中华人民共和国行政监察法 Law of the People&apos;s Republic of China on Administrative Supervision

(Adopted at the 25th Meeting of the Standing Committee of the Eighth National People's Congress on May 9, 1997 and promulgated by Order No. 85 of the President of the People's Republic of China on May 9, 1997)

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Supervisory organs shall institute an informing system, under which all citizens shall have the right to bring to supervisory organs accusations or expositions against any administrative organs or public servants of the State or any persons appointed by State administrative organs that violate laws or are derelict in their duties.　　Chapter II　　Supervisory Organs and Supervisors　　Article 7 The supervisory organ under the State Council shall be in charge of supervision throughout the country.　　A supervisory organ of a local people's government at or above the county level shall be responsible for supervision in its administrative area, and shall be responsible and report its work to the people's government to which it belongs and to the supervisory organ at the next higher level. Supervision shall be enforced mainly under the guidance of the supervisory organ at a higher level.　　Article 8 A supervisory organ of a people's government at or above the county level may, where necessary and with the approval of the people's government to which it belongs, have supervisory bodies or supervisors in departments under the government.　　The supervisory bodies and supervisors dispatched by the supervisory organs shall be responsible and report their work to the supervisory organs that dispatch them.　　Article 9 A supervisor shall abide by laws and observe rules of discipline, be faithful to their duties, enforce laws impartially, remain honest and upright and keep secrets.　　Article 10 A supervisor shall be familiar with supervision and shall have received an appropriate education and acquired sufficient professional knowledge.　　Article 11 The chief or deputy chief of a supervisory organ of a local people's government at or above the county level shall be appointed or dismissed from office with the consent of the supervisory organ at the next higher level before the decision on the appointment or dismissal is submitted for approval.　　Article 12 A supervisory organ shall apply a system of supervision over the supervisors' performance of their official duties and observance of the rules of discipline.　　Article 13 A supervisor, in performing his official duties in accordance with law, shall be protected by law.　　No organization or individual may refuse to undergo supervision, or obstruct the supervisors' performance of their official duties, or retaliate against supervisors.　　Article 14 A supervisor shall withdraw when he himself or his close relatives have an interest in the matter of supervision he is handling.　　Chapter IIIFunctions and Duties of Supervisory Organs　　Article 15 The supervisory organ under the State Council shall exercise supervision over the following government departments and persons:　　(1)the various departments under the State Council and the public servants of the State working in such departments;　　(2)other persons appointed by the State Council and the various departments under it; and　　(3)the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government and the leading members of such governments.　　Article 16 The supervisory organ of a local people's government at or above the county level shall exercise supervision over the following government departments and persons:　　(1) the various departments under the people's government to which it belongs and the public servants of the State working in such departments;　　(2) other persons appointed by the people's government to which it belongs and by the various departments under this government; and　　(3) the people's government at the next lower level and its leading members.　　The supervisory organ of the people's government of a county, autonomous county, city not divided into districts or a municipal district shall, in addition, exercise supervision over the public servants of the State working in the people's governments of townships, nationality townships and towns under the jurisdiction of the people's government to which it belongs as well as other persons appointed by the governments of these townships, nationality townships and towns.　　Article 17 A supervisory organ at a higher level may handle matters of supervision that are under the supervision of a supervisory organ at a lower level and may, when necessary, handle such matters that are under the jurisdiction of the supervisory organs at the various lower levels.　　Where a dispute over jurisdiction arises between supervisory organs, it shall be settled by a supervisory organ at a higher level above both the disputing parties.　　