

(a) When the qualifications of the labor force needed as submitted by the employer to the labor office are not justified by actual facts.

(b) When the employer does not abide by the procedure required to be carried out due to the hiring of workers.

(c) When the employer illegally rejects the staff sent by the labor office.

Article 10. In case of the following conditions, the employer may of his own accord hire workers to work for him without going through a labor office. He should, however, register these hirings with the competent labor office.

(a) When it is necessary to hire experts, managers and superintendents who will undertake political responsibility or fill posts that have something to do with the status of the employees.

(b) When the labor office cannot recruit the necessary staff for the employer within the period of time stipulated in the regulations governing labor offices from the date the application is received from the employer.

Article 11. All enterprises and organs and all employers shall submit, within the time limit stipulated by the Department of Labor, a report to the local department of labor in the prescribed manner on all workers in their employment.

Article 12. With regard to the hiring of labor force by employers and registration of people who seek for work in rural areas, the Department of Labor of the Central Government shall formulate, jointly with the All-China Federation of Labor, special regulations to handle these matters.

Chapter III. Working Hours

Article 13. The actual working hours of all hired workers who are engaged in all sorts of work shall normally not exceed 8 hours per day.

Article 14. The actual working hours of the following kinds of people shall not exceed 6 hours per day:

(a) Minors from 16 to 18 years of age;

(b) All those performing mental labor with the exception of those whose work has a direct bearing on manufacturing; and

(c) People working in the various branches of industry where work is detrimental to health or done beneath the earth's surface.

(Note) With regard to the various branches of industry where work is detrimental to health, the Department of Labor of the Central Government shall promulgate regulations governing them.

Article 15. The actual working hours of minors below 16 years of age shall not exceed 4 hours per day.

Article 16. With regard to the working hours stipulated in articles 13, 14 and 15, the Department of Labor of the Central Government may, after obtaining the concurrence of the All-China Federation of Labor, specify that several types of working personnel under special circumstances (e.g., responsible working personnel who are in charge of political work or attending conferences, workers who are working in producers' cooperatives or in other special circumstances) shall not be bound by the working hours stipulated above and formulate measures to deal with them separately.

Article 17. Working hours of all people who work at night should be shorter than the usual working hours during the day. However, under the conditions of continuous production or working in shifts, working hours at night should be the same as in the day, but wages for night work should be increased. (If wages pertain to the stipulations contained in Article 13, they should be increased by one-seventh of the wages for work done during the day. If wages pertain to the stipulations contained in Article 14, they should be increased by one-fifth.) In the case of people who are paid on a piecework basis, if their work is done at night, apart from the wages earned at the piece rate, they should receive an increase of either one-seventh or one-fifth.

(Note) What is called "night" in this article refers to the period from 2200 hours to 0600 hours the following day.

Article 18. Between the daily working hours there should be a rest from work from 1/2 to 1 hour to provide the time needed by the workers to eat and to rest. This break, however, should not be considered in figuring the working hours.

(Note) With regard to those workers in an industry which cannot suspend work, the Department of Labor of the Central Government shall formulate separately special measures to enforce such a break.

Article 19. Work done beyond the number of working hours prescribed by law (overtime work) shall be prohibited in accordance with universal fundamental principles. In case of necessity, however, overtime work may be performed after the concurrence of the workers and labor union and the sanction of the local department of labor are obtained.

(Note) If in an emergency (e.g., taking precautions against a public disaster or doing away with an obstacle in a project) it is necessary to do overtime work, and there is not enough time to obtain the concurrence of the labor union and the department of labor, the management should notify the labor inspector the following day in order to keep the record straight.

Article 20. Overtime work carried out on two consecutive days shall not exceed 4 hours altogether.

(Note). In agriculture and other seasonal work, when it is necessary to do overtime work beyond that stipulated in this article, the management may think about increasing the amount of such work after obtaining the concurrence of the workers and labor union and the sanction of the department of labor.

Article 21. With regard to delays in beginning work due to the fault of the management, the workers must not be made to work overtime so as to make up for lost time.

Chapter IV. Holidays

Article 22. All hired workers shall have at least 42 hours of rest without interruption in a week.

(Note) If in work there are special circumstances which make it impossible to allow the workers to take a rest by turns each week according to the usual procedure, they should be compensated for this with a number of days of rest within a proper period of time.

Article 23. Work shall uniformly be suspended on the following anniversaries and festivals:

- (a) 1 January New Year's Day
- (b) 7 February Anniversary of the Massacre of Peking-Hankow Railways Workers by Warlords
- (c) 18 March Paris Commune Anniversary
- (d) 1 May International Labor Day
- (e) 1 August Anti-Imperialist War Day and Birth of the Chinese Workers and Peasants' Red Army
- (g) 7 November October Revolution of the Soviet Union and Proclamation of the Founding of the Chinese Soviet Republic
- (h) 11 December Canton Uprising Anniversary
- (i) The department of labor at various levels, in consultation with local labor union councils, may, according to local conditions, stipulate local anniversaries and festivals as holidays, but these local holidays shall not exceed two per year.

Article 24. Wages shall be paid as usual for the weekly day of rest and the anniversaries and festivals stipulated in the preceding article when work is suspended. In case it is necessary to continue work on these days, the wage paid shall be double.

Article 25. The working hours shall not exceed 6 on the day before the weekly day of rest or any of the anniversaries and festivals stipulated in Article 23. The wage paid for that day shall be the same as that for a full working day. Wages paid monthly shall not be deducted.

Article 26. All hired workers who have worked continuously for more than 5-1/2 months shall have at least 2 weeks' leave each year with pay. Minors under 18 years of age and people who are employed in an industry where work is detrimental to health shall have at least 4 weeks of leave in a year with pay.

Article 27. Workers may select as they see fit the time to take the leave stipulated in Article 26. But this shall be limited by not obstructing the conduct of business in the enterprises and organs and the performance of chores in the households concerned.

Article 28. The leave granted an employee for illness or for childbirth shall not be counted in the leave stipulated in Article 26.

Chapter V. Wages (Remuneration of Labor)

Article 29. The amount which an employee gets as remuneration (wage) for selling his labor should be set down in a collective agreement or labor contract.

(Note) The term wages, as termed in this article, includes both the currency portion and goods portion (in case the employer supplies meals, clothing and natural goods to his employees).

Article 30. The wages of all hired workers shall not be lower than the minimum wages established by the local government, in accordance with the local living standard and grades of the workers in their occupations during the period in question.

Article 31. The wage scale of all hired workers shall be set forth at least once every 3 to 6 months by the Department of Labor of the local government.

Article 32. For extra work performed beyond the number of working hours prescribed by law, there should be extra pay. The amount of extra pay should be set down in the collective agreement or labor contract. However, pay for extra work performed in the first 2 hours should be increased by 50 percent of the regular pay and extra work performed in excess of 2 hours should be paid double.

Article 33. All females and minors should have equal pay if the work they perform is equal to that of male workers. Minors should perform the number of hours of work stipulated in Article 14 or Article 15, but they should still be paid a day's wages according to the wage scale in their respective occupations.

The method of figuring the wages of minor workers and the fixed amounts of wages shall be formulated by the Department of Labor of the Central Government in accordance with conditions in various enterprises and the nature of work.

Article 34. In case an employee is transferred to a job with different working hours, which pays a lower wage than originally, for 2 weeks from the date of transfer he should still be paid the same amount of wages as before.

Article 35. Wages for all long-term work should be paid by installments, but at the most every half month. Wages for temporary work or work that does not last more than 2 weeks should be paid when work is completed.

(Note) Wages calculated monthly, quarterly, or yearly are not subjected to the restriction of this article after the agreement of the employees and labor union is obtained.

Article 36. Wages shall be paid in the ordinary currency of the place in question, but with the concurrence of the employees, a part of their wages may be substituted by goods. The amount of goods that may be substituted for wages and the method of figuring the value of the goods shall be set down in the labor contract or collective agreement.

Article 37. Payment of wages should be made during working hours and at the place of work. Moreover, it should be delivered directly into the hands of the employee or a representative designated by him.

Article 38. If a fixed payday falls on a statutory holiday, wages due on the holiday should be paid before the holiday.

Article 39. The piece rate for work to be paid for on a piecework basis should be set forth in the collective agreement or labor contract. Moreover, the daily standard rate should be set down in accordance with customary production per day. The methods of fixing a piecework rate and paying it should also be laid down in the contract. Making use of the piecework method to deduct money from the wages due to a worker or squeeze money from him shall be prohibited.

Article 40. With regard to a standard of productivity, it shall be fixed by agreement between the management of an enterprise or organ or employer and the labor union. If employees, through their own fault, fail to attain

the standard of productivity under the proper working conditions, they may be paid wages according to their finished work, but these wages shall not be less than two-thirds of the originally fixed amounts of wages. If employees repeatedly fail to attain the standard of productivity, they may be released from their respective contracts according to paragraph 3, Article 12 of this Law.

(Note) The proper working conditions referred to in this article are as follows.

- (a) The machinery and its handling are all in good order.
- (b) Materials and tools needed in work are supplied on time and in sufficient quantities for use.
- (c) There are suitable facilities (e.g., lighting, temperature) in the place of work for health and physical movement.

Chapter VI. Labor of Women and Minors

Article 41. Women and persons under 18 years of age shall not be employed to work at jobs that are especially hard and cumbersome, detrimental to the health of the workers, or required to be performed in places beneath the surface of the earth. Places where women and minors are prohibited shall be promulgated by the Departments of Labor of the Central Government and various provinces.

Article 42. Women workers who are with child, or are nursing mothers, and persons under 18 years of age shall not be employed to perform night work.

Article 43. Women workers who perform manual labor are entitled to 8 weeks' leave of absence from work before and after childbirth. Women workers who perform mental labor are entitled to 6 weeks' leave of absence from work before and after childbirth.

(Note 1) In case employees are insured with the Social Insurance Bureau, wages due them during the leave period referred to in this article shall be paid by the Social Insurance Bureau.

Otherwise, they shall be paid by the employer.

(Note 2) In cases of miscarriage, women workers upon certification by a doctor are entitled to leave as for the sick.

Article 44. A woman employee, who has been with child for more than 5 months, shall not be sent to work in another place which will require her to leave her original place of residence, without her consent. Five months before her confinement she shall not be discharged by the employer. Barring the

conditions stipulated in paragraph 7, Article 102, she also shall not be discharged 9 months after confinement.

Article 45. During working hours, in addition to enjoying the usual rest period stipulated in Article 18 of this Law, a nursing mother should take 1/2 hour off every 3 hours to nurse her child. This time off should be counted toward her working time. Moreover, factories should set up nursery rooms and crib rooms and hire people to look after them.

Article 46. Employment of boys and girls under 14 years of age shall be prohibited. Employment of minors between 14 and 16 years of age shall be with the sanction of a labor inspection organ.

Chapter VII. Apprentices

Article 47. Apprentices are people who are learning all sorts of art, craft, or trade in a factory or workshop, under the guidance of a master craftsman, or in a technological school affiliated with a factory.

