

【Statute Title】 Organic Law of the Villagers' Committees of the People's Republic of China(2010) [Effective]

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The Organic Law of the Villagers' Committees of the People's Republic of China, as amended, was adopted at the 17th Meeting of the Standing Committee of the 11th National People's Congress of the People's Republic of China on October 28, 2010, is hereby promulgated, and shall come into force on the date of promulgation.

Hu Jintao, President of the People's Republic of China

October 28, 2010

Organic Law of the Villagers' Committees of the People's Republic of China

(Adopted at the 5th Meeting of the Standing Committee of the 9th National People's Congress on November 4, 1998 and amended at the 17th Meeting of the Standing Committee of the 11th National People's Congress on October 28, 2010)

Contents

Chapter I General Provisions

Chapter II Composition and Duties of the Villagers' Committees

Chapter III Election of the Villagers' Committees

Chapter IV Villagers' Assembly and Villagers' Representatives assembly

Chapter V Democratic Management and Democratic Supervision

Chapter VI Supplementary Provisions

中华人民共和国主席令  
(第三十七号)

《中华人民共和国村民委员会组织法》已由中华人民共和国第十一届全国人民代表大会常务委员会第十七次会议于 2010 年 10 月 28 日通过，现将修订后的《中华人民共和国村民委员会组织法》公布，自公布之日起施行。

中华人民共和国主席 胡锦涛

2010 年 10 月 28 日

## 中华人民共和国村民委员会组织法

（1998 年 11 月 4 日第九届全国人民代表大会常务委员会第五次会议通过  
2010 年 10 月 28 日第十一届全国人民代表大会常务委员会第十七次会议修订）

### 目 录

- 第一章 总 则
- 第二章 村民委员会的组成和职责
- 第三章 村民委员会的选举
- 第四章 村民会议和村民代表会议
- 第五章 民主管理和民主监督
- 第六章 附 则

### Chapter I General Provisions

#### 第一章 总 则

Article 1 To ensure the self-government by villagers in the countryside so that they can administer their own affairs by law, develop grassroots democracy in the countryside, protect the legitimate rights and interests of villagers and facilitate the building of a socialist new countryside, this Law has been formulated pursuant to the Constitution.

第一条 为了保障农村村民实行自治，由村民依法办理自己的事情，发展农村基层民主，维护村民的合法权益，促进社会主义新农村建设，根据宪法，制定本法。

Article 2 A villagers' committee is a mass organization of self-government at the grassroots level, in which villagers administer their own affairs, educate themselves and serve their own needs and in which election is conducted, decision adopted, administration maintained and supervision exercised by democratic means.

A villagers' committee shall manage the public affairs and public welfare undertakings of the village, mediate disputes among villagers, help maintain the public order, and convey villagers' opinions and demands and make suggestions to the people's government.

A villagers' committee shall be responsible and report to the villagers' assembly or the villagers' representatives' assembly.

第二条 村民委员会是村民自我管理、自我教育、自我服务的基层群众性自治组织，实行民主选举、民主决策、民主管理、民主监督。

村民委员会办理本村的公共事务和公益事业，调解民间纠纷，协助维护社会治安，向人民政府反映村民的意见、要求和提出建议。

村民委员会向村民会议、村民代表会议负责并报告工作。

Article 3 Villagers' committees shall be established in light of the residential distribution and population size of villagers and on the principle of facilitating self-government by the mass, economic development and social management.

The establishment or dissolution of a villagers' committee or a readjustment in the area governed by it shall be proposed by the people's government of a township, a minority ethnic township or a town and submitted to the people's government at the county level for approval after it is discussed and approved by the villagers' assembly.

A villagers committee may, on the basis of the residential distribution of villagers and the collective ownership relationships of land, establish a number of villagers' groups.

第三条 村民委员会根据村民居住状况、人口多少,按照便于群众自治,有利于经济发展和社会管理的原则设立。

村民委员会的设立、撤销、范围调整,由乡、民族乡、镇的人民政府提出,经村民会议讨论同意,报县级人民政府批准。

村民委员会可以根据村民居住状况、集体土地所有权关系等分设若干村民小组。

Article 4 The grassroots organizations of the Communist Party of China in the countryside shall work in accordance with the Constitution of the Communist Party of China, play its role as the leading core, guide and support villagers' committees' exercise of functions and powers, and, under the Constitution and the law, provide support and security for villagers to conduct self-government activities and directly exercise their democratic rights.

第四条 中国共产党在农村的基层组织,按照中国共产党章程进行工作,发挥领导核心作用,领导和支持村民委员会行使职权;依照宪法和法律,支持和保障村民开展自治活动、直接行使民主权利。

Article 5 The people's government of a township, a minority ethnic township or a town shall guide, support and help villagers' committees in their work, but may not interfere with the affairs that lawfully fall within the scope of self-government by villagers.