Article 18 A supervisory organ shall perform the following duties in order to fulfill its function of supervision:　　(1) to inspect the problems of the administrative organs of the State that occur in the course of their observing and enforcing laws and rules and regulations as well as government decisions and decrees;　　(2) to accept and handle accusations and expositions against administrative organs or public servants of the State or other persons appointed by such organs that violate rules of administrative discipline;　　(3) to investigate and handle violations of rules of administrative discipline committed by administrative organs or public servants of the State or other persons appointed by such organs;　　(4) to accept and handle complaints presented by public servants of the State or other persons appointed by administrative organs of the State who refuse to accept decisions on administrative sanctions made by the competent administrative organs, and other complaints to be accepted and handled by supervisory organs as prescribed by laws and administrative rules and regulations; and　　(5) to perform other duties as prescribed by laws and administrative rules and regulations.　　Chapter IV　　Jurisdiction of Supervisory Organs　　 Article 19 A supervisory organ shall have the right to take the following measures to perform its official duties:　　(1) to require the departments and persons under supervision to provide documents, data, financial accounts and other materials relevant to the matters under supervision for examination and duplication;　　(2) to require the departments and persons under supervision to explain or clarify questions concerning the matters under supervision; and　　(3) to order the departments and persons under supervision to cease violating laws, rules and regulations and rules of administrative discipline.　　Article 20 In investigating violations of the rules of administrative discipline, a supervisory organ may adopt the following measures in light of actual conditions and needs:　　(1) to temporarily seize and seal up documents, data, financial accounts and other relevant materials which may be used as proof of violations of the rules of administrative discipline;　　(2) to order the units and persons suspected of being involved in a case not to sell off or transfer any property relevant to the case during the period of investigation;　　(3) to order the persons suspected of violating the rules of administrative discipline to explain and clarify questions relevant to the matters under investigation at a designated time and place; however, no such persons may be taken into custody or detained in disguised form; and　　(4) to propose to the competent authorities that they suspend the persons suspected of seriously violating the rules of administrative discipline from execution of their official duties.　　Article 21 In investigating violations of the rules of administrative discipline, such as graft, bribery and misappropriation of public funds, a supervisory organ may inquire about the deposits of the suspected units and persons at banks or other banking institutions, with the approval of the leading members of a supervisory organ at or above the county level. When necessary, it may request the People's Court to adopt preservation measures to freeze the deposits of such persons at banks or other banking institutions in accordance with law.　　Article 22 In handling cases of violating the rules of administrative discipline, a supervisory organ may request the authorities of public security, auditing, taxation and the Customs, the administrative departments for industry and commerce and other authorities to extend assistance.　　Article 23 A supervisory organ may, on the basis of findings from examinations and investigations, make a supervisory recommendation under any of the following situations;　　(1) Where the parties concerned refuse to enforce the laws or rules and regulations or violate the laws or rules and regulations as well as the decisions or decrees of the people's government, which should be set right;　　(2) Where the decisions, decrees or instructions issued by departments under the people's government to which it belongs or by the people's governments at lower levels contravene the laws or rules and regulations or State policies and should be modified or revoked;　　(3) Where the interests of the State or the collective or the lawful rights and interests of citizens are impaired and remedial measures need be taken;　　(4) Where decisions on employment, appointment, dismissal from office, reward or punishment are obviously inappropriate and should be rectified;　　(5) Where the parties concerned should be given administrative penalties in accordance with relevant laws or rules and regulations; or　　(6) Other situations for which a supervisory recommendation is needed.　　Article 24 A supervisory organ may, on the basis of findings from examinations and investigations, make a supervisory decision or recommendation under any of the following situations:　　(1) Where the parties concerned violate the rules of administrative discipline and should be given administrative sanctions in accordance with law, such as administrative warning, the recording of a demerit , the recording of a major demerit , demotion, dismissal from office or discharge; or　　(2) Where the parties concerned take money or property in violation of the rules of administrative discipline, which should be confiscated, recovered, or returned or compensated under orders.　　A supervisory decision or recommendation for the situation mentioned in sub-paragraph (1) of the preceding paragraph shall be made in accordance with the State regulations on the limits of authority and procedure for personnel management.　　Article 25 A supervisory decision made by a supervisory organ in accordance with law shall be implemented by the departments and persons concerned. A supervisory recommendation made by a supervisory organ in accordance with law shall be adopted by the departments concerned, unless they have justifiable reasons not to do so.　　