Article 48. The training period of an apprentice shall be fixed respectively by the Department of Labor of the Central Government in conjunction with the All-China Federation of Labor and Department of Education according to the nature of the trade in question, but the longest training period shall not exceed 3 years.

(Note) Supplementary decrees governing the protection of various kinds of apprentices shall be promulgated separately by the Department of Labor of the Central Government.

Article 49. No matter which class, apprentices shall not be compelled to undertake other kind of work or odd jobs that have nothing to do with the art or craft they are learning. Likewise, they shall not be compelled to observe ceremonial rules and usages of any kind of religion.

Article 50. An apprentice shall have at least 1 hour per day to devote himself to learning his art or craft.

Article 51. After learning his art or craft for 3 months, an apprentice shall be paid a suitable wage. Thereafter, this wage shall be increased in accordance with his training period and the standard of his productivity. The proportion of wages which an apprentice merits shall be fixed by the Department of Labor in conjunction with the All-China Federation of Labor.

Article 52. All organs, enterprises, business establishments and special instructors of apprentices shall, in accordance with the decrees promulgated by the Department of Labor, Department of Education and Department of the National Economy, be responsible for trying to sustain, protect and supervise apprentices below the required age as to whether their training is being

conducted properly or not. The abuse and maltreatment of apprentices shall be strictly prohibited.

(Note) Supervision of the training of apprentices and checking whether this training is proper or not shall be the responsibility of an organ of the department of labor in question.

Chapter VIII. Guarantees and Subsidies

Article 53. All workers and staff members who are selected as delegates to conferences convened by the soviet or labor union are entitled to draw their wages during the time that they attended such conferences.

Article 54. All workers and staff members who are summoned by a law court as witnesses, expert witnesses, or jurors are entitled to draw their wages if the time during which they perform the duties entrusted by the judiciary does not exceed 1 week.

Article 55. All workers and staff members who are conscripted for service in the Red Army or sent to serve in the soviet, labor union, or other social organizations, thereby losing their positions of employment, shall be given beforehand a subsidy equivalent to their respective wages for 1 month.

Article 56. In case of cancellation of labor contract for any of the causes set forth in clauses (a), (b) and (c) in Article 102, or the causes referred to in articles 93 and 94, or the causes referred to in Article 103, the employee in question shall be given a termination pay equivalent to his wages for 2 weeks.

Article 57. All enterprises shall guarantee that employees are entitled to make use at all times of the necessary tools and articles in the course of work and not demand payment for use from them. In case the employee's own tools are used because of the requirement of work, the employer should be responsible for compensating the employee if they are damaged. If the clothing of an employee is damaged due to work, the employer shall be responsible for compensating the employee for the loss of the clothing at its net cost.

(Note) This article is not applicable to short-term hired handicraft workers.

Article 58. The original positions of all workers and staff members who temporarily lost their ability to work shall be reserved for them. This is limited to 3 months for those who are sick and for those who are with child or in confinement, 3 months in addition to the leave set forth in Article 43.

Article 59. All organs and enterprises which suspended work in the interim and did not announce the cancellation of labor contracts shall pay wages to their employees as usual.

Article 60. If due to negligence on the part of an employee or noncompliance with the regulations of the factory or organ governing internal management, instruments, articles in use, manufactured goods, or materials were damaged as a result, money shall be deducted, with the concurrence of the factory committee of the labor union, from the wages of the employee to compensate for the loss, but the sum shall not exceed one-third of the monthly wages of the employee.

Article 61. Due to insufficiency of financial resources, wages owed by an employer to his workers and staff members under a collective agreement or labor contract shall have priority over all his other debts. The wages shall be paid as soon as possible.

Chapter IX. Protection for Workers

Article 62. Irrespective of type, no enterprise may open up or resume business or move its structures without the approval of a labor inspection organ.

Article 63. All enterprises and organs shall adopt proper equipment and installations to eliminate or reduce dangers to workers so as to prevent incidents from happening and maintain health within the work premises.

Article 64. All workers undertaking various kinds of work that is especially detrimental to health (e.g., working in temperatures which are not regulated, engaging in work which dampens or stains clothing) or having jobs in an enterprise that deals in poison shall be furnished by the owners with working clothes and various kinds of protective devices (e.g., goggles, face masks, respirators, soap), disinfectant and special foodstuffs (e.g., meat, milk, eggs). A physical examination of people working under conditions mentioned above should be conducted regularly.

Article 65. All presently valid decrees governing protection for workers shall be implemented under the supervision of the labor inspection organs affiliated to the Department of Labor of the Central Government. Labor inspectors shall be elected within a certain period of time in a meeting by the labor for sanction of the election. Special regulations governing the limits of the functions and powers of the labor inspection organs shall be promulgated by the Department of Labor of the Central Government.

Chapter X. Social Insurance

Article 66. Social insurance shall apply to all workers who are employed, whether in state, cooperative-owned, or private enterprises, business establishments, or household service and irrespective of the nature of their work and length of working hours and the form of payment of their wages.

Article 67. All enterprises, organs, business establishments and private employers, aside from paying wages to their workers and staff members, shall pay to the Social Insurance Bureau a sum equal to 5 to 20 percent of their respective total payrolls as social insurance fund. A proportional scale shall be set forth by order of the Department of Labor of the Central Government. The social insurance fund shall not be collected from the insured, nor shall it otherwise be deducted from the wages of the insured.

(Note) Social insurance funds are not to be expended for any purpose other than that of social insurance.

Article 68. Social insurance shall be implemented as follows.

(a) Free medical assistance.

(b) Workers who temporarily lose their ability to work (e.g.; in sickness, injuries, quarantine, pregnancy, childbirth, or having to take care of a sick member of the family) shall be given an allowance.

(c) Workers who lose their jobs shall receive an unemployment dole.

(d) Workers who retire because of complete disablement or old age shall receive a pension.

(e) In the event of childbirth, death, or a missing person, financial aid shall be given to the family of the worker.

Article 69. In case an insured worker temporarily loses his ability work, no matter for which of the reasons stated in paragraph 2, Article 68, he shall receive an allowance equal to the wages he drew from the enterprise or organ employing him from the day he loses his working ability until such time as he regains that ability or until his disablement is ascertained.

Article 70. In case a female worker loses her ability to work because of pregnancy or childbirth, she shall be paid her wages during her maternity leave as stipulated in Article 43 of this Law.

Article 71. A social insurance organ may, due to a shortage of funds, reduce to a certain extent the amount of allowance paid to workers who temporarily lose their ability to work.

Article 72. If, after childbirth, an insured female worker or the wife of an insured male worker lacks the ability to rear the child, she shall receive a one-time subsidy. Essential articles and expenses for bringing up the child in the first 10 months shall also be paid. However, the total amount of these payments shall not exceed 2 months' wages of the insured.

Article 73. In case of the death of an insured worker or a lineal dependent of an insured worker, a funeral benefit shall be paid. The amount shall be determined by the local social insurance organ, but it shall not exceed 1 month's wages of the insured.

Article 74. An insured worker who loses his job shall receive an unemployment allowance. A worker who belongs to a labor union, has been working for more than 6 months, and for whom his employer has been contributing to the social insurance fund, may get his unemployment, while a worker who belongs to no labor union, but has been working for more than 1 year and for whom his employer has been contributing to the social insurance fund may also receive unemployment. To receive unemployment, a worker shall first go to a labor office and register for an unemployment certificate. If he is a member of a labor union, he shall produce his membership card as proof. The length of time during which he is entitled to receive unemployment shall be limited according to local conditions and the situation of the social insurance fund.

(Note) Special measures governing the receiving of unemployment by coolies and pieceworkers shall be promulgated by the Department of Labor.

Article 75. Insured workers who are disabled partially or completely as a result of sickness or accident or who lose their ability to work because of old age shall be paid pensions after being investigated and certified by a special committee. The amount of pensions to be paid shall be determined by the degree and nature of disablement of the insured and the financial situation of his family.

Article 76. If an insured worker dies or is missing and, as a result, there is no way for his lineal dependents to make a living, a relief benefit shall be paid to the insured's lineal dependents after it has been investigated and certified by a special committee. The amount and form of relief benefit shall be determined by the local social insurance organ depending on the ages of the beneficiaries and their financial situation. However, only the following among the lineal dependents of the insured are entitled to the relief benefit stipulated in this article.

(a) Children and brothers and sisters of the insured who are under 16 years of age.

(b) Parents and spouse of the insured who have no working ability.

(c) The above-mentioned lineal dependents have the ability to work, but there are children of the insured who are under 8 years of age.

Article 77. Special regulations governing social insurance for agricultural workers, coolies, domestic workers and pieceworkers shall be formulated and enforced by the Department of Labor of the Central Government.

Article 78. Employers shall pay to the social insurance fund, but they shall not interfere with the administration of the social insurance organ or inquire about uses of the social insurance fund.

Chapter XI. Collective Agreement

Article 79. A collective agreement is a written contract concluded between a labor union representing workers and staff members, on the one hand, and an employer, on the other hand, to set forth the working conditions and terms of employment of each enterprise, organ, or business establishment in hiring workers. It also is used to determine the content of the labor contract to be entered into by the individual worker.

Article 80. The provisions of a collective agreement are applicable to the entire working personnel of the enterprise, organ, or business establishment in question, whether or not they are members of the labor union that is a party to the agreement.

(Note) The validity of a collective agreement shall not be as good as that of management who enjoys the rights of discharging and hiring workers.

Article 81. The term of a collective agreement concluded shall be stipulated by the Department of Labor of the Central Government jointly with the All-China Federation of Labor.

Article 82. The terms stipulated in a collective agreement are null and void in that they are worse than those stipulated in this Law and other presently valid decrees concerning labor.

Article 83. A collective agreement shall be in written form and be registered with an organ affiliated with the Department of Labor. The organ in question shall have the right to abrogate certain portions of the provisions in the agreement which it considers to be prejudicial to the workers or staff members in the light of presently valid labor decrees. The procedure of registration of a collective agreement shall be formulated by the Department of Labor of the Central Government.

(Note) In the event that an organ affiliated to the Department of Labor abrogates certain provisions of a collective agreement, registration of the rest of the agreement shall be granted if both parties announce their willingness to have it registered.

Article 84. A duly registered collective agreement shall come into force from the date of its signing by both parties or from the date stipulated in the agreement.

Article 85. In the event that an enterprise, organ, or business establishment comes under a new management, a duly registered collective agreement shall be valid as usual during the period of its validity.

(Note) In such a situation, either of the two parties to the agreement shall have the right to declare that the agreement be renegotiated. They must, however, give 2 weeks' advance notice to the other party. Until a new agreement is concluded, the agreement in question shall remain in force.

Article 86. In case a collective agreement has not been registered with an organ affiliated to the Department of Labor, no matter for what reason, any dispute concerning the agreement between the workers and the employer shall be settled not in accordance with the agreement in question but according to presently valid labor decrees.

Chapter XII. Labor Contract

Article 87. A labor contract is an agreement concluded between two or more persons. One party (the employee) furnishes his labor because he accepts remuneration from the other party (the employer). A labor contract may be concluded irrespective of whether there is a collective agreement or not.