Villagers' committees shall assist the work of the people's governments of the townships, minority ethnic townships and towns.

第五条 乡、民族乡、镇的人民政府对村民委员会的工作给予指导、支持和帮助,但是不得干预依法属于村民自治范围内的事项。

村民委员会协助乡、民族乡、镇的人民政府开展工作。

## Chapter II Composition and Duties of Villagers' Committees

### 第二章 村民委员会的组成和职责

Article 6 A villagers' committee is composed of 3 to 7 members, including a chairman, vice-chairman (vice-chairmen) and members.

The members of a villagers' committee shall include at least one female. In a village where people from more than one ethnic group live, they shall include a member or members from the ethnic group or groups with a smaller population.

Members of a villagers' committee may be provided with appropriate subsidies, if necessary.

第六条 村民委员会由主任、副主任和委员共三至七人组成。

村民委员会成员中,应当有妇女成员,多民族村民居住的村应当有少数民族的成

员。

对村民委员会成员，根据工作情况，给予适当补贴。

Article 7 A villagers' committee may, when necessary, establish sub-committees for people's mediation, public security, public health, family planning, etc. The members of the villagers' committee may concurrently serve as members of any sub-committee. The villagers' committee in a village with a smaller population may assign members to be respectively responsible for people's mediation, public security, public health, family planning, etc. instead of establishing sub-committees.

第七条 村民委员会根据需要设人民调解、治安保卫、公共卫生与计划生育等委员会。村民委员会成员可以兼任下属委员会的成员。人口少的村的村民委员会可以不设下属委员会，由村民委员会成员分工负责人民调解、治安保卫、公共卫生与计划生育等工作。

Article 8 Villagers' committees shall encourage and organize villagers to develop various forms of cooperative economies and other economies, serve and coordinate the production of their villages, and promote the production, construction and economic development in rural areas.

A villagers' committee shall manage the land and other property owned collectively by farmers of the village, and lead villagers to rationally utilize natural resources and to protect and improve the ecological environment.

A villagers' committee shall respect the decision-making power of the collective economic organizations in conducting their economic activities independently according to law, safeguard the dual operation system characterized by the combination of centralized operation with decentralized operation on the basis of contractual operation by the household, and ensure the lawful property rights and other lawful rights and interests of the collective economic organizations, villagers, lease-holding households, associated households, and partnerships.

第八条 村民委员会应当支持和组织村民依法发展各种形式的合作经济和其他经济，承担本村生产的服务和协调工作，促进农村生产建设和经济发展。

村民委员会依照法律规定，管理本村属于村农民集体所有的土地和其他财产，引导村民合理利用自然资源，保护和改善生态环境。

村民委员会应当尊重并支持集体经济组织依法独立进行经济活动的自主权，维护以家庭承包经营为基础、统分结合的双层经营体制，保障集体经济组织和村民、承包经营户、联户或者合伙的合法财产权和其他合法权益。

Article 9 Villagers' committees shall publicize the Constitution, laws, regulations and state policies among villagers; educate and urge them to fulfill their obligations as prescribed by law and to cherish public property, maintain their lawful rights and interests, develop culture and education, popularize scientific and technological knowledge, enhance the equality of men and women, do a good job in family planning, promote the unity and mutual assistance between villages, and carry out various forms of activities for the building of the socialist spiritual civilization.

Villagers' committees shall support the lawful activities of the social organizations bearing the nature of service, public welfare and mutual assistance so as to facilitate community building in rural areas.

In a village where people from more than one ethnic group live, the villagers' committee shall help the villagers understand the importance of enhancing unity, mutual respect and mutual

assistance among different ethnic groups, and give them guidance in this respect.

第九条 村民委员会应当宣传宪法、法律、法规和国家的政策，教育和推动村民履行法律规定的义务、爱护公共财产，维护村民的合法权益，发展文化教育，普及科技知识，促进男女平等，做好计划生育工作，促进村与村之间的团结、互助，开展多种形式的社会主义精神文明建设活动。

村民委员会应当支持服务性、公益性、互助性社会组织依法开展活动，推动农村社区建设。

多民族村民居住的村，村民委员会应当教育和引导各民族村民增进团结、互相尊重、互相帮助。

Article 10 A villagers' committee and its members shall observe the Constitution, laws, regulations and state policies, abide by the villagers' charter of self-government as well as village regulations and folk constitutions and organize the implementation thereof, and execute the decisions or resolutions of the villagers' assembly or villagers' representatives assembly. They shall be impartial in handling affairs, honest in performing duties, warmhearted in serving villagers and subject to the supervision of villagers.

