

AGRICULTURE LAW OF THE PEOPLE'S REPUBLIC OF CHINA

(Adopted at the Second Meeting of the Standing Committee of the Eighth National People's Congress on July 2, 1993, promulgated by Order No.6 of the President of the People's Republic of China on July 2, 1993, and effective as of July 2, 1993)

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CHAPTER I GENERAL PROVISIONS

Article 1 This Law is formulated with a view to ensuring the fundamental position of agriculture in the national economy, developing the socialist market economy in rural areas, safeguarding the lawful rights and interests of agricultural production and operation organizations and agricultural labourers, and promoting the continuous, steady and coordinated growth of agriculture.

Article 2 The State adheres to the guiding principle of taking agriculture as the foundation in developing the national economy.

The State shall adopt measures to ensure the steady development of agriculture.

The main object in developing agriculture is to actively develop the socialist market economy in rural areas, further emancipate and develop the rural productive forces, develop and utilize the rural labour force, land and various resources, increase effective supplies of agricultural products, and satisfy the demands of the people's life and the development of social economy; and on the basis of the development of production, to increase the income of agricultural labourers, raise their living standards, build a new countryside of common prosperity and civilization and gradually realize agricultural modernization.

"Agriculture" as mentioned in this Law means crop-plantation, forestry, animal husbandry and fishery.

"Agricultural production and operation organizations" mentioned in this Law mean agricultural economic collectives, State-owned agricultural enterprises or other agricultural enterprises.

Article 3 Land in rural and suburban areas is owned by collectives except for those portions belonging to the State, that is, to the whole people, as stipulated by relevant laws. Forests, mountains, grasslands, unreclaimed lands, beaches, waters and other natural resources are owned by the State, with the exception of the forests, mountains, grasslands, unreclaimed lands and beaches that are owned by collectives in accordance with the law.

Article 4 The right to the use of State-owned lands or collective-owned lands may be transferred according to law. No organization or individual may appropriate, buy, sell or otherwise engage in the transfer of land by unlawful means.

People's governments at various levels must value and make a rational use of land, and earnestly protect cultivated land. Acts of unlawful appropriation of cultivated land or misuse of land shall be prohibited.

Article 5 In rural areas, socialist economy under public ownership shall be taken as the main sector, and meanwhile diversified economic sectors shall be developed jointly so as to prosper rural economy.

Article 6 The State shall stabilize the rural responsibility systems, the main form of which is the household output-related system of contracted responsibility, perfect the two-level operation system of the household contract responsibility system supplemented by unified management, develop socialized service systems, expand actual strength of collective economy, and lead peasants to the road of common prosperity.

Article 7 The State shall vitalize agriculture by relying on the progress of science and technology and on the development of education.

Article 8 The State shall develop water conservancy undertakings and industries of means of agricultural production so as to ensure the material supplies for the steady growth of agricultural production.

Article 9 The State shall award the units or individuals that have made remarkable achievements in the development of agriculture.

Article 10 People's governments at various levels must attach great importance to the agricultural work, assume the responsibility of organizing in a unified way all the relevant departments and the whole society to support agriculture, and well perform all the work related to the development of agriculture and serving the development of agriculture.

The departments in charge of agriculture under the State Council shall, in accordance with their respective functions and duties, be responsible for the nation-wide agricultural work. Other relevant departments under the State Council shall, within the scope of their respective functions and duties, be responsible for the relevant nation-wide work in the service of agricultural production and operation.

The departments in charge of agriculture under local people's governments at or above the county level shall, in accordance with their respective functions and duties, be responsible for the relevant agricultural work in their administrative areas. Other relevant departments under local people's governments at or above the county level shall, within the scope of their respective functions and duties, be responsible for the relevant work in the service of agricultural production and operation.

CHAPTER II SYSTEM OF AGRICULTURAL PRODUCTION AND OPERATION

Article 11 Collective-owned land shall be owned collectively by the peasants of the village according to law, and shall be operated and managed by agricultural economic collectives of the village or by the villagers committee. Land that has already been under the ownership of peasant

economic collectives of a township (or town) may be owned collectively by the peasants of the township (or town).