Article 88. The terms of a labor contract are fixed by agreement of both parties after negotiations. However, in case the terms of the labor contract are worse than those stipulated in presently valid labor decrees and in the collective agreement and internal management regulations of the factory or organ in question or put restrictions on the political rights or civil rights of the workers, they shall be rendered null and void.

Article 89. Following the conclusion of a labor contract, the employee shall forthwith be given a workbook whose content shall be formulated by special order of the Department of Labor of the Central Government.

(Note) No workbook shall be given in case the labor contract is valid for a period of less than 1 week.

Article 90. In a labor contract a minor shall enjoy equal rights as an adult. However, in the event that continuation of the labor contract is harmful to the health of the minor, his parents and the organ responsible for supervising the enforcement of labor decrees and its personnel may demand cancellation of the contract even if it has not yet expired.

Article 91. Labor contracts are valid for periods that may be classified into three types:

- (a) A definite period of less than 1 year;
- (b) An indefinite period; and
- (c) The entire period of a construction project until its completion.

Article 92. An employee may not assign the work which he has undertaken to do to another employee without the approval of the employer. He is not, however, subject to the restriction of this Article under the following conditions.

(a) The labor contract is one in which the majority of the workers have jointly contracted for work; and

(b) The employee loses his ability to work and under the circumstances then existing he positively has no way to notify the employer.

Article 93. An employer must not ask an employee to do work other than that stipulated in the contract, work that endangers the life of the employee, or work that violates labor decrees.

An employer hires a worker for a certain type of work. In case for the time being such type of work is unavailable in that locality or there is no way to carry out that type of work, the employer may ask the employee to make a switch and undertake another type of work, which is similar in nature to the work he originally contracted for. Should the employee refuse the offer, the employer may cancel the contract but must pay him 2 weeks' wages as separation pay. If the employee is a pieceworker, the employer must pay him his wages for that day. If the employee is a monthly laborer, the employer must pay him 5 days' wages. In case of special necessity to avert danger or a public disaster, the employer may ask the employee to undertake work which is completely different in nature from the employee's trade.

In such a situation the employer must not reduce the employee's original wages. If wages for such temporary work are higher than the employee's original wages, he must be paid wages according to the higher rate.

Article 94. Before transferring an employee from organ A to organ B or from A place to B place, although sometimes the organ in question may move with him, it is necessary to obtain his consent. In case the employee does not agree, the labor contract involving him may be canceled unilaterally, but he must be paid 2 weeks' wages as separation pay.

Article 95. With regard to work of a long-term nature, there must be a suitable probationary period for an employee before a labor contract is concluded with him. The length of the probationary period, however, shall not exceed 6 days for an ordinary worker, 1/2 month for a staff member or technician and 1 month for a responsible official. The results of the probation should determine whether the work is to be hired permanently or not. In the event that he is not to be hired, he should be paid a remuneration according to the wage scale of the work done during the probationary period.

The results of the probation (whether to hire or not) should be reported to the local labor office. During their probationary periods all workers are still to be regarded as unemployed so that their names may be retained in their proper positions on the list of eligibles for job placement.

Article 96. Surreptitious dealings and exchange of information among employers in an attempt to fix the conditions of employment of labor force shall be prohibited without distinction.

Article 97. An employer or the management of an enterprise or organ shall be prohibited from imposing a fine on an employee apart from acting in accordance with special decrees or the internal management regulations of a factory or organ.

Article 98. A labor contract shall be rendered null and void in the event that

- (a) Both parties agree to abrogate the contract;
- (b) The contract expires;
- (c) Work as stipulated in the contract is completed; or
- (d) Either party declares the contract abrogated according to the provisions stipulated in Articles 93 and 94 of this Law.

Article 99. A labor contract shall not be abrogated in the event of a move or change of management of the enterprise or organ in question.

Article 100. In the event that the term of the labor contract has expired but labor relations are still being carried on and neither party to the contract has demanded its abrogation, the labor contract with its original conditions shall continue to be valid and the term of validity shall be indefinite.

Article 101. An employee may demand cancellation of a labor contract of an indefinite term at any time, but an ordinary worker should give 1 week's notice to the employer. A responsible official or technician, 2 weeks' notice.

Article 102. With the exception of the conditions stipulated in Articles 93 and 94, an employer may demand cancellation of a labor contract of an indefinite term or an unexpired labor contract of a definite term in the event that

- (a) Business is suspended or work is reduced wholly or partially in the enterprise, organ, or business establishment in question;
- (b) Work ceases for more than a month on account of insurmountable economic difficulties;
- (c) The employee is incapable of undertaking the work;
- (d) The employee does not discharge his responsibilities as stipulated in the contract or internal management regulations of the factory or organ without a good reason;
- (e) The employee commits a crime directly related to his work and is convicted in a law court, or imprisoned for more than 3 months;

(f) The employee absents himself from work without cause more than 5 days in succession or more than 7 days altogether in a month; and

(g) The employee who temporarily lost his work ability does not return to work after 3 months from the day or the woman employee who lost her working ability because of pregnancy or childbirth does not return to work after 3 months in addition to the maternity leave stipulated in Article 43 of this Law.

(Note 1) In the event that the employee whose labor contract is being cancelled is a member of the factory branch committee or a committee member of an organ, the concurrence of the labor union should be obtained before cancellation is carried out.

(Note 2) Cancellation of a labor contract in accordance with the conditions stipulated in Clauses (c) and (d) of this Article can be implemented only after the concurrence of the labor union is obtained.

(Note 3) In case a labor contract is cancelled for reasons stipulated in Clauses (a), (b) and (c), the employee shall be paid 2 weeks' wages as separation pay.

Article 103. Although a labor contract with a definite term has not expired, the employee may at his own initiative cancel it in accordance with the following conditions.

- (a) The employee is unable to receive on time the remuneration due him;
- (b) The employer acts contrary to the responsibilities he was charged with under the contract or violated labor laws and decrees;
- (c) The employee is treated unjustly by the employer or his manager of their family dependents;
- (d) Working conditions have become relatively bad; and
- (e) Other conditions prescribed under the law.

Article 104. Labor contracts, no matter what type, may be cancelled at the request of the labor union.

Article 105. All organs, enterprises and business establishments shall notify the branch committee of the labor union within 3 days of hiring new workers and staff members and do likewise 3 days before discharging workers and staff members.

Chapter XIII. Labor Unions and Their Organizations in Enterprises, Organs and Business Establishments

Article 106. Labor unions are organizations formed by uniting workers employed in enterprises, organs, business establishments and households. The All-China Federation of Labor is the general organ of the labor unions throughout the country. The organization of all kinds of labor unions shall be registered with the respective central councils of the industrial labor unions and the All-China Federation of Labor, in accordance with the regulations adopted by the All-China Congress of Labor Unions.

Article 107. All other unions which have not registered with the respective central organs of the industrial trade unions and the All-China Federation of Labor, according to the provisions of the preceding article, shall not be called labor unions and shall not enjoy what according to the law are the rights of a labor union.

Article 108. The rights of a labor union and branches affiliated to it are

- (a) To declare and lead a strike;
- (b) To represent workers and staff members in signing contracts with the managements of enterprises and organs and private employers;
- (c) To publish newspapers and periodicals, establish schools, libraries and clubs and buy and manage property;
- (d) To help labor inspection organs to supervise various enterprises, organs and business establishments in the carrying out of the Labor Law and all other labor decrees;
- (e) To set up special organs in private enterprises to supervise production;
- (f) To take part in enterprise management in state-owned enterprises; and
- (g) To propose various labor decrees to the soviet government for promulgation and to nominate and elect staff members of various organs affiliated to the Department of Labor.

Article 109. Labor unions may enjoy all kinds of material assistance from the soviet government. They may also enjoy various privileges under the preferential treatment regulations of the postal service, telegraph service, telephone service, municipal public utilities supplying electricity, water and streetcar transportation, railway and shipping.

Article 110. Branch committees of a labor union in military organs shall be organized according to the special regulations formulated by the Department of Labor of the Central Government jointly with the Revolutionary Military Affairs Committee and All-China Federation of Labor.

Article 111. The managements or employers of various organs, enterprises and business establishments shall in no way interfere with the action of all

organs of the labor union. Under ordinary conditions, however, the convening of a meeting or congress of the workers and staff members in the organs, enterprises and business establishments shall be done outside working hours. But the sending of delegates to attend meetings of the soviet or representative meetings of a labor union at a higher level still should be done during working hours.

Article 112. In addition to paying wages to their workers and staff members, various organs, enterprises and business establishments shall make allocations equal to 2 percent of the total payroll as labor union funds and another 1 percent as cultural and educational funds of the labor unions.

Article 113. Committee members at different levels of a labor union, when provided with credentials issued by their respective committees, shall have the right to inspect freely any and all work places within the various organs, enterprises and business establishments.

Chapter XIV. Management Regulations

Article 114. In an enterprise or organ or a business establishment with a working personnel of 5 persons or more, internal management regulations shall be formulated for the purpose of regulating work order internally. After finalization in accordance with the procedure prescribed by law (Articles 116 and 118), the regulations shall be made known to the working personnel and then, and only then, shall come into force.

Article 115. In the internal management regulations stated in the preceding article, the ordinary and special responsibilities of workers and managerial personnel as well as the extent of responsibility to be borne for any violation of the regulations and the procedure of shouldering responsibility shall be defined clearly and in detail.

Article 116. The internal management regulations shall not contradict various current decrees and orders concerning labor as well as presently valid collective agreements of the enterprise, organs, or business establishment in question.

Article 117. A standard set of internal management regulations shall be formulated by the Department of Labor of the Central Government jointly with the All-China Federation of Labor and the Department of the National Economy. Prior to drawing up their own internal management regulations or before these management regulations are approved (Article 118), various enterprises, organs and business establishments shall observe the standard set of management regulations stated in this article.

Article 118. All internal management regulations of various enterprises, organs and business establishments, after they have been established in agreement by the respective managements and local labor unions, shall be submitted for sanction to an organ affiliated to the Department of Labor.

Chapter XV. Organs for Settling Disputes and Handling Cases of Violation of the Labor Law

Article 119. All cases of violation of the Labor Law and other decrees concerning the labor problem and of collective agreements shall be dealt with in a labor court.

Article 120. In the event of disputes or conflicts arising from all sorts of questions of working conditions between employees and managements or owners of organs, enterprises and business establishments, labor departments at different levels may, with the concurrence of the parties concerned, conduct mediation or arbitration. When a big dispute arises, however, labor departments at different levels may engage in arbitration even without the concurrence of the parties concerned.

Article 121. In a state-owned enterprise, state organ, or cooperative enterprise, a wage disputation committee may be formed with an equal number of representatives from the management and the factory workshop branch committee of the labor union participating. Its functions are

- (a) To determine the merited wages of workers and staff members of the enterprises or organ in question;
- (b) To settle disputes arising from the carrying out of labor decrees and collective agreements between the management and workers and staff members; and
- (c) The decisions of the wage disputation committee shall be made by mutual agreement of the two parties. Cases that cannot be settled by the committee shall be submitted to an organ affiliated to the Department of Labor or a labor court for disposal.