第十条 村民委员会及其成员应当遵守宪法、法律、法规和国家的政策，遵守并组织实施村民自治章程、村规民约，执行村民会议、村民代表会议的决定、决议，办事公道，廉洁奉公，热心为村民服务，接受村民监督。

### Chapter III Election of Villagers' Committees

#### 第三章 村民委员会的选举

Article 11 The chairman, vice-chairman (vice-chairmen) and members of a villagers' committee shall be directly elected by villagers. No organization or individual may designate, appoint or replace any member of a villagers' committee.

The term of office of a villagers' committee is three years, and a new committee shall be elected at the expiration of the term of office without delay. Members of a villagers' committee may continue to hold office if reelected.

第十一条 村民委员会主任、副主任和委员，由村民直接选举产生。任何组织或者个人不得指定、委派或者撤换村民委员会成员。

村民委员会每届任期三年，届满应当及时举行换届选举。村民委员会成员可以连选连任。

Article 12 Election of a villagers' committee shall be organized by a villagers' electoral committee. A villagers' electoral committee is composed of a chairman and members who shall be elected at the villagers' assembly, the villagers' representatives' assembly or the villagers' group assembly. A member of the villagers' electoral committee shall quit from the electoral committee if he/she is nominated as a candidate for a member of the villagers' committee.

Where a vacancy appears in the villagers' electoral committee as a member quits from the committee or due to any other reason, the vacancy shall be filled in the proper order of the original election results, or another election can be held.

第十二条 村民委员会的选举，由村民选举委员会主持。

村民选举委员会由主任和委员组成，由村民会议、村民代表会议或者各村民小组会议推选产生。

村民选举委员会成员被提名为村民委员会成员候选人，应当退出村民选举委员会。

村民选举委员会成员退出村民选举委员会或者因其他原因出缺的，按照原推选结果依次递补，也可以另行推选。

Article 13 Any villager who has attained to the age of 18 shall have the right to elect and stand for election, regardless of his/her ethnic status, race, sex, occupation, family background, religious belief, education, property and time of residence, with the exception of those who have been deprived of political rights in accordance with law.

Before an election is held for a villagers' committee, the following persons shall be registered on the roster of villagers participating in the election:

1. Villagers whose registered permanent residence is in the village and who reside in the village;
2. Villagers who do not reside in the village although their registered permanent residence is in the village but have expressed the will to participate in the election; and
3. Villagers who have resided in the village for one year or more although their registered permanent residence is not in the village, have applied for participating in the election, and have been approved by the villagers' assembly or villagers' representatives assembly.

A villager who has already registered for election in the village where his/her registered permanent residence is located or where he/she resides may not participate in the election of the villagers' committee of another place.

第十三条 年满十八周岁的村民，不分民族、种族、性别、职业、家庭出身、宗教信仰、教育程度、财产状况、居住期限，都有选举权和被选举权；但是，依照法律被剥夺政治权利的人除外。

村民委员会选举前，应当对下列人员进行登记，列入参加选举的村民名单：

- （一）户籍在本村并且在本村居住的村民；
- （二）户籍在本村，不在本村居住，本人表示参加选举的村民；
- （三）户籍不在本村，在本村居住一年以上，本人申请参加选举，并且经村民会议或者村民代表会议同意参加选举的公民。

已在户籍所在村或者居住村登记参加选举的村民，不得再参加其他地方村民委员会的选举。

Article 14 The roster of villagers participating in the election of a villagers' committee shall be published by the villagers' electoral committee at least 20 days prior to the election day.

Anyone who has demur to the roster of villagers participating in the election may make an appeal to the villagers' electoral committee within 5 days after the roster is published, and the villagers' electoral committee shall make a handling decision and publish the handling result within 3 days after receiving the appeal.

第十四条 登记参加选举的村民名单应当在选举日的二十日前由村民选举委员会公布。

对登记参加选举的村民名单有异议的，应当自名单公布之日起五日内向村民选举委员会申诉，村民选举委员会应当自收到申诉之日起三日内作出处理决定，并公布处理结果。

Article 15 For the election of a villagers committee, candidates shall be nominated directly by villagers who have been registered for election. When nominating candidates, villagers shall proceed from the interest of all villagers and select those who respect justice, abide by the law,

have good conduct, be fair and decent, be dedicated to the public welfare undertaking and have received certain educational and has working ability. The number of candidates shall be larger than the number due to be elected. The villagers' electoral committee shall organize candidates to meet with villagers, introduce their plans for performing duties after holding office and answer the questions of villagers.