Article 26 A supervisory organ shall have the right to inquire of the units and individuals involved in the matters under supervision.　　Article 27 Leading members of a supervisory organ may attend as observers relevant meetings of the people's government to which it belongs, and supervisors may attend as observers meetings concerning the matters under supervision held by the departments under supervision.　　Article 28 A supervisory organ may, in accordance with relevant regulations, award the persons who have rendered meritorious services in accusing or exposing serious violations of laws and the rules of discipline.　　Chapter V　　Procedures of Supervision　　Article 29 A supervisory organ shall conduct inspection in accordance with the following procedure:　　(1) to register the matters that need inspection;　　(2) to formulate plans for inspection and organize their implementation;　　(3) to submit reports on the results of inspection to the people's government to which it belongs or the supervisory organ at a higher level; and　　(4) to make a supervisory decision or recommendation, on the basis of the findings from inspection.　　For the registration of a consequential matter for inspection, a supervisory organ shall report the matter to the people's government to which it belongs and the supervisory organ at the next higher level for the record.　　Article 30 A supervisory organ shall investigate and handle violations of the rules of administrative discipline in accordance with the following procedure:　　(1) to conduct preliminary examination of the matters that require investigation and handling, and to register the matters for which it believes that there are facts to prove the violations of the rules of administrative discipline and that the parties concerned should be investigated for their responsibility for violating the rules of administrative discipline;　　(2) to make arrangements for investigation to collect relevant evidence;　　(3) to handle cases for which there is evidence to prove the violation of the rules of administrative discipline and the parties concerned should be given administrative sanctions or handled otherwise; and　　(4) to make a supervisory decision or recommendation.　　For the registration of a consequential and complicated case, a supervisory organ shall report the matter to the people's government to which it belongs and the supervisory organ at the next higher level for the record.　　Article 31 Where through investigation into a registered case the supervisory organ believes that there are no facts to prove the violation of the rules of administrative discipline or that there is no need to investigate the parties concerned for their responsibility for violation of the rules of administrative discipline, it shall quash the case and notify the investigated units and the authorities above them or the investigated persons and their units of the matter.　　For the quashing of a consequential and complicated case, a supervisory organ shall report the matter to the people's government to which it belongs and to the supervisory organ at the next higher level for the record.　　Article 32 A case registered by a supervisory organ for investigation shall be closed within six months from the date of registration. Where the period for handling a case need be extended due to special reasons, it may be extended appropriately, but it may not exceed one year at the maximum. And the matter shall be reported to the supervisory organ at the next higher level for the record.　　Article 33 A supervisory organ shall, in the course of inspection and investigation, hear the statements and explanations made by the departments or persons under supervision.　　Article 34 Major supervisory decisions and recommendations made by a supervisory organ shall be submitted to the people's government to which it belongs and to the supervisory organ at the next higher level for consent. Major supervisory decisions and recommendations made by the supervisory organ under the State Council shall be submitted to the State Council for consent.　　Article 35 Supervisory decisions or recommendations shall be delivered in writing to the units or persons concerned.　　Article 36 The units or persons concerned shall notify the supervisory organ within 30 days from the date of receiving the supervisory decision or recommendation of how such decision has been implemented or of how such recommendation has been dealt with.　　Article 37 Where a public servant of the State or any other person appointed by an administrative organ of the State refuses to accept a decision made by the competent administrative organ on imposing administrative sanctions on him, he may lodge a complaint to the supervisory organ within 30 days from the date of receiving such decision. The supervisory organ on its part shall, within 30 days from the date of receiving the complaint, make a decision after review of the decision. If he still refuses to accept the decision made after the review, he may, within 30 days from the date of receiving the decision, apply to the supervisory organ at the next higher level for check. The supervisory organ at the next higher level shall, within 60 days from the date of receiving the application, make a decision after checking the decision.　　