Mao Tse-tung, Chairman of the Central
Executive Committees of the Soviet
Republic of China

Hsiang Ying, Vice Chairman

Chang Kuo-t'ao, Vice Chairman

15 October 1933

° "Soviet Law," No 2

7682

CSO: 4005

REGULATIONS GOVERNING PUNISHMENTS FOR VIOLATING LABOR LAW

Promulgated by Central Executive Committee

15 October 1933

[Text] Article 1. These Regulations are promulgated specially for the purpose of making known punishments on employers (private, state, or cooperative-owned) who violate the Labor Law. All acts of violation of the Labor Law shall be punished according to these Regulations.

Article 2. All employers who violate the provisions in each chapter of the Labor Law shall be punished respectively as follows:

(a) In an enterprise or organ with less than three hired workers, the employer who violates the Labor Law shall be fined not less than 3 silver dollars or sentenced to no less than 3 days' compulsory labor or imprisonment.

(b) In an enterprise or organ with more than three but less than seven hired workers, in case that the employer's violation of the Law concerns only a small portion of the hired workers, he shall be fined not less than 10 silver dollars or sentenced to not less than 10 days' compulsory labor or imprisonment. In case that the employer's violation of the Law concerns the majority or all of the hired workers, he shall be fined not less than 20 silver dollars or sentenced to not less than 2 weeks' compulsory labor or imprisonment.

(c) In an enterprise or organ with seven hired workers or more, in case that the employer's violation of the Law concerns only the minority of the hired workers, he shall be sentenced to not less than 1 month's compulsory labor or imprisonment or fined not less than 30 silver dollars.

In case that the employer's violation of the Law concerns the majority or all of the hired workers, he shall be sentenced to no less than 3 months' imprisonment or fined not less than 100 silver dollars.

Article 3. All employers who violate presently valid decrees concerning the labor problem shall be punished in accordance with the various provisions in Article 2 of these Regulations, depending on the degree of their respective violations of the Law and the number of employees affected.

Article 4. In the event that a private employer or the manager of a state or cooperative-owned enterprise violates the collective agreement concluded with a labor union and that collective agreement has been registered with the local labor department, he shall be judged as having violated the Labor Law and punished according to the provisions in Article 2 of these Regulations.

Article 5. All employers who interfere with the lawful acts of the responsible officials of a labor union or an organ at any level or their representatives or obstruct them in exercising their functions and powers shall be sentenced to not less than 3 days' compulsory labor or imprisonment or fined not less than 3 silver dollars, depending on the degree of the offense.

Article 6. All employers who use intimidation or bribery to deter workers or staff members from joining a labor union in an attempt to achieve the purpose of violating the Labor Law or collective agreement shall be sentenced to not less than 5 days' compulsory labor or imprisonment or fined not less than 5 silver dollars, depending on the degree of the offense.

Article 7. All cases involving violations of the Labor Law or other presently valid decrees concerning the labor problem and of collective agreements shall be dealt with in labor courts according to the fundamental principles of these Regulations.

Article 8. In the event of violations of the Labor Law or collective agreements occurring in state-owned or cooperative-run enterprises, these violations may be settled by a special committee organized by the Department of Labor, Department of the National Economy, and the labor union concerned. In case that these violations cannot be settled by the special committee, they shall be turned over to a labor court, which shall render judgment on them according to the fundamental principles contained in articles 2, 3 and 4 of these Regulations and carry out this judgment arbitrarily.

Article 9. With reference to middle and poor peasants, handicraft workers and small boat owners who employ other people's labor to make up their own deficiency of labor, they should not be punished in a mechanical way according to the provisions in articles 2, 3 and 4 of these Regulations in case that they, with the concurrence of the workers and their labor union, do not comply with the provisions of the labor decrees.

Article 10. These Regulations may be amended or abrogated by the Central Executive Committee at any time.

Mao Tse-tung, Chairman of the Central
Executive Committee of the Soviet Republic
of China

Hsiang Ying, Vice Chairman

Chang Kuo-t'ao, Vice Chairman

15 October 1933

° "Soviet Law," No 2

7682
CSO: 4005

EMERGENCY MOBILIZATION ORDER ISSUED BY THE CENTRAL GOVERNMENT FOR SMASHING
THE FIFTH 'ENCIRCLEMENT AND SUPPRESSION CAMPAIGN'

18 October 1933

[Text] The large-scale decisive battle to smash the fifth "encirclement and suppression" of the enemy has begun! We are striving for an even greater victory!

After sustaining an initial serious blow to its large-scale invasion in Ch'ing-liu, Lien-ch'eng, Yang k'ou, Wu-chiang and Li-ch'uan, the imperialist Kuomintang is frantically waging a desperate attack. This engagement is a crucial moment in the decisive battle between the two roads of sovietism and colonialism!

To mobilize all our strength and fight for a way out for the Soviet and to strive for our complete victory in this decisive battle are the crucial tasks of the Soviet regime at present. The result of an inspection by the Central Government of the work of the soviets at different levels, however, revealed that many local governments displayed an attitude of extreme unconcern toward war mobilization. Manifestations of enthusiasm for enlarging the Red Army, enlarging and training regional armed forces and mobilizing transport teams to go to the front recently were utterly lacking in many places. People in many places did not link all kinds of work--land investigation campaign, economic development, cultural and educational work and sovietization--closely with the mobilization for revolutionary war so as to really rally the masses and lead them to struggle for the sake of complete victory in smashing the fifth "encirclement and suppression."

Because a number of local governments adopted an attitude of unconcern, even negligence, toward war mobilization, the following serious incidents came about recently. On the northern front a small unit of the enemy dared to penetrate deeply into the Yung-feng and Pei-k'eng soviet area and raided the district government, and on the southern front enemy scouts infiltrated into the vicinity of Yun-men-ts'en in search of military intelligence. Yet our district and township governments were completely unaware beforehand. In Fukien Province, this July, preparations to fight for victory at Lien-ch'eng in coordination with the Red Army were utterly insufficient and efforts made

after victory to win over the new area of Lien-ch'ing-kuei were extremely slow. In Fukien and Kiangsi provinces, more than 300 rifles were unexpectedly intercepted and seized by the enemy recently.

At the front there are not enough coolies to move the large quantities of war booty and recently a great deal of rifles taken from the enemy at Li-ch'uan had to be moved entirely by fighters of the Red Army. For the people in these places to adopt such an attitude of unconcern and negligence toward maintaining vigilance against the enemy and toward war mobilization is virtually to commit a crime against the Revolution! This is a phenomenon that cannot go on for even a short time longer! It should be rectified at once.

Beginning with the date of receipt of this order, the governments at different levels should promptly carry out the following kinds of work:

1. Provincial, county, district, township governments and all units of the Red Army should forthwith convene all kinds of meetings, and particularly at election meetings of the soviets, to explain in detail the tense present situation in the Revolutionary war and to use all their strength to proceed with mobilization for war. Likewise, all kinds of mass organizations should convoke meetings to report on the war situation and their own roles so as to be certain that every worker and every peasant in the Soviet Area will understand the significance of this most important battle to smash the fifth "encirclement and suppression" and come forward enthusiastically to carry out the work for participation in the war.
2. Bearing in mind the experience gained and lesson learned in our smashing of the fourth "encirclement and suppression" the government at different levels must fulfill the plan of the Central Revolutionary Military Affairs Committee to enlarge the Red Army and enthusiastically rally whole battalions and whole companies of the Red Guards and Young Pioneers to join the Red Army before the decisive battle to smash the fifth "encirclement and suppression." At the same time, they must separately rally large numbers of brave activists to join the Red Army. They should carry on the experience of the Red month of May and perpetuate the splendor of the Red month of May to enlarge the Red Army sharply. At the same time, they should apply the experience of Hsing-kuo County's rejoin-one's-regiment campaign and make all deserters return to the army.
3. The governments at different levels must rally citizens between the ages of 18 and 40 to join the Red Guards of their own free will in large number and the broad masses of workers and peasants to join the Young Pioneers. They should revive and expand model Red Guards battalions and model Young Pioneers organizations, send them down regularly for drilling and step up their military and political training. Where no model Red Guards battalions and model Young Pioneers exist, they should be established in the shortest possible time. Under a unified plan of operations (to be decided by military organs), they should rally the Red Guards and Young Pioneers to engage

in battle in coordination with the Red Army. Under the orders of the Military Affairs Committee, all guerrilla units must thrust deeply into the rear of the enemy in order to pin down enemy forces and then attack them.

4. The governments at different levels must assure the supply of materials to the Red Army. Every single item of economic development should be linked closely with the war. They must also rally the broad masses to complete selling of economic development work before the end of December and begin levying the land tax in November and be through with it within 2 months. The governments at different levels must intensify the work of fund raising and particularly in the new areas and border areas. The equalization bureau and trade bureau of the governments at different levels must use all their strength to insure the supplies of the Red Army so that the difficulties of the spring-summer period this year in procuring staple foods for the Red Army will not arise again and affect its movement. It is imperative that the worker-peasant masses be mobilized to stand ready to render economic aid to the Red Army at all times.

5. The governments at different levels should, in accordance with the Voluntary Labor Law promulgated by the Central Government, mobilize the broad masses to take up transport work. Every member of the Red Guards should have a carrying pole and a bedspread, and five of them should together have a stretcher. As soon as they hear a command from the government, they will be able to assemble immediately to undertake transport work and help to attack the enemy. And when the route of communication is damaged, they must immediately make repairs so as to facilitate the movement of the Red Army.

6. The governments at different levels must especially step up the work of suppressing counterrevolutionaries and enforcing the Red state of siege. Counterrevolutionary cases should be rapidly resolved within a few weeks and escape of prisoners should be done away with. Sentry posts must be set up so as to tighten up the inspection of safe conduct passes. In the border areas, it is even more essential to guard against any surprise attack by enemy plainclothes corps. The necessary alarm signal should be set up according to the orders of the Military Affairs Committee.

7. The governments at different levels must pay attention to work in the border areas and new areas and transfer the most capable cadres there to work. In the new areas occupied by the Red Army, they should immediately strive to establish provisional regimes, distribute land, build up regional armed forces and bring into existence various mass revolutionary organizations.

8. The departments of worker-peasant prosecutors at different levels must step up the prosecution of passive and bureaucratic elements who are sabotaging the work of war mobilization. The departments of labor and the departments of education at different levels, in enforcing the Labor Law and carrying out cultural and educational work respectively, should link up their functions closely with the work of war mobilization.

All sovietization work should be subordinate to the war!

In the great and difficult battle immediately before us, it is necessary to deal a severe blow to alarm and to retreat and escape. At the same time, it is necessary to oppose resolutely all suggestions of taking enemy attacks lightly and relaxation our efforts in mobilization work. It is imperative that we make a supreme effort to tighten up all our work and plunge into propaganda and agitation to mobilize the broad masses of workers and peasants, concentrate all our strength, prepare to make all sacrifices, and fight for total victory in smashing the fifth "encirclement and suppression campaign": Fight for Soviet new China!

