

Civil Procedure Law of the People's Republic of China

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The Aim, Scope of Application and Basic Principles

Article 1 The Civil Procedure Law of the People's Republic of China is formulated on the basis of the Constitution and in the light of the experience and actual conditions of our country in the trial of civil cases.

Article 2 The Civil Procedure Law of the People's Republic of China aims to protect the exercise of the litigation rights of the parties and ensure the ascertaining of facts by the people's courts, distinguish right from wrong, apply the law correctly, try civil cases promptly, affirm civil rights and obligations, impose sanctions for civil wrongs, protect the lawful rights and interests of the parties, educate citizens to voluntarily abide by the law, maintain the social and economic order, and guarantee the smooth progress of the socialist construction.

Article 3 In dealing with civil litigation arising from disputes on property and personal relations between citizens, legal persons or other organizations and between the three of them, the peoples' courts shall apply the provisions of this Law.

Article 4 Whoever engages in civil litigation within the territory of the People's Republic of China must abide by this Law.

Article 5 Aliens, stateless persons, foreign enterprises and organizations that bring suits or enter appearance in the people's courts shall have the same litigation rights and obligations as citizens, legal persons and other organizations of the People's Republic of China.

If the courts of a foreign country impose restrictions on the civil litigation rights of the citizens, legal persons and other organizations of the People's Republic of China, the people's courts of the People's Republic of China shall follow the principle of reciprocity regarding the civil litigation rights of the citizens, enterprises and organizations of that foreign country.

Article 6 The people's courts shall exercise judicial powers with respect to civil cases.

The people's courts shall try civil cases independently in accordance with the law, and shall be subject to no interference by any administrative organ, public organization or individual.

Article 7 In trying civil cases, the people's courts must base themselves on facts and take the law as the criterion.

Article 8 The parties in civil litigation shall have equal litigation rights. The people's courts shall, in conducting the trials, safeguard their rights, facilitate their exercising the rights, and apply the law equally to them.

Article 9 In trying civil cases, the people's courts shall conduct conciliation for the parties on a voluntary and lawful basis; if conciliation fails, judgments shall be rendered without delay.

Article 10 In trying civil cases, the people's courts shall, according to the provisions of the law, follow the systems of panel hearing, withdrawal, public trial and the court of second instance being that of last instance.

Article 11 Citizens of all nationalities shall have the right to use their native spoken and written languages in civil proceedings.

Where minority nationalities live in aggregation in a community or where several nationalities live together in one area, the people's courts shall conduct hearings and issue legal documents in the spoken and written languages commonly used by the local nationalities.

The people's courts shall provide translations for any participant in the proceedings who is not familiar with the spoken or written languages commonly used by the local nationalities.

Article 12 Parties to civil actions are entitled in the trials by the people's courts to argue for themselves.

Article 13 The parties are free to deal with their own civil rights and litigation rights the way they prefer within the scope provided by the law.

Article 14 The people's procuratorates shall have the right to exercise legal supervision over civil proceedings.

Article 15 Where an act has infringed upon the civil rights and interests of the State, a collective organization or an individual, any State organ, public organization, enterprise or institution may support the injured unit or individual to bring an action in a people's court.

Article 16 The people's conciliation committees shall be mass organizations to conduct conciliation of civil disputes under the guidance of the grass-roots level people's governments and the basic level people's courts.

The people's conciliation committee shall conduct conciliation for the parties according to the Law and on a voluntary basis. The parties concerned shall carry out the settlement agreement reached through conciliation; those who decline conciliation or those for whom conciliation has failed or those who have backed out of the settlement agreement may institute legal proceedings in a people's court.

If a people's conciliation committee, in conducting conciliation of civil disputes, acts contrary to the law, rectification shall be made by the people's court

Article 17 The people's congresses of the national autonomous regions may formulate, in accordance with the Constitution and the principles of this Law, and in conjunction with the specific circumstances of the local nationalities, adaptive and supplementary provisions. Such provisions made by an autonomous region shall be submitted to the Standing Committee of the National People's Congress for approval; those made by an autonomous prefecture or autonomous county shall be submitted to the standing committee of the people's congress of the relevant province or autonomous region for approval and to the Standing Committee of the National People's Congress for the record.