

Organic Law of the State Council of the People's Republic of China [Effective]

中华人民共和国国务院组织法(1982) [现行有效]

【法宝引证码】CLI.1.1462(EN)

Issuing authority: National People's Congress,National People's Congress

Date issued: 12-10-1982

Effective date: 12-10-1982

Level of Authority: Laws

Area of Law: Constitution

Order of the Chairman of the Standing Committee of the National People's Congress@#

全国人民代表大会常务委员会委员长令@#
(第十四号)

(No. 14)@#

The Organic Law of the State Council of the People's Republic of China, as adopted at the Fifth Session of the Fifth National People's Congress of the People's Republic of China on December 10, 1982, is hereby issued for implementation.@#

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中华人民共和国国务院组织法已由中华人民共和国第五届全国人民代表大会第五次会议于一九八二年十二月十日通过，现予公布施行。@#

National People's Congress of the People's Republic of China@#

中华人民共和国全国人民代表大会@#

Chairman of the Standing Committee: Ye Jianying@#

常务委员会委员长 叶剑英@#

December 10, 1982@#

一九八二年十二月十日

ORGANIC LAW OF THE STATE COUNCIL OF THE PEOPLE'S REPUBLIC OF CHINA @#

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(Adopted at the Fifth Session of the Fifth National People's Congress the National People's Congress on December 10, 1982) @#

中华人民共和国国务院组织法@#

(一九八二年十二月十日第五届全国人民代表大会第五次会议通过)

Article 1. This Organic Law is formulated in accordance with the provisions concerning the State Council in the Constitution of the People's Republic of China.@#

第一条 根据中华人民共和国宪法有关国务院的规定，制定本组织法。@#

Article 2. The State Council shall be composed of a Premier, Vice-Premiers, State Councillors, Ministers in charge of ministries, Ministers in charge of commissions, an Auditor-General and a Secretary-General.@#
The Premier shall assume overall responsibility for the work of the State Council. The Premier shall direct the work of the State Council. The Vice-Premiers and State Councillors shall assist the Premier in his work.@#

第二条 国务院由总理、副总理、国务委员、各部部长、各委员会主任、审计长、秘书长组成。@#
国务院实行总理负责制。总理领导国务院的工作。副总理、国务委员协助总理工作。@#

Article 3. The State Council shall exercise the functions and powers prescribed in Article 89 of the Constitution.@#

第三条 国务院行使宪法第八十九条规定的职权。@#

Article 4. Meetings of the State Council shall be divided into plenary meetings and executive meetings. The plenary meetings of the State Council shall be composed of all members of the State Council. The executive meetings of the State Council shall be composed of the Premier, the Vice-Premiers, the State Councillors and the Secretary-General. The Premier shall convene and preside over the plenary and executive meetings of the State Council. Important issues in the work of the State Council must be discussed and decided by an executive or plenary meeting of the State Council.@#

第四条 国务院会议分为国务院全体会议和国务院常务会议。国务院全体会议由国务院全体成员组成。国务院常务会议由总理、副总理、国务委员、秘书长组成。总理召集和主持国务院全体会议和国务院常务会议。国务院工作中的重大问题，必须经国务院常务会议或者国务院全体会议讨论决定。@#

Article 5. The Premier shall sign the decisions, orders, and administrative rules and regulations issued by the State Council, the proposals submitted by the State Council to the National People's Congress or its Standing Committee, and the appointments and removals of personnel.@#

第五条 国务院发布的决定、命令和行政法规，向全国人民代表大会或者全国人民代表大会常务委员会提出的议案，任免人员，由总理签署。@#

Article 6. As entrusted by the Premier, the State Councillors shall take charge of work in certain fields or of certain special tasks and may represent the State Council in foreign affairs.@#

第六条 国务委员受总理委托，负责某些方面的工作或者专项任务，并且可以代表国务院进行外事活动。@#

Article 7. Under the direction of the Premier, the Secretary-General of the State Council shall be responsible for the day-to-day work of the State Council.@#

第七条 国务院秘书长在总理领导下，负责处理国务院的日常工作。@#

The State Council shall install a certain number of Deputy Secretaries-General, who shall assist the Secretary-General in his work.@#

国务院设副秘书长若干人，协助秘书长工作。@#

The State Council shall establish a general office, which shall be under the direction of the Secretary-General.@#

国务院设立办公厅，由秘书长领导。@#

Article 8. The establishment, dissolution or merger of ministries and commissions of the State Council shall be proposed by the Premier and decided by the National People's Congress or, when the Congress is not in session, by its Standing Committee.@#

第八条 国务院各部、委员会的设立、撤销或者合并，经总理提出，由全国人民代表大会决定；在全国人民代表大会闭会期间，由全国人民代表大会常务委员会决定。@#

Article 9. Each ministry shall have a Minister and two to four Vice-Ministers. Each commission shall have a Minister, two to four Vice-Ministers and five to ten commission members.@#

第九条 各部设部长一人，副部长二至四人。各委员会设主任一人，副主任二至四人，委员五至十人。@#

The Ministers in charge of the ministries or commissions shall assume overall responsibility for the work of the ministries and commissions. The Ministers in charge of the ministries or commissions shall direct the work of their respective departments; convene and preside over ministerial meetings or the general and executive meetings of the commissions; sign important requests for instructions and reports to be

各部、各委员会实行部长、主任负责制。各部部长、各委员会主任领导本部门的工作，召集和主持部务会议或者委员会会议、委务会议，签署上报国务院的重要请示、报告和下达的命令、指示。副部长、副主任协助部长、主任工作。@#

submitted to the State Council; and sign orders and instructions to be issued to their subordinate units. The Vice-Ministers shall assist the Ministers in their work. @#

Article 10. The ministries and commissions shall request instructions from and submit reports to the State Council concerning principles, policies, plans and important administrative measures in their work, and the State Council shall make decisions on such matters. The competent ministries or commissions may, within the limits of their authority and in accordance with the law and decisions of the State Council, issue orders, instructions and regulations. @#

Article 11. The State Council may, according to work requirements and the principle of simplified and efficient administration, set up a certain number of directly subordinate agencies to take charge of various specialized work and a certain number of administrative offices to assist the Premier in handling specialized affairs. Each agency or office shall have two to five persons responsible.

第十条 各部、各委员会工作中的方针、政策、计划和重大行政措施，应向国务院请示报告，由国务院决定。根据法律和国务院的决定，主管部、委员会可以在本部门的权限内发布命令、指示和规章。 @#

第十一条 国务院可以根据工作需要和精简的原则，设立若干直属机构主管各项专门业务，设立若干办事机构协助总理办理专门事项。每个机构设负责人二至五人。 @#

【法宝引证码】CLI.1.1462(EN) 北大法宝en.pkulaw.cn