The election of a villagers' committee shall be valid if more than half of the villagers who have been registered for election cast their votes; a candidate shall be elected only if he/she wins more than half of the votes. If the number of elects is less than the number due to be elected, another election shall be held for those vacancies. In that case, among persons not elected in the first election, those with more votes shall be candidates, and among these candidates, those with more votes in the second election shall be elected, provided that their votes shall account for at least 1/3 of the total votes that have been cast.

The election shall be conducted by secret ballot and open vote-counting; the outcome of the election shall be announced on the spot. During the election, booths shall be installed for voters to write their ballots in private.

Where any villager participating in the election cannot vote due to absence may authorize in writing a close relative of his or hers who has the right to vote in the village to vote in his or her stead. Both the principals and agents shall be published by the villagers' electoral committee.

Specific electoral measures shall be formulated by the standing committees of the people's congresses of the provinces, autonomous regions and municipalities directly under the Central Government.

第十五条 选举村民委员会，由登记参加选举的村民直接提名候选人。村民提名候选人，应当从全体村民利益出发，推荐奉公守法、品行良好、公道正派、热心公益、具有一定文化水平和工作能力的村民为候选人。候选人的名额应当多于应选名额。村民选举委员会应当组织候选人与村民见面，由候选人介绍履行职责的设想，回答村民提出的问题。

选举村民委员会，有登记参加选举的村民过半数投票，选举有效；候选人获得参加投票的村民过半数的选票，始得当选。当选人数不足应选名额的，不足的名额另行选举。另行选举的，第一次投票未当选的人员得票多的为候选人，候选人以得票多的当选，但是所得票数不得少于已投选票总数的三分之一。

选举实行无记名投票、公开计票的方法，选举结果应当当场公布。选举时，应当设立秘密写票处。

登记参加选举的村民，选举期间外出不能参加投票的，可以书面委托本村有选举权的近亲属代为投票。村民选举委员会应当公布委托人和受委托人的名单。

具体选举办法由省、自治区、直辖市的人民代表大会常务委员会规定。

Article 16 A group of at least 1/5 of the villagers who have the right to elect or at least 1/3 of the villagers' representatives may propose the recall of a member of the villagers' committee. In the proposal, the reasons for recall shall be stated. The member of the villagers' committee proposed to be removed from office shall have the right to present a statement in his own defense.

A proposal for the recall of a member of the villagers' committee shall be adopted only if at least half of the villagers who have been registered for election cast their votes and at least half of voters vote for it.

第十六条 本村五分之一以上有选举权的村民或者三分之一以上的村民代表联名，可以提出罢免村民委员会成员的要求，并说明要求罢免的理由。被提出罢免的村民委员会成员

有权提出申辩意见。

罢免村民委员会成员，须有登记参加选举的村民过半数投票，并须经投票的村民过半数通过。

Article 17 If a person is elected as a member of a villagers' committee by violence, threatening, deceiving, bribing, forging ballots, falsely reporting the number of ballots or other illegitimate means, his/her election shall be invalidated.

If a person, by violence, threatening, deceiving, bribing, forging ballots, falsely reporting the number of ballots or any other illegitimate means, hinders villagers' exercise of the rights to elect and to stand for election and thus disrupts the election of a villagers' committee, villagers have the right to report against him to the people's congress and the people's government of the township, minority ethnic township or town, or to the standing committee of the people's congress and the people's government at the county level or the competent department thereof, and the people's government at the township or county level shall be responsible for investigating the matter and handling it in accordance with law.

第十七条 以暴力、威胁、欺骗、贿赂、伪造选票、虚报选举票数等不正当手段当选村民委员会成员的，当选无效。

对以暴力、威胁、欺骗、贿赂、伪造选票、虚报选举票数等不正当手段，妨害村民行使选举权、被选举权，破坏村民委员会选举的行为，村民有权向乡、民族乡、镇的人民代表大会和人民政府或者县级人民代表大会常务委员会和人民政府及其有关主管部门举报，由乡级或者县级人民政府负责调查并依法处理。

Article 18 The office of a member of a villagers' committee who loses the capacity of conduct or is sentenced shall be automatically terminated.

第十八条 村民委员会成员丧失行为能力或者被判处刑罚的，其职务自行终止。

Article 19 A by-election can be held by the villagers' assembly or the villagers' representatives' assembly if there is any vacancy in the villagers' committee. The by-election procedure shall be analogically governed by Article 15 of this Law. The term of office of a member elected in the by-election shall end along with the expiration of the term of the villagers' committee.

第十九条 村民委员会成员出缺，可以由村民会议或者村民代表会议进行补选。补选程序参照本法第十五条的规定办理。补选的村民委员会成员的任期到本届村民委员会任期届满时止。

Article 20 A villagers' committee shall finish the handover within 10 days after a new villagers' committee is formed. The handover shall be organized by the villagers' electoral committee and supervised by the people's government of the township, ethnic township or town concerned.