The governments at different levels must conduct the most detailed report and discussion of this order and the 5 October order of the Military Affairs Committee at various meetings and draw up the most concrete measures to implement these orders. Stern administrative punishments should be meted out immediately to those who are either passive or remiss in implementing these orders. Such is the order!

Mao Tse-tung, Chairman of the Central
Executive Committees of the Soviet
Republic of China

Hsiang Ying, Vice Chairman

Chang Kuo-t'ao, Vice Chairman

18 October 1933

° "Red China," No 123, 2 November 1933

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CSO: 4005

WORK REPORT OF THE PROVISIONAL CENTRAL GOVERNMENT OF THE CHINESE SOVIET
REPUBLIC TO THE ELECTORATE ON THE SECOND ANNIVERSARY OF ITS ESTABLISHMENT

24 October 1933

[Text] Comrades of the Electorate!

Today is the second anniversary of the Provisional Central Government of the Chinese Soviet Republic since its establishment. Last year this day we delivered a simple work report to you comrades. On this second anniversary we ought to report briefly to you on the process of work in the past year. We hope to receive your views about our work in the past and your suggestions regarding administrative guidelines for the future.

Comrades, under the correct leadership of the Chinese Communist Party and with the initiative of the broad masses of workers, peasants and toiling people as well as the courageous struggle of the worker-peasant Red Army, the Provisional Central Government is moving forward victorious on all fronts. The situation today is vastly different from that of a year ago. Below we discuss these developments separately:

I. Victory in the Revolutionary War and Expansion and Strengthening of the Red Army

In the past year the central task in the revolutionary war was the smashing of the four "encirclements and suppressions" of the enemy. This war resulted in our complete victory in the various soviet areas throughout the country. According to incomplete statistics, during the past year upward of 100,000 troops of the White army were liquidated and an equal number of rifles were seized. Statistics for the period from January to June show that altogether 41 regiments, 6 battalions and 10 companies of the White army were wiped out; 8 divisions, 33 regiments, 19 battalions and 9 companies were routed; over 31,700 rifles and 1,000 machine guns and automatic rifles were captured; 20 divisional, brigade and regimental commanders were taken prisoner; 2 divisional commanders were killed, and innumerable commanders from brigade commanders down were either killed or wounded.

Because of our magnificent victories, the rule of the imperialist Kuomintang began wavering to a considerable degree. They had to organize five "encirclement and suppression" campaigns to make desperate attacks against us. We, relying on the Party's line on attack and on the bravery of the Red Army and enthusiastic support of the worker-peasant masses in both soviet and White areas, dealt a telling blow to the enemy right from the beginning in all five of their "encirclement and suppression" campaigns. In the battles of Lien-ch'eng, Yang-k'ou, Wu-chiang and more recently Li-ch'uan, we won a victory and seized over 8,000 rifles. In the past year, due to the fact that the worker-peasant masses courageously came forward to join the Red Army, the Red Army has grown to twice its size of last year, and fighting heroically in many a bloody battle it has forged itself into a strong and invincible revolutionary army of iron. The Red Guards, Young Pioneers and guerrilla units in various places have also been strengthened. Under the leadership of the Soviet government, the worker-peasant masses and the Red Army have smashed the enemy's "encirclement and suppression" campaigns with revolutionary war. This is the core of our revolutionary tasks. Therefore, all our work and our livelihood are, therefore, subordinate to the revolutionary war. To strive for victory in the war is the primary duty of every worker or peasant comrade in the soviet areas.

II. Sharp Expansion and Further Consolidation of the Soviet Areas

Since last year the Northeast Region of the Central Soviet Area has sovietized the six counties of Chien-ning, T'ai-ning, Li-ch'uan, Kuang-tse, Tzu-ch'i and Chin-ch'i to form an area contiguous to the Fukien-Chekiang-Kiangsi Soviet Area and there the new Fukien-Kiangsi Province has been established. The recent victory scored by the East Region army has placed a large area from the border between Lung-yen and Hsin-ch'uan in Fukien Province through Lien-ch'eng, Ch'ing-liu and Kuei-hua to the vicinity of Yen-p'ing in northern Fukien within the territorial limits of the Soviet. In the course of smashing the enemy's fourth "encirclement and suppression" campaign, Kiangsi Province added portions of territory, totaling several hundred square li in area, to each of the six counties of Nan-feng, I-huang, Ch'ung-jen, Lo-an, Yung-feng and Hsin-kan. As to soviet territory beyond the Central Soviet Area, such as the Fukien-Chekiang-Kiangsi, Hunan-Kiangsi, Hunan-Hupei-Kiangsi, Hunan-Western Hupei and Hupei-Honan-Anhwei soviet areas, although there were small portions of territory which were temporarily occupied by the enemy, some were recovered shortly after and some even made new progress. Making especially rapid progress on a broad front was the newly created soviet area in the northern part of Szechwan Province. Owing to the heroic struggle of the Red Fourth Front Army there, in less than a year they have sovietized more than 10 counties and called on the worker-peasant toiling masses and soldiers of the White army in the entire province of Szechwan to lean toward soviet revolution. Elsewhere, in the provinces of Shensi, Honan, Hopeh, Kiangsu, Kwangtung and Kwangsi, there is in existence either a soviet area or a guerrilla area of ours. In the Northeast Provinces, the broad masses of anti-Japanese volunteer army forces are continuing to fight stubbornly against Japanese imperialism.

The soviet areas have not only grown, but also have been more consolidated. For example, previous manifestations of shoddy implementation of the class line have, by and large, been rectified. As a result of the realistic implementation of the Labor Law and promulgation of a new Labor Law, the economic life of the worker masses has been improved still more, the enthusiasm of the workers in participating in the revolutionary war and soviet construction has been raised further and the class unions of the workers have been organized widely and have grown and progressed. The extensive unfolding of the inspection of fields campaign has dealt the greatest blow to remnant feudalist influences in the soviet areas, heightened to an enormous degree the revolutionary potentialities of the toiling masses in rural areas and promoted poor peasants' groups far and wide. By relying on the development of the initiative of the worker-peasant masses, we have attracted a great number of new worker-peasant cadres to participating in soviet work and got rid of many of the bad elements hidden in the soviets. The leadership style and working style in the soviets have been improved further and the soviets are now linked even more closely with the masses. This year the administrative area of a soviet has been reduced in size. This move enables the soviet to come even closer in the system to the masses. In the light of experience gained in past soviet election campaigns and soviet work, the Central Government promulgated a new Election Law and Organic Law of Local Soviets, making it possible for this year's election campaign to be unfolded even more correctly and for local soviets to be organized even better. All this has made the soviet a government in which the masses truly manage their own affairs. It has made this government meet the needs of the revolutionary war to become an organizer as well as a leader of the revolutionary war.

Because of splendid victories of the Red Army and the development and consolidation of the soviet areas, on the one hand, and, on the other, the total capitulation of the Kuomintang government to imperialism as a result of the occupation of the Northeast Provinces, Jehol Province and North China by Japanese imperialism and the economic catastrophe in the Kuomintang areas, the broad masses of workers, peasants and toiling people, revolutionary soldiers and revolutionary students in the Kuomintang areas have been aroused and oppose as one Japanese imperialism and all imperialists, the Kuomintang government and landlords and capitalists. Revolutionary struggles are unfolding in vast areas throughout the country. The exploited and oppressed masses in the whole of China enthusiastically support the Soviet and the Red Army because the Soviet and the Red Army are the only government and military forces fighting for national freedom and independence and only the Soviet and the Red Army can save China.

III. Soviet Economic Construction and Cultural Construction

The bitter and protracted civil war demands that the Soviet pay maximum attention to undertakings for the development of the economy. Concerning work in this respect, the Soviet is making great effort to carry it out. Here the primary task is to develop agricultural production. Thanks to the correct leadership of the Soviet and the heightening of the enthusiasm of

the broad masses of toiling people during spring cultivation and summer cultivation, the autumn harvest this year on the average increased one and a half times over last year. The yield of miscellaneous grain crops registered an even bigger increase. Cattle for plowing cooperatives and labor mutual aid societies have been established in a number of places.

There is only one kind of development which can insure the supplies of the Red Army and the masses and guarantee the exchange with the outside for industrial products, and that is a development that depends on agricultural production. The development of industrial production is our second task in economic construction. The production of farm implements and lime here is closely linked with the development of agricultural production. The supply of a number of handicraft products for daily use depends upon our own production in the soviet areas. In the past, cigarettes, paper, lumber, grass cloth, wolfram and camphor were produced and exported in large quantities, but later they went into a decline. Since the beginning of the year, the Soviet has been planning to restore these industries and in some of them we have achieved initial success. To develop an export and import trade is our third task in economic construction. This year the government established the bureau of foreign trade, which has begun to work along this line. For the purpose of carrying out the above-mentioned tasks, we must develop cooperatives. Since the Central Government got down to promoting the cooperative movement, consumers' cooperatives and foodstuffs cooperatives have been spreading like a storm in various places. The development of all kinds of producers' cooperatives is also being planned, while the planning of credit cooperatives has just begun. Economic construction bonds floated by the Central Government in order to launch economic construction are winning the support of the masses. Bonds issued so far have exceeded 3 million yuan. In all likelihood, the sum of 5 million yuan can be realized. The development of the economic construction will certainly provide the revolutionary war with a solid material basis and bring about further improvement in the livelihood of the broad masses of workers and peasants. Comrades, let us work hard together!

The revolutionary war and soviet construction demand that we generally raise the cultural level of the worker-peasant masses in the soviet areas. Only under the Soviet regime are the worker-peasant masses able to enjoy the right to get an education. In the past year, the Soviet has begun to get cultural and educational enterprises under way. Primary schools, night schools, literacy movements and club campaigns have begun in various places. The establishment of Marxism-Communism University, Soviet University and Red Army University and the development of the worker-peasant theatrical group and blue-gown group movements, all show that the Soviet cultural construction undertakings have entered the stage of expansion. Recently, the Central Government has proclaimed Marxism-Communism to be the fundamental guideline of Soviet culture and education. The Central Government is formulating a system of primary education and promulgating concrete measures to carry out social education. To enable the laboring people in the soviet areas to acquire an education and to unfold a struggle on the cultural front have become an important portion of our task in Soviet construction.

Comrades of the electorate, in the foregoing paragraphs we have briefly reported on the situation of the development of the Revolution and on our progress and achievements in Soviet work. Now, we want to point out to you comrades our deficiencies in Soviet work in the past and our tasks in the work from now on. You, comrades of the electorate, must, under the correct leadership of the Soviet, make every effort to substantiate these deficiencies and realize these tasks before we can fight for the complete smashing of the fifth "encirclement and suppression" campaign and the victory of the Soviet throughout the country. What are our tasks? Where do our deficiencies lie?

