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GRASSLAND LAW OF THE
PEOPLE'S REPUBLIC OF CHINA

(Adopted at the 11th Meeting of the Standing Committee of the
Sixth National People's Congress, promulgated by Order No. 26 of the
President of the People's Republic of China on June 18, 1985, and
effective as of October 1, 1985)

CHINALAW No. 294

ISSUING-DEPT: STANDING COMMITTEE OF PEOPLE'S CONGRESS

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TEXT:

[Article 1] This Law is formulated in accordance with the provisions of the Constitution of the People's Republic of China with a view to improving the protection, management and development of grasslands and ensuring their rational use; protecting and improving the ecological environment; modernizing animal husbandry; enhancing the prosperity of the local economies of the national autonomous areas; and meeting the needs of socialist construction and the people's life.

[Article 2] This Law shall be applicable to all grasslands within the territory of China, including hills and lands covered with grass.

[Article 3] The department of farming and animal husbandry under the State Council shall be in charge of administration concerning the grasslands in the whole country. The departments of farming and animal husbandry of the local people's governments at the county level and above shall be in charge of administration concerning the grasslands in their respective administrative areas.

[Article 4] The grasslands are owned by the state, that is, by the whole people, with the exception of the grasslands that are owned by collectives in accordance with the law.

Grasslands under ownership by the whole people may be assigned to collectives for long-term use. Grasslands under ownership by the whole people, those under collective ownership, and those under ownership by the whole people that are assigned to collectives for long-term use may be contracted by collectives or individuals for pursuits in animal husbandry.

With respect to grasslands used by units under ownership by the whole people, the local people's governments at the county level or above shall register such grasslands, issue certificates to the said units after verification and thus establish their right to use such grasslands. With respect to grasslands under

collective ownership and those under ownership by the whole people that are assigned to collectives for long-term use, the local people's governments at the county level shall register such grasslands, issue certificates to the collectives after verification and thus establish their right of ownership of the grasslands or their right to use them.

The right to own or use grasslands shall be protected by law and may not be infringed upon by any unit or individual.

[Article 5] If there is a need for temporary adjustments in the use of grasslands under special circumstances, such as in the event of natural disasters, the matter shall be settled by the parties concerned through negotiation on the principles of voluntariness and mutual benefit. Where there is a need for temporary adjustments in the use of grasslands that cross the borders of different counties, the county people's governments concerned shall sponsor negotiations for the settlement of the matter.

[Article 6] Disputes over the right of ownership of grasslands or the right to use them shall be settled by the parties concerned through negotiation on the principle of mutual understanding and mutual accommodation in the interest of unity. If no agreement can be reached through such negotiation, the disputes shall be handled by the people's governments.

Disputes over the right of ownership of grasslands or the right to use them that arise between units under ownership by the whole people, between units under collective ownership or between units under ownership by the whole people and those under collective ownership shall be handled by the people's governments at the county level or above.

If the parties concerned disagree with the decision made by the people's government, they may file suit in a people's court within one month after they have been informed of the decision.

Pending the settlement of a dispute, none of the parties concerned may destroy the resources of the grasslands in question or the facilities therein.

[Article 7] When grasslands owned by collectives are to be requisitioned for state construction the matter shall be handled in accordance with the provisions of the Regulations Concerning Land Requisition for State Construction.

If grasslands under ownership by the whole people that are assigned to collectives for long-term use are to be used for state construction, due compensation shall be paid to the collectives concerned and proper arrangements made for the productive pursuits and livelihood of herdsmen with reference to the provisions of the Regulations Concerning Land Requisition for State Construction.

If grasslands in national autonomous areas are to be requisitioned or used for state construction, due consideration shall be given to the interests of the national autonomous areas and arrangements made in favour of the economic development of those areas.

The temporary use of grasslands for state construction shall be effected in accordance with the provisions of the Regulations Concerning Land Requisition for State Construction. When the period of use expires, the unit that has used the grasslands shall restore the grassland vegetation.

[Article 8] The local people's governments at various levels shall be responsible for conducting general surveys of grassland resources within their respective administrative areas and formulating plans for the development of animal husbandry, which shall be incorporated into the plans for national economic development, in order to improve the protection of the grasslands, promote their development and ensure their rational use, and increase the capacity for raising livestock on the grasslands.

[Article 9] The state shall encourage scientific research in animal husbandry on the grasslands in order to raise the scientific and technological level in this field of endeavour.

The state shall encourage the growing of grass in farming, forestry and pastoral areas and in cities and towns so as to promote the development of animal husbandry and improve the ecology.

The state shall protect the ecology of the grasslands, to prevent and control pollution.