During the period of review or check, implementation of the decision originally made shall not be suspended.　　Article 38 If, after the review conducted upon receiving the complaint against the decision made by the competent administrative organ on imposing administrative sanctions, the supervisory organ believes that the original decision is inappropriate, it may propose to the organ that made the decision to modify or revoke its decision; it may also, within the scope of its functions and powers, directly decide to modify or revoke such decision.　　Complaints about other matters to be accepted and handled by supervisory organs, as provided for by laws and administrative rules and regulations, shall be governed by such laws and administrative rules and regulations.　　Article 39 Whoever refuses to accept a supervisory decision may, within 30 days from the date or receiving the decision, apply to the organ that made the decision for reexamination; the supervisory organ on its part shall, within 30 days from the date of receiving the application for reexamination, make a decision after reexamination. If he still refuses to accept the decision made after reexamination, he may, within 30 days from the date of receiving the decision, apply to the supervisory organ at the next higher level for check, which shall, within 60 days from the date of receiving the application for check, make a decision after the check.　　During the period of reexamination or check, implementation of the decision originally made shall not be suspended.　　Article 40 Where a supervisory organ at a higher level considers a supervisory decision made by a supervisory organ at a lower level inappropriate, the former may instruct the latter to modify or revoke this decision or, when necessary, the former may also directly decide to modify or revoke the decision.　　Article 41 The decisions made by a supervisory organ at a higher level after check and the decisions made by the supervisory organ under the State Council after review or reexamination shall be final.　　Article 42 Whoever has any objections to a supervisory recommendation may, within 30 days from the date of receiving the recommendation, raise his objections to the supervisory organ that made the recommendation, the supervisory organ on its part shall, within 30 days from the date of receiving the objections, give a reply. If he still has objections to the reply, the supervisory organ shall submit the matter to the people's government to which it belongs or to the supervisory organ at the next higher level for a decision.　　Article 43 Where a supervisory organ, in the course of handling matters under supervision, finds that the matters under investigation do not fall within the scope of functions and duties of the supervisory organ, it shall transfer them to the unit that has the authority to handle them. In the case of a criminal suspect, the matter shall be transferred to a judicial organ, which shall handle the case according to law.　　The unit or organ that accepts the matter transferred shall notify the said supervisory organ of how the matter is handled.　　Chapter VI　　Legal Responsibility　　Article 44 Where departments or persons under supervision violate the provisions of this Law by committing any of the following acts, the competent authorities or supervisory organ shall order them to mend their ways and circulate a notice of criticism against the departments and shall, in accordance with law, impose administrative sanctions on the persons who are directly in charge and the other persons who are directly responsible for the violation:　　(1) to withhold the truth, provide false evidence or conceal, transfer, alter or destroy evidence;　　(2) to deliberately delay providing documents, data, financial accounts or other materials or information relevant to the matters under supervision or refuse to provide them;　　(3) to sell off or transfer suspect property during the period of investigation;　　(4) to refuse to explain or clarify the questions raised by the supervisory organ;　　(5) to refuse to implement the supervisory decision or refuse to adopt the supervisory recommendation without justifiable reasons; or　　(6) to have committed any other acts in violation of the provisions of this Law, where the circumstances are serious.　　Article 45 Whoever retaliates against or frames up any complainants, accusers, exposers or supervisors shall be given administrative sanctions in accordance with law; if the act constitutes a crime, he shall be investigated for criminal responsibility in accordance with law.　　Article 46 If a supervisor abuses his power, commits malpractices for selfish ends, neglects his duties or divulges secrets, he shall be given administrative sanctions in accordance with law; if his act constitutes a crime, he shall be investigated for criminal responsibility in accordance with law.　　Article 47 If a supervisory organ or supervisor exercises its or his functions and powers in violation of laws, infringing upon the lawful rights and interests of a citizen, legal person or any other organization and thus causing damage thereto, it or he shall make compensation in accordance with law.　　Chapter VII　　Supplementary Provisions　　Article 48 This Law shall go into effective as of the date of its promulgation. The Regulations of the People's Republic of China on Administrative Supervision promulgated by the State Council on December 9, 1990 shall be repealed at the same time.