First, expansion of the Red Army. Comrades, although the Red Army has been enlarged, it is still not large enough. To defeat the vast forces of the white army in the fifth "encirclement and suppression" campaign, it is still necessary to expand the Red Army. Every brave worker and every brave peasant ought to go to the front on their own initiative. For the sake of coordinating with the Red Army in fighting the enemy and defending their own localities at the same time, it is imperative that the Red Guards and Young Pioneers be expanded considerably and model Red Guards battalions and model Young Pioneers be increased in number. The work of putting out sentries to check safe-conducts must be tightened so as not to allow even one enemy scout to sneak into a soviet area under cover. Transport teams must stand ready from time to time to go to the front to carry the wounded or move the spoils of war.

Second, work in new soviet areas should be unfolded even more rapidly. Although in the past year we developed many new soviet areas, we still feel it is a little bit slow. One reason for this is that we in the central area have not sent enough worker-peasant activist comrades to work in the new soviet areas. In order to expand the new soviet areas even more drastically in the fighting to smash the "encirclement and suppression" campaign, comrades in the central area should be delighted to go to work in the new soviet areas and comrades in the new soviet areas should redouble their efforts in performing their work.

Third, although we made great achievements in Soviet construction in the past year, there is still much work that remains to be done. First of all, to protect the usual interests of the worker we must enforce the Labor Law even more generally and correctly. Next, the land investigation movement. We must make all possible efforts to launch movement and check up on classes in places where remnants of feudal influence have not yet been wiped out. But we must not start a quarrel with middle peasants and treat rich peasants the same as landlords. Then, economic construction. We must strive for winter cultivation this year and prepare for spring cultivation next year. We must develop the cooperatives so that they will have a membership of 1 million and set up central organizations of various consumers' cooperatives at different levels to carry out the plan to engage in trade. We must carry out the development of export and import trade to break the enemy's blockade and solve our salt difficulties. We must repair bridges and roads so as to facilitate economic development. We must sell effectively 3 to 5

million yuan worth of economic construction bonds to raise the capital for all kinds of economic construction undertakings. Next is cultural construction. We must establish a complete primary education system and unfold a campaign to eliminate illiteracy. Then we must intensify the suppression of counterrevolutionaries so that not a single counterrevolutionary will remain in the soviet areas to take advantage of an enemy attack to create trouble in our interior. Moreover, we must step up fund raising so as to secure insurance for our war chest.

In order to realize rapidly the above tasks, it is necessary to eliminate thoroughly bureaucratism from among the working personnel of the soviet. Comrades of the electorate should heed supervising the soviet personnel so that bureaucratism cannot exist. It is necessary to see to it that this year's election campaign will culminate in success so that a great many worker-peasant activists will through their winning in the elections come to work in the soviet and clear out bureaucratic elements among members of the old administration. In this way, the realization of the different combat tasks of the soviet will be assured.

Comrades of the electorate, every item of work mentioned above is a combat duty of ours and an indispensable prerequisite to smashing the fifth "encirclement and suppression" campaign of the enemy. And as we make this report to you today, the enemy is attacking us in force and we are concentrating our forces for a decisive battle against this enemy. The fighting is getting to be extremely tense. Our work, therefore, must be tightened up to the highest degree. The Central Government has promulgated an emergency war mobilization order to call upon the entire working personnel in the soviet to employ the spirit of shock troops to unfold their own work so as to make soviet work in its entirety meet with the demands of the frontline. All members of the electorate must rally forthwith under this call of the Central Government. Comrades, let us make use of this kind of work to exchange for final victory! First of all, we would like to exchange for a great victory that will come before the opening of the Second National Congress of Soviets. Comrades, let us dedicate such a victory to the Second National Congress of Soviets!

Expand the Red Army drastically!

Enlarge the soviet areas drastically!

Unfold soviet construction work in combat fashion!

Smash the fifth "encirclement and suppression" campaign of the imperialist Kuomintang!

Long live the Second National Congress of Soviets!

Long live Soviet China!

Mao Tse-tung, Chairman of the Central
Executive Committee of the Soviet Republic
of China

Hsiang Ying, Vice Chairman

Chang Kuo-t'ao, Vice Chairman

24 October

° "Red China," No 122, 27 October 1933

* "Struggle," (Shanghai), No 59, 9 December 1933

7682

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SUPPLEMENTARY REGULATIONS TO PROVISIONAL AGRICULTURAL TAX LAW

26 October 1933

[Text] For the purpose of defining in explicit terms exemptions and reductions in agricultural tax, supplementary regulations governing tax exemptions and tax reductions to the Provisional Agricultural Tax Law are hereby promulgated. In the event that the Provisional Tax Law contradicts these Regulations, matters shall be dealt with according to these Regulations.

I. Concerning Workers

1. Tenant farmers, land coolies and long-term longshoremen and their wives (or husbands) and children below 16 years of age shall be exempt from taxes.
2. Coolies who work on the water (on wooden boats, bamboo rafts, or wooden rafts) and their wives (or husbands) shall be exempt from taxes.
3. Shop employees, handcraft workers (e.g., masons, carpenters, barbers, textile workers), workers in the papermaking industry and other industrial workers (in the mint or in printing plants) who have been allocated fields shall be exempt from taxes. (Independent producers who sell what they produce shall not be exempt from taxes.)

Note 1. Workers and tenant farmers, referred to above, are limited to those who have worked continuously for more than 2 years (close to before and after the Revolution). Those who have worked for less than 2 years shall not be exempt from taxes.

Note 2. The above-mentioned workers and tenant farmers who are exempted from taxation shall be dealt with according to paragraphs 1, 2 and 3, irrespective of when they joined a labor union or what kind of labor union they joined. Tenant farmers and coolies who joined a shop employees and handcraft workers union shall be exempt from taxes in accordance with paragraph 1. Handicraft workers who joined an agricultural workers union shall be exempt from taxes in accordance with paragraph 3.

4. Post-office workers, printing-plant workers, arsenal workers, clothing and bedding factory workers and workers and employees of state-owned and non-state-owned factories, mines, business establishments who have been allotted fields shall be exempt from taxes, provided that they have worked for more than 2 years. Those who have completed 2 years of service in banks, foodstuffs regulation bureaus, trade bureaus, telegraph offices and telephone offices and draw regular wages shall be exempt from taxes.

5. Those who work in state-owned factories, mines, banks, customs, business establishments and organs, but do not draw regular wages shall, as the working personnel of the Soviet government, have their taxes reduced to one-half (meaning their own taxes and the taxes of their parents and spouses) according to Article 8 of the Agricultural Tax Law.

6. Tenant farmers, coolies, handicraft workers and shop employees who, after finding work in state-owned and non-state owned factories, mines, business establishments, banks and cooperatives, draw regular wages but have not worked for more than 2 years shall be exempt from taxes in the same way as tenant workers, coolies, shop employees and handicraft workers.

7. All kinds of workers who are exempt from taxes shall have as proof a labor union membership card or a formal certificate issued by the state-owned factories or organs in question.

8. People who work in banks and regulation bureaus and draw allowances (which are different from wages) shall be given the same treatment as extended to the working personnel of the soviets and have their own taxes as well as the taxes of their dependents reduced to one-half.

II. Concerning the Red Army

1. Red Army dependents (parents, children, spouses and brothers and sisters under 16 years of age) shall be exempt from taxes in the year that a death occurs in the family.

2. Coolies who have completed 5 months of work in the Red Army shall be exempt from taxes. Those who have worked for 3 months or less shall not be exempt from taxes. In case the length of their service is less than 5 months at the time of tax collection, but is 5 months or more after tax collection, they shall not be exempt from taxes in that year but shall be given an exemption in the following year.

3. A divorced wife of a Red Army member shall not be exempt from taxes.

4. Laundry-team members and nurses of Red Army hospitals who have completed 6 months of work shall be exempt from taxes the same as family dependents of the Red Army.

5. Red Army members who returned after going AWOL shall not be exempt from taxes, but those who rejoined the army shall be exempt from taxes.
6. Red Army members who returned after going to the front for 1 or 2 months in an attempt to obtain a tax exemption shall make good all taxes outstanding.
7. Those who fell ill due to work in the Red Army and lost their ability to work and were granted leave to return home shall, prior to recovery of the ability to work, be exempt from taxes in the same way as members of the Red Army.
8. Those who sacrificed their lives while participating in Red Army action at the front shall be exempt from taxes for 3 years in the same way as a member of the Red Army. Rich peasants in labor service corps who sacrificed their lives at the front shall be exempt from taxes for 1 year.
9. Members of regional armed forces removed from production who sacrificed their lives for the Revolution shall be exempt from taxes for 3 years the same as a member of the Red Army.
10. Red Army fighters of landlord or rich peasant origin who have been allotted fields shall similarly be exempt from taxes.
11. When a member of the Red Army has been taken prisoner by counter-revolutionaries, and this was verified by other people, he shall be exempt from taxes the same as family dependents of the Red Army.
12. If the wife whom a disabled armyman has married is a poor woman, besides being exempted from taxation herself, the children that she brought with her shall similarly be exempt from taxes. In case she is the daughter of a rich peasant, she and her husband shall be exempt from taxes and the children that she brought with her shall be exempt from taxes if they are 10 years of age or under.
13. Red Army fighters who have reached 45 years of age and completed 5 years of military service and have been authorized to be deactivated and furnished with a certificate as proof shall be exempt from taxes, together with their dependents.
14. Red Army fighters who are exempt from taxes shall be limited to those who enlisted before the initiation of taxation.

III. Concerning Working Personnel of the Soviet Government

1. Those who have completed 6 months of government service shall have their taxes reduced to one-half.

2. Those who sacrificed their lives while in government service shall, together with dependents, have their taxes reduced to one-half for 3 years. Those who died of disease shall, together with dependents, have their taxes reduced to one-half for 2 years.

3. When a government worker marries a woman of rich peasant origin, he shall continue to have his taxes reduced to one-half, but his wife shall enjoy no tax reduction.

4. All working personnel of mass organizations, such as labor unions, Young Pioneers, Children's Corps, the Party and the League and anti-imperialist and support-the-USSR mutual aid societies, shall not enjoy any tax reduction.

IV. Others

1. In case allotted fields became barren, those who deliberately laid them waste shall not be exempt from taxes. Those who truly had no means to cultivate them and were confirmed by the Hsiang Soviet shall be exempt from taxes.

2. During the period that a worker is serving a hard-labor term or suffering punishment for a crime, in case his dependents are exempt from taxes, they shall enjoy that exemption as usual.

3. Individual peasants who seek tax reduction or exemption on account of losses sustained in a natural calamity should submit their requests to township representatives who shall make a decision after discussions. If the whole village seeks tax reduction or exemption, a resolution should be passed by the presidium of the district soviet and approved by the county government. If the whole district seeks tax reduction or exemption, a resolution should be approved by the provincial government.

4. If a coolie dies, his dependents shall be exempt from taxes for 1 year in the same way as the coolie himself. If other workers die, they shall be exempt from taxes for 1 year.

5. When a poor worker or peasant has married a woman of rich peasant origin for less than a year, they shall be taxed according to their original class composition. After a year of marriage they shall be taxed according to the rates for poor workers and peasants.

6. When the daughter or former wife of a rich peasant has married a poor worker or peasant, for the reason that she was allotted half a share of fields when she was young and had no work points, she shall be taxed according to the rates for rich peasants, but the number of family members shall be figured according to the number in the household of her new husband.

