionary activities, and activities against public order and security.

3. Duty to Safeguard the Honour of China:

To safeguard the security, honour and interests of the motherland is the sacred duty of all the citizens. They are not to get involved, in acts detrimental to the security, honour and interests of the motherland. The June 1989 military crack down upon the Chinese students and their subsequent trials were justified by the state authorities in the name of securing the unity, integrity, security and interests of the motherland.

4. Duty to Perform Military Service and Defend the Motherland:

It is the duty of every citizen of the People's Republic of China to defend the motherland and resist aggression. All citizens have the duty to undergo military training and join the militia in accordance with the law. In other words, the 1982 Constitution provides for compulsory military training and service for all able-bodied citizens

who are young and within the age range specified by law.

5. Duty to Pay Taxes:

It is a constitutional duty of all citizens to pay all taxes punctually and regularly, and to enable the government to perform its functions adequately, efficiently and effectively. A tax is a compulsory contribution of all citizens towards national reconstruction and development.

6. Other Specific Duties of a Chinese Citizen:

Several specific duties of the Chinese citizens have been mentioned in the Articles which explain their rights. Under Article 42, the Chinese citizens have been assigned the duty to work. **“Work is the glorious duty of every able bodied citizen.”**

Article 46 makes it the duty of every citizen to receive education. Married Chinese couples have been assigned the duty to practice family planning and help the state in controlling the growth of population. Further, parents have the duty to rear and educate their minor children.

It is the duty of the adult children to look after and help their parents. Workers have the duty to do their work efficiently and follow the labour discipline. The 1982 Constitution of China incorporates a detailed a Bill of Rights and Duties of the citizens. It gives added importance to the rights and duties.

It gives their description in a total of 24 Articles whereas under the 1978 Constitution only 16 Articles had been devoted to the fundamental rights. The Bill of Rights

enshrined in the present Constitution includes several new rights and freedoms which were not there in the Bill of Rights of the 1978 Constitution.