第二十条 村民委员会应当自新一届村民委员会产生之日起十日内完成工作移交。工作移交由村民选举委员会主持，由乡、民族乡、镇的人民政府监督。

#### Chapter IV Villagers' Assembly and Villagers' Representatives Assembly

#### 第四章 村民会议和村民代表会议

Article 21 A villagers' assembly is composed of villagers at or above the age of 18 in the village.

A villagers' assembly shall be convened by the villagers' committee. A villagers' assembly must be convened if it is proposed by 1/10 of villagers or 1/3 of villager representatives or more. Villagers shall be notified at least 10 days before a session of the villagers' assembly is held.

第二十一条 村民会议由本村十八周岁以上的村民组成。

村民会议由村民委员会召集。有十分之一以上的村民或者三分之一以上的村民代表提议，应当召集村民会议。召集村民会议，应当提前十天通知村民。

Article 22 A villagers' assembly shall be convened with the participation of at least half of the villagers at or above the age of 18 or at least 2/3 of households in the village, and every decision made by the villagers' assembly shall be adopted by a majority vote of the villagers present. If there are different provisions on the convening of villagers' assemblies and their decisions, such provisions shall apply.

If necessary, representatives of enterprises, institutions and mass organizations located in the village may be invited to observe the villagers' assembly.

第二十二条 召开村民会议，应当有本村十八周岁以上村民的过半数，或者本村三分之二以上的户的代表参加，村民会议所作决定应当经到会人员的过半数通过。法律对召开村民会议及作出决定另有规定的，依照其规定。

召开村民会议，根据需要可以邀请驻本村的企业、事业单位和群众组织派代表列席。

Article 23 A villagers' assembly shall review the annual work report of the villagers' committee, evaluate the performance of the members of the villagers' committee, and have the power to cancel or modify any inappropriate decision made by the villagers' committee or the villagers' representatives' assembly.

A villagers' assembly may authorize the villagers' representatives' assembly to review the annual work report of the villagers' committee, to evaluate the performance of the members of the villagers' committee and to cancel or modify any inappropriate decision made by the villagers' committee.

第二十三条 村民会议审议村民委员会的年度工作报告，评议村民委员会成员的工作；有权撤销或者变更村民委员会不适当的决定；有权撤销或者变更村民代表会议不适当的决定。

村民会议可以授权村民代表会议审议村民委员会的年度工作报告，评议村民委员会成员的工作，撤销或者变更村民委员会不适当的决定。

Article 24 The following matters that involve the interests of the villagers shall be dealt with only upon the villagers' assembly's decision through discussion:

1. The number of persons who enjoy subsidies for loss of working time in the village and the rates for such subsidies;
2. The use of proceeds from the collective economy of the village;
3. Proposals for developing public welfare undertakings, raising funds, gathering labor forces and contracting construction projects in the village;
4. Land contracting plans;
5. Proposals on the initiation and contracting of collective economy projects of the village;
6. Proposals on the use of residential land lots;
7. Proposals on the use and distribution of land-use compensation fees;
8. Disposal of the collective property of the village by lending, leasing or any other way; and

9. Other matters involving villagers' interests which the villagers' assembly believes should be decided by it through discussion.

A villagers' assembly may authorize the villagers' representatives' assembly to decide on the above-mentioned matters through discussion.

If there are different provisions on deciding on matters involving the property of the collective economic organizations or the interests of the members thereof through discussion, such provisions shall apply.

第二十四条 涉及村民利益的下列事项，经村民会议讨论决定方可办理：

- (一) 本村享受误工补贴的人员及补贴标准；
- (二) 从村集体经济所得收益的使用；
- (三) 本村公益事业的兴办和筹资筹劳方案及建设承包方案；
- (四) 土地承包经营方案；
- (五) 村集体经济项目的立项、承包方案；
- (六) 宅基地的使用方案；
- (七) 征地补偿费的使用、分配方案；
- (八) 以借贷、租赁或者其他方式处分村集体财产；
- (九) 村民会议认为应当由村民会议讨论决定的涉及村民利益的其他事项。

村民会议可以授权村民代表会议讨论决定前款规定的事项。

法律对讨论决定村集体经济组织财产和成员权益的事项另有规定的，依照其规定。

Article 25 A village with a larger population or with the inhabitants scattered here and there may set up a villagers' representatives' assembly to decide on matters through discussion upon the authorization the villagers' assembly. A villagers' representatives' assembly shall be composed of members of the villagers' committee and villagers' representatives. Villagers' representatives shall account for at least 4/5 of all persons composing of the villagers' representatives' assembly, and female representatives shall account at least 1/3 of all members of the villagers' representatives' assembly.