7. Poor workers and peasants, whether male or female, who have married into rich peasant families shall be taxed according to their original class composition.

9. Middle peasants and poor peasants who are disabled, orphaned, or widowed and have no one to support them shall be exempt from taxes. Those who have someone to support them shall not be exempt from taxes.

Mao Tse-tung, Chairman of the Central
Executive Committee of the Soviet Republic
of China

Hsiang Ying, Vice Chairman

Chang Kuo-t'ao, Vice Chairman

26 October 1933

7682

CSO: 4005

OPEN LETTER TO THE PEOPLE OF THE WHOLE COUNTRY ON 'DIRECT NEGOTIATIONS
BETWEEN CHINA AND JAPAN'

11 November 1933

[Text] People of the whole country!

Ever since the Kuomintang Nanking Government concluded an agreement with Japanese imperialism (calling for the sale of Manchuria and Mongolia to Japan and a truce in North China and the holding of the Dairen Conference in which China, Japan and "Manchukuo" gathered for a "social") the Kuomintang Nanking government not only has sold off Manchuria and Mongolia and the so-called "neutral region" of Lo-tung, but also has directly mobilized its armed strength to force, in coordination with troops of Japanese imperialism and "Manchukuo," anti-Japanese Manchurian soldiers to withdraw from Mongolia. It also has, under the name of "suppression of bandits," massacred thousands of troops of the Northeast Anti-Japanese volunteer armies and revolutionary soldiers. All over China, Chiang Kai-shek, the ringleader of the Kuomintang, issued a blatant proclamation to the effect that "people who talk wildly of resisting Japan will be summarily executed without leniency" and that "to extirpate the bandits it is necessary to stop resisting Japan." Then he proceeded to suppress all anti-Japanese revolutionary movements with the most ruthless White terror, withdraw his North China garrisons according to plan and concentrate all his military might to launch a new, fifth "encirclement and suppression" campaign against the anti-Japanese and anti-imperialist main force--the Chinese Soviet Government and the Chinese Workers and Peasants' Red Army--to demonstrate his loyalty to imperialism and realize his pre-determined plan of holding "direct negotiations between China and Japan."

Since key figures of the Kuomintang held their third Lu-shan conference in September, direct negotiations between China and Japan have been carried out at an accelerated pace. The scope of the negotiations obviously is not limited to the public acknowledgement of the Kuomintang government that Manchuria and Mongolia are colonies of Japanese imperialism. In addition, it is certain that the Nanking government will be further submissive to Japan in its betrayal of the nation. It will recognize North China as within the

sphere of influence of Japan in exchange for the latter's aid in money and arms to extend the reactionary influence of the Kuomintang government and carry out its fifth "encirclement and suppression" campaign. What is described as Japan's willingness to relinquish its "extraterritoriality in China" is, of course, nothing but a trick to hoodwink the Chinese people.

People of the whole country! The Kuomintang Nanking Government has sold off the Northeast Provinces and Inner Mongolia. Now it soon will sell off all of North China. At the same time, the Kuomintang Nanking Government and the Kuomintang governments of various other factions have sold off Tibet, Sikang and the greater portions of Szechwan to British imperialism and nine islands in the South China Sea and Yunnan and Kweichow to French imperialism. They also have sold off to British imperialism a multitude of political and economic privileges. The big loan of several hundred million yuan and large quantities of murderous weapons that the Kuomintang Government has obtained from various imperialist countries in Europe and America were the price paid to it for selling out China.

Its sell-out of the whole country, capitulation to imperialism and its serving as a scavenger of the imperialists in their partition of China have been the standing foreign policy of the Kuomintang government. Precisely because of this, it is opposing all anti-Japanese and anti-imperialist revolutionary movements and carrying out its frenzied, desperate fifth "encirclement and suppression" campaign against the only anti-Japanese, anti-imperialist, people's own Soviet Government and Workers and Peasants' Red Army. Precisely because of this, it is helping the imperialists to intensify the exploitation of the Chinese people and create the total breakdown of China's national economy so as to cause flood, drought and famine to spread widely over China, workers to lose their jobs, peasants to lose their land, students to lose their opportunity to attend school and the overwhelming majority of Chinese people to live in grievous and deplorable hell and eventually die of cold and hunger!

People of the whole country! The road that the Kuomintang wants us to take is one that will lead to the conversion of China into a colony, one that will lead to the complete destruction of the Chinese nation!

The only way ahead for the revolutionary masses of the whole people is to unite as one, arm themselves, unfold a national revolutionary war against the invasion of Japanese imperialism and all other imperialism countries, overthrow all Kuomintang warlords who betray the country and bring shame on the nation, first of all, the principal cat's paw of the imperialist--the Nanking Kuomintang government headed by Chiang Kai-shek--and fight for the Chinese nation and the ultimate liberation of the Chinese people!

The Provisional Central Government of the Chinese Soviet Republic once more proclaims to the people of the whole country that for the sake of striking down Japan and all imperialists, overthrowing all traitorous Kuomintang

warlords and maintaining the independence, unity and territorial integrity of China, it stands ready at all times to shed the last drop of blood. In order to maintain the independence, unity and territorial integrity of China, the Soviet Central Government is in the process of concentrating all its strength and preparing to make all sacrifices to smash the fifth "encirclement and suppression" campaign of the imperialist Kuomintang. The struggle to smash the fifth "encirclement and suppression" campaign is a struggle to prevent China from taking the road of colonialism and struggle for a free and independent Soviet new China!

In order to concentrate all the strength of the people of the whole country to engage in a decisive battle against China's most vicious enemy, the Provisional Central Government and Revolutionary Military Affairs Committee of the Chinese Soviet Republic once again propose hereby to all armed units taking part in attacks against soviet areas throughout the country the conclusion of a combat agreement on the current anti-Japanese and anti-Chiang fighting under the following three conditions: (1) Cease all attacks against the soviet areas immediately; (2) guarantee immediately the democratic rights of the people (freedom of assembly, of association, of speech, of the press and of strike); and (3) arm the people and create armed volunteers immediately to defend China and fight for its independence, unity and territorial integrity.

The Provisional Central Government of the Chinese Soviet Republic firmly believes that this proposal can win the sympathy and active support of the laboring masses of the whole country and all other Chinese people with even a slight amount of patriotic blood running in their veins. Such sympathy and support will guarantee the total victory of the soviet road in the decisive battle between the two roads of colonialism and sovietism and enable the Chinese nation and people of the whole country to win ultimate liberation from the iron heels of imperialism!

Down with Japan and all other imperialists!

Down with the traitorous Kuomintang, the Nanking government and all other Kuomintang governments!

Struggle for an independent and free soviet new China!

Mao Tse-tung, Chairman of the Central
Executive Committee of the Soviet Republic
of China

Chu Teh, Chairman of the Revolutionary
Military Affairs Committee

11 November

° "Red China," No 126, 17 November 1933

ON THE AWOL PROBLEM IN THE RED ARMY

Order No. 25 of the Central Executive Committee

15 December 1933

[Text] Desertion is a sinister enemy of the Red Army and revolutionary war. The struggle against desertion is an important work to insure the combat effectiveness of the Red Army. In the past there was no uniform procedure to deal with the problem. By this Order it is specially announced that

- (1) Those who desert with their rifles shall be summarily executed by shooting, without distinction, as soon as they are apprehended.
- (2) Those who organize desertion (such as forging trip tickets) and lead a squad, a platoon, or a company in desertion shall be executed by shooting, without distinction, after being apprehended and put on public trial.
- (3) Those who repeatedly desert and spread rumors to undermine the Red Army and the return-to-the-army campaign shall be uniformly apprehended and handed over to the courts for sentencing to penal servitude for a limited term or execution by shooting.
- (4) What about those who desert individually for lack of political consciousness? The various governments shall intensify propaganda and agitation directed at them and organize work to extend preferential treatment to their family dependents, so that they will return to the army of their own free will. The governments must in no way adopt measures of arrest and imprisonment. Anyone who does shall be dealt with as having violated the laws of the Soviet.
- (5) If deserters stubbornly refuse to return to the army after having been subjected to propaganda and given explanations, the governments may, having obtained the countenance of the masses, require them to indemnify the state (army uniform and blanket) and the masses (labor force expended in connection with giving preferential treatment to their family dependents) for losses incurred, and strip them of the right to vote.

(6) It is absolutely not permissible to harbor a deserter and let him work or serve in various organs, army units, and public bodies in the rear. In case the deserter is harbored in an organ, then the responsible official of the organ in question shall be subject to punishment by demotion, dismissal, or imprisonment.

(7) Those who fail to execute this order shall be dealt with as having aided and abetted desertion and undermined the Red Army.

(8) This order shall come into force from the date of promulgation.

Mao Tse-tung, Chairman of the Central
Executive Committee of the Soviet
Republic of China

Hsiang Ying, Vice Chairman

Chang Kuo-t'ao, Vice Chairman

15 December 1933

7682

CSO: 4005

ON PUNISHMENTS FOR CORRUPTION AND WASTE

Directive No. 26 of the Central Executive Committee

15 December 1933

[Text] For the purpose of setting down strict punishments for corruption and waste, disciplinary measures are specially formulated as follows:

- (1) All working personnel of soviet organs, state-owned enterprises and public bodies who make use of their positions to appropriate public money fraudulently to their own use shall be dealt with according to the following clauses.
 - (a) Those who fraudulently appropriate upward of 500 yuan shall be sentenced to death.
 - (b) Those who fraudulently appropriate more than 300 yuan but less than 500 yuan shall be sentenced to imprisonment for a term of more than 2 years but less than 5 years.
 - (c) Those who fraudulently appropriate more than 100 yuan but less than 300 yuan shall be sentenced to imprisonment for a term of more than 6 months but less than 2 years.
 - (d) Those who fraudulently appropriate less than 100 yuan shall be sentenced to compulsory labor for a term of less than 6 months.
- (2) Apart from the punishments set forth in the clauses of Article (1), the competent authorities may confiscate the entire family property, or a portion of it, of those who violate any of the clauses in Article (1) and recover the sum of public money fraudulently appropriated.
- (3) All those who embezzle public money for their own gain shall be reckoned as having committed corruption and be dealt with in accordance with Articles (1) and (2).

(4) All working personnel of soviet organs, state-owned enterprises and public bodies who waste public money through dereliction of duty, causing losses to the state, shall be admonished, dismissed, or sentenced to imprisonment for a term of more than 1 month but less than 3 years, according to the degree of waste.

Mao Tse-tung, Chairman of the Central
Executive Committee of the Soviet
Republic of China

Hsiang Ying, Vice Chairman

Chang Kuo-t'ao, Vice Chairman

15 December 1933

° "Red China," No 140, 4 January 1934

7682

CSO: 4005

INVESTIGATION IN CH'ANG-KANG TOWNSHIP

15 December 1933

[Text] The actual implementation of all soviet work rests with the township and city soviets. Everyone understands this. As to how the township and city soviets should perform their work, many people do not understand. Not understanding the work of the township and city soviets will make it impossible to truly lead the work of the soviet or truly follow the principle that "all soviet work must be subordinated to the demands of the revolutionary war." We have encountered the following situation among the work personnel of higher level soviets. They issue many orders and decisions, but they are ignorant of the practical work condition of any township or city soviet. Comrades! This won't do. This is bureaucraticism, a hindrance to Soviet work!