[Article 10] Rigorous measures shall be adopted to protect the vegetation of the grasslands; land reclamation and destruction of grasslands shall be prohibited. Reclamation of limited stretches of grassland by users of such land must be approved by the local people's governments at the county level or above. Where land reclamation has already caused aridity or serious soil erosion, the local people's governments at the county level or above shall close the area for a limited time and order the reclaimers to restore the vegetation and defer farming for a return to animal husbandry.

[Article 11] Persons who wish to cut shrubs, dig medicinal herbs or wild plants on the grasslands, scrape alkaline earth off the grasslands or move away fertile soil must secure the agreement of the users of the grasslands and the approval of the people's governments at the township or county level; they must operate within the designated areas, fill the holes in the ground immediately after digging and keep part of the mother plants intact.

Cutting or digging shrubs, medicinal herbs or other sand-fixation plants on desert or semi-desert grasslands or in arid areas shall be prohibited. No one may collect rare and precious wild plants from the grasslands without the approval of a people's government at the county level.

[Article 12] Grasslands shall be used rationally and overgrazing prevented. Where aridity, degeneration or soil erosion occurs as a result of overgrazing, users of the grasslands shall be required to reduce grazing and resow forage grass so as to restore vegetation. Where man-made grasslands have already been established, extra control shall be administered; they shall be rationally managed and used in a scientific way, so as to prevent degeneration.

[Article 13] The local people's governments at various levels shall take measures to combat grassland pests and mice and protect beneficial animals and birds that feed on pests and mice.

[Article 14] The local people's governments at various levels shall take measures to prevent and treat endemic diseases among livestock and diseases contracted commonly by both human beings and livestock in grassland areas.

Hunters of wild animals on the grasslands shall be required to observe strictly the regulations of the local people's governments concerning the prevention of epidemic diseases.

[Article 15] Motor vehicle drivers shall take care to protect the grasslands when driving across them. Where there are regular highways, vehicles may not deviate from them.

Purchasers of domestic animals shall drive and graze them along designated routes and may not contend with herdsmen over grazing grounds or water resources.

[Article 16] Efforts shall be strengthened to prevent fires on the grasslands, implementing the principle of "put prevention first and combine prevention with elimination." A responsibility system for fire prevention

shall be instituted. Fire prevention rules and pledges shall be formulated and specific periods shall be designated for fire prevention on the grasslands.

During those periods, safety measures shall be adopted and rigorously administered. When a grassland fire breaks out, masses of people should be organized promptly to put it out, the cause of the fire and the losses sustained should be determined through investigation and the case should be handled without delay.

[Article 17] Units or individuals that have achieved outstanding success in protecting, managing and developing the grasslands or in developing animal husbandry on the grasslands shall be given commendation or material awards by the local people's governments at various levels.

[Article 18] When a person's right of ownership of grasslands or his right to use them has been infringed upon, he may apply for settlement to the farming and animal husbandry department of the local people's government at the county level or above. The farming and animal husbandry department concerned shall have the power to order the infringing party to stop such infringement and compensate for the losses sustained by the victim. The victim may also directly file suit in a people's court.

[Article 19] The farming and animal husbandry departments of the local people's governments at the county level or above shall have the power to order anyone who reclaims grassland in violation of the provisions of this Law to stop reclaiming it and restore vegetation; a fine may be imposed in serious cases.

[Article 20] If anyone damages the vegetation of the grasslands by cutting or digging sand-fixation plants or other wild plants or by moving away soil in violation of the provisions of this Law, the people's governments at the township level and the farming and animal husbandry departments of the people's governments at the county level shall have the power to stop him and order him to restore the vegetation and compensate for the losses. A fine may be imposed in serious cases.

[Article 21] If a party concerned disagrees with the decision on a fine or compensation as made by the relevant farming and animal husbandry department of a local people's government or by a people's government at the township level, it may file suit in a people's court within one month of being informed of the decision. If upon the expiration of the period a party concerned has neither filed suit nor obeyed the decision by paying the fine, the relevant farming and animal husbandry department of the local people's government or the people's government at the township level may request the people's court for compulsory execution.

[Article 22] The farming and animal husbandry department under the State Council shall, in accordance with this Law, formulate rules for its implementation and shall submit them to the State Council for approval before they are put into effect.

The standing committees of the people's congresses of autonomous regions and provinces may formulate rules for the implementation of this Law in accordance with the provisions of the Constitution and the principles laid down in this Law and in the light of the characteristics of their respective localities, and they shall submit the rules to the Standing Committee of the National People's Congress for the record.

[Article 23] This Law shall come into force as of October 1, 1985.