Villagers' representatives shall be elected by villagers on the principle that every 5 to 15 households recommending one representative, or be elected by the villagers' groups. The term of office for villagers' representatives is the same as that for the villagers' committee. Villagers' representatives may continue to hold office if reelected.

Villagers' representatives shall be responsible to the households or villagers' groups that recommend them and be subject to the supervision of villagers.

第二十五条 人数较多或者居住分散的村，可以设立村民代表会议，讨论决定村民会议授权的事项。村民代表会议由村民委员会成员和村民代表组成，村民代表应当占村民代表会议组成人员的五分之四以上，妇女村民代表应当占村民代表会议组成人员的三分之一以上。

村民代表由村民按每五户至十五户推选一人，或者由各村民小组推选若干人。村民代表的任期与村民委员会的任期相同。村民代表可以连选连任。

村民代表应当向其推选户或者村民小组负责，接受村民监督。

Article 26 A villagers' representatives' assembly shall be convened by the villagers' committee at least once every quarter. A villagers' representatives' assembly can be called by 1/5 of the villagers' representatives or more.

A villagers' representatives' assembly can be convened only with the participation of 2/3 of

persons composing of the villagers' representatives' assembly, or more, and every decision made by the villagers' assembly shall be adopted by a majority vote of the persons present at the assembly.

第二十六条 村民代表会议由村民委员会召集。村民代表会议每季度召开一次。有五分之一以上的村民代表提议，应当召集村民代表会议。

村民代表会议有三分之二以上的组成人员参加方可召开，所作决定应当经到会人员的过半数同意。

Article 27 A villagers' assembly may make and revise the villagers' charter of self-government, village regulations and folk conventions, and submit them to the people's government of the township, ethnic township or town for archival purposes.

The villagers' charter of self-government, village regulations, folk conventions and decisions made by the villagers' assembly or the villagers' representatives assembly may not conflict with the Constitution, laws, regulations and state policies and may not contain any information infringing upon the personal rights, democratic rights and lawful property rights of villagers.

If the villagers' charter of self-government, a village regulation or folk convention, or a decision made by the villagers' assembly or the villagers' representatives' assembly violates the preceding provision, the people's government of the township, ethnic township or town shall order it to correct.

第二十七条 村民会议可以制定和修改村民自治章程、村规民约，并报乡、民族乡、镇的人民政府备案。

村民自治章程、村规民约以及村民会议或者村民代表会议的决定不得与宪法、法律、法规和国家的政策相抵触，不得有侵犯村民的人身权利、民主权利和合法财产权利的内容。

村民自治章程、村规民约以及村民会议或者村民代表会议的决定违反前款规定的，由乡、民族乡、镇的人民政府责令改正。

Article 28 A villagers' group meeting can be convened only with the participation of at least 2/3 of villagers at or above the age of 18 or households of the villagers' group, and every decision shall be adopted by a majority vote of persons present at the meeting.

The leader of a villagers' group shall be elected at the villagers' group meeting. The term of office for the leader of a villagers' group is the same as that for a villagers' committee. The leader of a villagers' group may continue to hold office if reelected.

The operation and management of land, enterprises and other property owned collectively by a villagers' group and the handling of public welfare undertakings shall be decided by the villagers' group meeting through discussion under the relevant laws. Any decision it makes and the implementation thereof shall be disclosed to villagers of the group without delay.

第二十八条 召开村民小组会议，应当有本村民小组十八周岁以上的村民三分之二以上，或者本村民小组三分之二以上的户的代表参加，所作决定应当经到会人员的过半数同意。

村民小组组长由村民小组会议推选。村民小组组长任期与村民委员会的任期相同，可以连选连任。

属于村民小组的集体所有的土地、企业和其他财产的经营管理以及公益事项的处理，由村民小组会议依照有关法律的规定讨论决定，所作决定及实施情况应当及时向本村民小组的村民公布。

## Chapter V Democratic Management and Democratic Supervision

### 第五章 民主管理和民主监督

Article 29 Villagers' Committees shall adopt the democratic decision mechanism whereby the minority is subordinate to the majority, apply the principle of conducting work publicly and transparently, and establish and improve various kinds of working systems.

第二十九条 村民委员会应当实行少数服从多数的民主决策机制和公开透明的工作原则，建立健全各种工作制度。

Article 30 Villagers' committees shall apply the system of open administration of village affairs. A villagers' committee shall accept the supervision of villagers by disclosing the following matters without delay:

1. Matters decided through discussion by the villagers' assembly or the villagers' representatives assembly as prescribed in Article 23 or 24 of this Law, and implementation of the decisions;
2. Plans for implementing the state policy for family planning;
3. Management and use of funds and materials appropriated by the government or donated by the public for disaster relief or aid;
4. The villagers' committee's assistance to the government work; and
5. Other matters which involve the interests of villagers and are of general concern of villagers.