Our tasks have been proposed, and many plans, from expanding the Red Army to building bridges and roads, have been published. The question is how to mobilize the masses to carry out the tasks and plans completely and practically. The extraordinarily tense revolutionary war demands our prompt and general solution of this question. Yet such a solution cannot be produced out of our mind. We must collect all kinds of fresh and concrete experiences in the process of mobilizing the masses to implement the various tasks, bring such experiences to a greater light and expand our mass mobilization, in order to adapt ourselves to greater tasks and plans.

Currently, such serious errors as perfunctory performance of duty and coercion have occurred in the soviet organs of many areas. The relationship between such soviets and the masses is extremely bad, greatly hampering the implementation of the tasks and plans of the soviet. On the other hand, innumerable lower level soviet work comrades in many areas have created excellent means to mobilize the masses. Becoming one with the masses, they have been very successful in their work. One responsibility of the higher level soviet personnel is to collect and arrange such good experiences and spread them over a vast area. This work must be started immediately in all the provinces and counties. The most effective means against bureaucraticism is to demonstrate by live models.

Limited by time and the material of the informants, the experiences of Ch'ang-kang township collected here only include a brief summary of the major items of their work. Nevertheless, just such summary alone is sufficient to arouse our serious attention and make us solemnly praise their work as "the model of Soviet work." As their relationship with the masses is extremely close, they have produced a great effect in their work. Our goal is to bring to light such experiences and to collect more experiences to serve as concrete models to all the backward township and city soviets, so that their work will be raised to the level of the advanced, rally millions of people around the soviet and adapt all soviet work to the demand of smashing the enemy encirclement.

I. Political Division and Census

Subdivided from Lang-mu township in the same district, Ch'ang-kang township belongs to Shang-she District, Hsing-kuo county, Kiangsi Province.

The work levels of Shang-she District were: First, Ch'ang-kang and Lang-mu; second, Yang-ch'en; third, Ho-fu, Hsiu-shui and T'ang-shih; fourth, Jen-t'ien and Shang-she.

Ch'ang-kang township includes Ch'ang-kang, T'ang-pei, Hsin-ch'i and Szu-kang, a total of four villages.

Census:

1. The township had 437 households, including 1,784 persons. Of these, 320 were away serving in the Red Army or performing work and 1,464 (including part-time laborers and district and township work personnel) resided in the township. Among the township residents, there were 1,286 middle and poor peasants, 102 workers, farm laborers and coolies and 76 landlords and rich peasants.

2. Serving in the Red Army or working out of town:

Joined the Red Army between 1928 and 1932: 80

Joined the Red Army in 1933: 139

With the guerrilla camp: 7

Transferred to the county or above: 34

Transferred to the rear hospital: 24

Transferred as full-time laborers: 36

Total: 320

3. Landlords and rich peasants:

Existing landlords: 2 households, including 5 persons

Existing rich peasants: 11 households, including 72 persons

Wives and daughters of landlords marrying workers and peasants uncovered in the August land investigations: 6 persons

36 tan, 6 tan of land were repossessed from the 6 persons. No other landlord or rich peasant was uncovered.

II. Delegates' Congress

1. The Congress

The daily agenda was always: (1) opening of meeting; (2) reports; (3) discussions; (4) others; (5) adjournment. The agenda was written on paper and posted. The concrete issues for discussion were written down by the chairman but not posted. In regard to "reports," the chairman would first report on the reason for the meeting, some 20 or 30 sentences. Then the "attending comrade" of the district soviet would make his report about the political situation and the work condition. (Someone from the district soviet attended almost every meeting, mostly department members, 5 or 6 times out of 10, seldom department chiefs, only about 2 or 3 times out of 10. The chairman and vice chairman rarely came, only once out of 10 times.) The chairman and the branch secretary would supplement his report with matters not covered by him. "Discussions" always concerned concrete issues. At the meeting on 8 November, for instance, the following items were discussed:

(1) Military mobilization. The subject was subdivided as follows:

(a) Expanding the Red Army: The Ch'ang-kang Village delegate promised to recruit 5 persons, the T'ang-pei Village delegate 4, the Hsin-ch'i Village delegate 3 and the Szu-kang Village delegate 3, totalling 15, to be accomplished by 30 November. (b) Preferential treatment of Red Army families. It was decided that the model cultivation team and the labor mutual aid association would mobilize together. (c) Return-to-the-ranks movement: There were 7 AWOL's in the township. It was decided that the propaganda teams (township village) and the surprise attack teams (organized by Red Army wives) would carry out the work. (d) Comforting the Red Army: Each village promised to give 4 towels and a quantity of yellow hemp and cloth straw-sandals. Ch'ang-kang pledged 110 pairs, T'ang-pei 100 pairs, Hsing-ch'i 90 pairs and Szu-kang 100 pairs.

(2) Economic mobilization. The subject was subdivided as follows:

(a) Economic construction public bonds: The township pledged to sell 5,456 yuan of bonds. It had received 822 tan of grain, valued at 4,110 yuan and 127 yuan in cash, totalling 4,237 yuan. It was still 1,219 yuan short of the goal. It was decided that the delegates must "devote their effort" to propaganda and fulfill the pledge by 25 November. (b) Cooperatives: Only the district had a consumer cooperative in the past, but now the township organized a branch cooperative. However, it had only collected 100-odd yuan in shares. The masses had pledged 350 yuan. It was decided that the delegates must propagandize in order to collect the money, and the propaganda team must also put in its effort. (c) The thrift movement: It was decided that more vegetables must be planted and grain saved in preparation for spring famine.

(3) Repair of river dikes and roads: It was decided that in the 10 days between 20 and 30 November, the 6 li of thoroughfare at Chiang-pei-tung must be completed, 6 ch'ih wide. Other roads, 4 ch'ih wide, would be undertaken afterward. Five preparation committee members were elected. After the roads were completed, the 10 ch'ih wide river dike destroyed by flood would be repaired. The large wooden bridge will be repaired jointly with Lang-mu township.

(4) "Supporting the district soviet." For the masses of the entire hsiang to show their support of the third district wide soviet congress beginning 12 November, it was decided that a red tablet made with 1.4 ch'ih of red cloth with an inscription of 4 characters, would be presented as a gift. On 12 November, 90 percent of the masses of the township were mobilized into teams to proceed to the soviet and set off fireworks. (Finally, 800 percent of them set off 5,000 or 6,000 firecrackers, all bought by the masses themselves.)

The two last items were discussed under "Others" in the agenda. All the subjects of discussion were proposals of voters at the election mass meeting, which were transmitted to the township soviet for discussion.

2. Inspection System

Of the two delegates' congresses, one was to discuss problems and the other to inspect work.

Before each work inspection congress, the on-duty delegates of the villages summoned the delegates under them to hold a meeting. The on-duty delegates then reported the results at the delegates' congress. Afterward, items which had not been carried out, or successfully carried out, were discussed in order to carry them out or correct them.

This method was started in Lang-mu township. Ch'ang-kang township adopted it after being subdivided out of Lang-mu township. Subsequently, Yang-ch'en township also followed suit. Recently, the district soviet called a district wide work inspection meeting and asked all the townships to adopt the method.

3. On-duty Delegates

The numbers of delegates of the villages:

Ch'ang-kang Village: Over 500 population (at the time of land division)--14 delegates.

T'ang-pei Village: Over 490 population--14 delegates.

Hsin-ch'i Village: Over 300 population--13 delegates.

Szu-kang Village: Over 400 population--14 delegates.

Work levels of the villages: First, Ch'ang-kang; second, T'ang-pei; third, Hsin-ch'i; fourth, Szu-kang.

Each village had an "on-duty delegate" by rotation among the delegates for 10-day periods. It was started in September. Before that, it was the "chairman delegate" system, and one person was designated to serve as the chairman. After 2 years, the chairman system was found defective. As the responsibilities were given to one person, the others had no chance to practice, while rotation would remedy the defect. But the on-duty system (actually 10-day duty) also had its defects. The weak delegates were unable to lead the village.

4. Standing Committee

Since the formation of the soviet, there was always a standing committee.

The standing committee included a chairman, vice chairman, secretary, Chinese Communist Party branch secretary and Young Communist League branch secretary, totalling five persons. When necessary, the on-duty delegates attended the meetings.

5. Delegates in Charge of Residents

Each delegate was in charge of over 20 to over 50 residents. Delegate Li Ch'iu-ying of Ch'ang-kang village, for instance, was in charge of over 50 residents.

Each delegate had a residents' handbook, divided into sections on adult male, adult female, male vanguard team (could serve as full-time laborers), female vanguard team (could serve as part-time laborers), male children and female children. The male adults were further divided into those serving in the Red Guard (could serve as full-time laborers) and those not serving in the Red Guard (could serve as part-time laborers). The female adults were also divided into those serving in the Red Guard (could serve as part-time laborers) and those not serving in the Red Guard (could receive preferential treatment as families of the Red Army).

6. Changes of Delegates

Before the new administrative divisions were made, Lang-mu township (7 villages, population 3,000) elected over 70 delegates and 11 substitute delegates in the November election last year, totalling over 80, including 16 women and over 60 men. By the time of reelection on 1 November this year, only 5 men delegates were left. Most of them had joined the Red Army and a small number had been transferred in their work. Some 29 of them left at one time in Red May. Before leaving, every department delegate called a meeting of the masses under his charge to elect an "acting delegate."

7. Political Manifestations of the Delegates

Excellent--60 percent.

Medium--35 percent.

Inferior--5 percent (4 persons).

The four inferior ones included two men and two women. Very stupid and not positive, they attended only 4 of the 10 meetings and would not listen or express themselves at the meetings. Their attitude toward the masses was "crude." The masses did not like them and elected others to replace them in July.

8. The 16 Women Delegates

Excellent--8 of them. They looked for work to do and performed well.

Medium--6 of them. They did not look for work to do, but only did what was assigned to them. They did not do the work well, and required help.

Inferior--2 of them. They did not do what was assigned to them.

The delegates' congress of Ch'ang-kang township has many excellent creations, such as the standing committee, on-duty delegates, delegates in charge of residents, and inspection system, which all deserve emulation by other areas. The standing committee, however, should be renamed the presidium (7 members for the large townships; 5 for the small townships). The on-duty delegate should be changed to the "chairman delegate," selecting the best delegate to serve a 1- or 2-month term. It is too frequent to change every 10 days. The problems discussed at the meetings were very practical, but the five empty items on the daily agenda should be abolished. Why not post the list of concrete issues to be discussed? The inspection system of Ch'ang-kang township is very good. It is a means for the full performance of work and speed in performance. The inferior delegates should have been replaced much sooner. Replacing them by reelection 8 months later was too long. Electing a replacement immediately upon the departure of a delegate was correct, but the replacement should not be called an "acting delegate."