

# EXECUTIVE OF CHINA

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# Introduction

The basis of china's constitution is Marxism. Here the entire focus is on strengthening communism. There is only one party (communist party) in china, it is unfair to imagine the opposition there. the judiciary is also supportive of communism. Here the central leaders of communist party have complete control over the entire administrative system. The executive of china can be studied on the basis of .....

# The President of the Republic of China

The President of China made a provision in the constitution of 1954 for the post of the President of the Republic of China. The chairman was named chairman of the Republic of China in that constitution of China. He was given sufficient rights. This post was abolished in the 1975 constitution the post wasn't created even in the 1978 constitution, but it was re-provisioned in the 1982 constitution the head of China is power less like other democratic countries. There is no nominal chairman. the President of the Republic consumes supreme executive power.

# Election

According to article 79 of the 1982 constitution, the president of the republic is elected by the national people's congress for 5 years. Any person can be elected to the presidency at least twice. Every citizen of the republic of china, who is sufferer who qualifies to be an election candidate and has completed the age of 45 year, can become the presidential candidate of the republic.

# Power and function

According to the 1982 constitution of china, the President of the republic has wide Powers. his works...

- ▣ According to article 80, the President executes the decisions of the national people's congress and its standing committee.
- ▣ The prime minister and the Deputy prime ministers, the Presidents of the committees and the head of the cabinet secretariat are the appoint and remove from the post by the President.
- ▣ Confers special titles and honors .
- ▣ Provide general pardon and forgiveness to past criminals.

- ▣ Military law, declares orders and war, general and special military recruitment.
- ▣ According to article 81 some other functions are as follows,

1-He represent his country in chain's relations with foreign states.

2-Receives welcome letters and address to foreign ambassadors and appoints Chinese ambassadors aboard .

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3-He appoints the diplomatic representatives of China in the countries and returns them.

4-He confirms treaties made from abroad. Apart from these, the military command of China in his hands, he sign the decisions and orders of the the people's congress and its standing committee. He does not have the right to reject the bill.

# Review

It is known from the study of the functions and powers of the President that most of his functions are only formal. He performs these tasks according to the decisions of the national people's congress and standing committees. As for as comparing the President of china with the president of other countries, it is clear that the President of china has been given a special status in the constitution. None of the officials of other countries are equivalent to it. the President of china can not be compared to the constitutional head of parliament, because he is not in a statutory position as head of state. Neither can he be compared to the US or French president, as he exercises executive power through the prime minister and the council of state. It also does not have the veto power on the bills passed by National Congress. There is no separate arrangement for the post of President in the Soviet Union like the Chinese republic. The President of the presidium is the President of the Soviet Russia.



# The Vice President of China

- ▣ Provides for the post of vice president in the 1982 Constitution of China. The Vice President has the same qualifications as the president. He is also elected by the national people's congress like the president. His term is five year. His main function is help to the president works and he fulfills his obligations given by the president.

# State council of China

According to 1982 Constitution of China State Council of China has executive and administrative powers. According to article 85, The Council of State is the Central Public Government the state. The Council is responsible and accountable to the National People's Congress and its standing committee. In general language it is the cabinet of China. The State Council is the Central People's Government. Its tenure is 5 years. And present the report to the NPC and its standing committee.

# Organization of State Council

The State Council consists of Prime Minister, Deputy Prime Minister and Presidents of Commissions, Auditor General and Secretary. According to article 88, the State Council will act under the guidance of the Prime Minister. Deputy Prime Minister and State Counselor will assist in his work. The Executive Session of State Council is chaired by the Prime Minister and the ministers, head of Commissions has to take of their departments. In their departmental areas, they can issue orders in accordance with the orders , statutes for the State Council. The old State Council continues to function until the new Council of Ministers is formed.

# Powers and Functions of State Council

The Powers and Functions of State Council in 89 are as....

- 1- Determining administrative matters, issuing orders and there and their follows to oversee the implementation.
- 2- Submission of bills to the National people's congress or its standing committee.
- 3- To coordinate and guide the work of various departments.
- 4- To amend or declare inappropriate orders of various ministers, commissions and organs of local governance of the state.
- 5- To implement the National economic plan and budget.
- 6- To control foreign and internal trade.
- 7- To conduct cultural, educational and health related works.

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8-To conduct the work related to various Nationalities and to protect the interests of the minorities of nation.

9- State council appoints and audit body of various accounting and audit of state departments.

# Premier and Vice Premiers

The state council of china seems to be an institution like cabinet. It seems that the parliamentary system has been adopted in communist china due to its ability to the national people's congress and the right to ask questions to the council. But this is only the illusion. Due to these arrangement the government is not responsible government. In china there is no principle of collective responsibility, and the members like the parliament government do not accept the leadership of the prime minister like a team are they responsible for it. The prime minister does not have a hand in the election of the members of the council as all the member are influential members of the communist party.

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The prime minister does not have the right to dissolve the legislature like a parliamentary system. According to the constitution, minister should cooperate with and assist the prime minister. The fact is the prime minister and all other ministers work on the direction on the top leaders of the communist party. In relation to the prime minister of the china, we can not use words in reference to the British or Indian prime minister such as “ the prime minister is the cornerstone of the vanguard of the cabinet” or “ the council of minister is the operational cycle of a state- like ship and the prime minister is its driver,” actually.

# Actual position of Premier

Prime minister is only the director of various department. The position of the president of the republic of the china is better then the prime minister. Ministers are not appointed in consultation with the prime minister but the people's congress and the minister is personally responsible to the people congress. Dismissal of the people congress minister without consulting the prime minister. the state council consists of several Deputy prime ministers. China's governments is democratic centralization.



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Therefore, party centralization is found more in China than in democracy. Communist party has totalitarianism in China. There is close relationship between party and governance in China. All types of decisions are made by the communist party's politburo. The rule provides legal recognition to it. Although the name of British constitutional institutions have been used for some post relating to the council of state in China, it appears that the council of the state is cabinet,

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But this is just an illusion. The truth is that there is no shadow of parliamentary rule in china. In fact, china has an external form of parliamentary system but its soul is not found.

# The central military commission

A commission for the control and direction of the country's armed forces article of the constitution according to 93 this central military commission consists of a chair man, a deputy chairman and some members. The chairman will have full responsibility in relation to the function of this commission. The term of the commission is five years. The commission is headed by the supreme commander of the army. The chairman of the commission is responsible to the people's congress(section 94). he is responsible to the council of states during the pruning period of the congress.

Thank you!!