Among those as mentioned above, general matters shall be disclosed at least once every quarter; financial receipts and expenditures shall be disclosed at least once every month if collective financial transactions are frequent; and significant matters involving the interests of villagers shall be disclosed at any time when they occur.

A villagers' committee shall undertake the authenticity of the disclosed matters and accept the inquiry of villagers about such matters.

第三十条 村民委员会实行村务公开制度。

村民委员会应当及时公布下列事项，接受村民的监督：

（一）本法第二十三条、第二十四条规定的由村民会议、村民代表会议讨论决定的事项及其实施情况；

（二）国家计划生育政策的落实方案；

（三）政府拨付和接受社会捐赠的救灾救助、补贴补助等资金、物资的管理使用情况；

（四）村民委员会协助人民政府开展工作的情况；

（五）涉及本村村民利益，村民普遍关心的其他事项。

前款规定事项中，一般事项至少每季度公布一次；集体财务往来较多的，财务收支情况应当每月公布一次；涉及村民利益的重大事项应当随时公布。

村民委员会应当保证所公布事项的真实性，并接受村民的查询。

Article 31 Where a villagers' committee fails to disclose the relevant matters in time or discloses any false information, villagers have the right to report it to the people's government of the township, ethnic township or town or the people's government at the county level or the competent department thereof, which shall investigate and verify the report and order the villagers' committee to disclose the relevant information by law. Where any illegal act is verified as true, the liable person shall bear responsibility.

第三十一条 村民委员会不及时公布应当公布的事项或者公布的事项不真实的，村民

有权向乡、民族乡、镇的人民政府或者县级人民政府及其有关主管部门反映，有关人民政府或者主管部门应当负责调查核实，责令依法公布；经查证确有违法行为的，有关人员应当依法承担责任。

Article 32 A village shall set up a village affairs supervisory committee or a village affairs supervisory organ in any other form to be responsible for the financial management of villagers by democratic means and oversee the implementation of the village affairs disclosure system and other relevant systems. Members of such an organ shall be elected from villagers by the villagers' assembly or the villagers' representatives assembly and include persons with accounting and management expertise. Members of a villagers' committee and their near relatives may not be members of a village affairs supervisory organ. Members of a village affairs supervisory organ shall be responsible to the villagers' assembly or the villagers' representatives' assembly, and can observe the meetings of the villagers' committee.

第三十二条 村应当建立村务监督委员会或者其他形式的村务监督机构，负责村民民主理财，监督村务公开等制度的落实，其成员由村民会议或者村民代表会议在村民中推选产生，其中应有具备财会、管理知识的人员。村民委员会成员及其近亲属不得担任村务监督机构成员。村务监督机构成员向村民会议和村民代表会议负责，可以列席村民委员会会议。

Article 33 Members of a villagers' committee and employees whose subsidy for loss of working time should be collectively paid by villagers or the village shall be subject to the democratic appraisal of the villagers' assembly or the villagers' representatives' assembly on their performance of duties. Democratic appraisal shall be conducted at least once every year and hosted by the village affairs supervisory organ.

Where any member of a villagers' committee is consecutively determined as incompetent twice, his/her office shall be terminated.

第三十三条 村民委员会成员以及由村民或者村集体承担误工补贴的聘用人员，应当接受村民会议或者村民代表会议对其履行职责情况的民主评议。民主评议每年至少进行一次，由村务监督机构主持。

村民委员会成员连续两次被评议不称职的，其职务终止。

Article 34 Villagers' committees and village affairs supervisory organs shall set up village affairs files. Such files include: election documents and votes, minutes, land contract-issuing plans and contracts, economic contracts, collective financial accounts, collective assets registration documents, basic data about public welfare establishments, capital construction data, residential land lot plans, land-use compensation fee use and distribution plans, etc. Village affairs files shall be authentic, accurate, integrated and standard.

第三十四条 村民委员会和村务监督机构应当建立村务档案。村务档案包括：选举文件和选票，会议记录，土地发包方案和承包合同，经济合同，集体财务账目，集体资产登记文件，公益设施基本资料，基本建设资料，宅基地使用方案，征地补偿费使用及分配方案等。村务档案应当真实、准确、完整、规范。

Article 35 The incumbent members of a villagers' committee and those whose office expires shall be subject to economic responsibility audit. Matters subject to audit include:

1. The financial receipts and expenditures of the village;

2. The creditor's rights and debts of the village;
3. The management and use of funds and goods appropriated by the government and donated by the general public;
4. The management of the issuing of contracts on the production, operation and construction projects of the village and the bidding situations of public welfare establishment construction projects;
5. The management and use of funds, the contracting, lease, guarantee and assignment of collective assets or resources, and the use and distribution of land-use compensation fees in the village; and
6. Other matters that need to be audited upon the request of 1/5 or more of villagers.

The economic responsibility audit of incumbent members of a villagers' committee and those whose office expires shall be organized by the agricultural department or financial department of the people's government at the county level or the people's government of a township, ethnic township or town. The audit results shall be made public. In particular, the economic responsibility audit results of those who office expires shall be made public before the election of the next villagers' committee.

第三十五条 村民委员会成员实行任期和离任经济责任审计，审计包括下列事项：

- (一) 本村财务收支情况；
- (二) 本村债权债务情况；
- (三) 政府拨付和接受社会捐赠的资金、物资管理使用情况；
- (四) 本村生产经营和建设项目的发包管理以及公益事业建设项目招标投标情况；
- (五) 本村资金管理使用以及本村集体资产、资源的承包、租赁、担保、出让情况，征地补偿费的使用、分配情况；
- (六) 本村五分之一以上的村民要求审计的其他事项。

村民委员会成员的任期和离任经济责任审计，由县级人民政府农业部门、财政部门或者乡、民族乡、镇的人民政府负责组织，审计结果应当公布，其中离任经济责任审计结果应当在下一届村民委员会选举之前公布。

Article 36 Where a villagers' committee or any member thereof makes a decision infringing upon the legitimate rights and interests of any villager, the villager may apply to the people's court for rescinding the decision and subjecting the liable person to legal responsibility.

Where a villagers' committee fails to fulfill the statutory obligations pursuant to laws and regulations, the people's government of the township, ethnic township or town shall order it to correct.

Where the people's government of a township, ethnic township or town interferes with any of the affairs that lawfully fall within the scope of self-government by villagers, the people's government at the next higher level shall order it to correct.

第三十六条 村民委员会或者村民委员会成员作出的决定侵害村民合法权益的，受侵害的村民可以申请人民法院予以撤销，责任人依法承担法律责任。

村民委员会不依照法律、法规的规定履行法定义务的，由乡、民族乡、镇的人民政府责令改正。

乡、民族乡、镇的人民政府干预依法属于村民自治范围事项的，由上一级人民政府责令改正。

## Chapter VI Supplementary Provisions

### 第六章 附 则

Article 37 The people's governments shall provide the necessary conditions for villagers' committees to assist the government work. Expenses necessary for villagers' committees to accomplish the tasks assigned by the relevant departments of the people's governments shall be paid by the departments which assign the tasks.

Expenses needed by a villagers' committee for the public welfare undertaking of the village shall be provided by the villagers' assembly with the funds paid by the villagers or with the labor provided by the villagers. Where it is really difficult to cover such expenses, the local people's government may provide proper financial support.

第三十七条 人民政府对村民委员会协助政府开展工作应当提供必要的条件; 人民政府有关部门委托村民委员会开展工作需要经费的, 由委托部门承担。

村民委员会办理本村公益事业所需的经费, 由村民会议通过筹资筹劳解决; 经费确有困难的, 由地方人民政府给予适当支持。

Article 38 Government departments, public organizations, units of the armed forces, state-owned or state holding enterprises and institutions, and public institutions, which are located in the countryside, as well as their workers shall not join the villagers' committees, but shall participate in the community building of rural areas in various forms and abide by the relevant village regulations and folk constitutions.

When the villagers' committees, villagers' assemblies or villagers' representatives' assemblies of villages where these units are located discuss and deal with the problems in which they are involved, they shall consult with them.

第三十八条 驻在农村的机关、团体、部队、国有及国有控股企业、事业单位及其人员不参加村民委员会组织, 但应当通过多种形式参与农村社区建设, 并遵守有关村规民约。

村民委员会、村民会议或者村民代表会议讨论决定与前款规定的单位有关的事项, 应当与其协商。

Article 39 The local people's congresses at all levels and the standing committees of the local people's congresses at or above the county level shall guarantee the implementation of this Law within their administrative regions and guarantee villagers' exercise of their self-government right in accordance with law.

第三十九条 地方各级人民代表大会和县级以上地方各级人民代表大会常务委员会在本行政区域内保证本法的实施, 保障村民依法行使自治权利。

Article 40 The standing committees of the people's congresses of provinces, autonomous regions and municipalities directly under the Central Government may, in accordance with this Law and in light of the actual conditions in their respective administrative regions, formulate measures for the implementation of this Law.

第四十条 省、自治区、直辖市的人民代表大会常务委员会根据本法, 结合本行政区域的实际情况, 制定实施办法。

Article 41 This Law shall come into force on the date of promulgation.

第四十一条 本法自公布之日起施行。

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