If land collectively owned by the peasants of a village has been respectively under the ownership of two or more agricultural economic collectives in the village, such land may be collectively owned by the peasants of the respective agricultural economic collectives.

Article 12 Lands, mountains, grasslands, unreclaimed lands, beaches and water surfaces owned by collectives or the State and exploited by agricultural economic collectives, may be contracted to individuals or collectives for agricultural production. State-owned or collective-owned waste hills or unreclaimed lands suitable for afforestation may be contracted to individuals or collectives for afforestation. The right of individuals or collectives to undertake operation by contract shall be protected by law. The party awarding contract and the contractor shall conclude an agricultural contract to define the rights and duties of both parties.

Article 13 Contractors shall, except as otherwise agreed upon in agricultural contracts, enjoy the decision-making power in production and operation, the right of disposition of their products and the right of remuneration, and at the same time must fulfil the duties agreed on in the contracts. In case a contractor contracts for afforestation of waste hills and unreclaimed lands suitable for afforestation, provisions of the Forestry Law shall be followed.

With consent of the party awarding the contract, the contractor may, within the period of the contract, sub-contract the lands, mountains, grasslands, unreclaimed lands, beaches and water surfaces he has contracted for, and may also transfer the rights and duties agreed upon in the agricultural contract to a third party.

At the expiration of a contract, the contractor shall enjoy priority in further contracting for the lands, mountains, grasslands, unreclaimed lands, beaches and water surfaces for which he originally contracted.

In case a contractor deceases during the term of a contract, the successor of the deceased contractor may continue the contract.

Article 14 Agricultural economic collectives or villagers committees shall provide production services to individuals or collectives that have contracted for the lands, mountains, grasslands, unreclaimed lands, beaches or water surfaces.

Article 15 The State shall encourage individuals or collectives to contract to develop and rehabilitate waste hills, unreclaimed lands or waste beaches, and shall protect the contractors' lawful rights and interests.

Article 16 Peasants shall pay taxes in accordance with the law, and pay the expenses retained for the village's collective undertakings and fees for unified management of township public undertakings according to law, and shall afford compulsory labours and accumulated labours for the public undertakings in rural areas according to law.

Article 17 The State shall protect the lawful properties of peasants or agricultural production and operation organizations from violation.

Article 18 Any collection of fees from peasants or agricultural production and operation organizations by State organs for handling official business must be based on laws or regulations or decisions made by the competent departments empowered by the State Council, or the

provisions of rules formulated by the people's governments at the provincial level, and such rules must be reported to the State Council for the record. The scopes and standards of such fees shall be made public and necessary inspections and checks shall be carried out in light of the circumstances. Peasants or agricultural production and operation organizations shall have the right to refuse to pay fees collected by State organs for handling official business without the basis of laws or regulations or decisions made by the competent departments empowered by the State Council or the provisions of rules formulated by the people's governments at the provincial level.

Any imposition of fines upon peasants or agricultural production and operation organizations by State organs must be based on the provisions of laws or regulations. Peasants or agricultural production and operation organizations shall have the right to refuse to pay any fines imposed upon them by State organs without the basis of laws or regulations.

No apportionment shall be made by any State organs or units to peasants or agricultural production and operation organizations in any form. Any exaction of manpower, financial resources or materials from peasants or agricultural production and operation organizations shall be categorized as apportionment, except as otherwise provided in laws or regulations. And peasants or agricultural production and operation organizations shall have the right to refuse apportionment in any form.

Article 19 Raising funds from peasants or agricultural production and operation organizations must be carried out on voluntary basis, and no compulsory fund-raising shall be practised. Peasants or agricultural production and operation organizations shall have the right to refuse any compulsory fund-raising demanded by any State organs or units.

Article 20 The State shall encourage agricultural economic collectives or other relevant organizations to develop various forms of socialized service undertakings before, during or after agricultural production. Departments in fields such as finance, banking, science and technology, and material resources shall provide support to socialized service undertakings of agricultural production.

CHAPTER III AGRICULTURAL PRODUCTION

Article 21 The State shall take measures in the aspects of finance, means of agricultural production, technology and market information to assist agricultural production and operation organizations or agricultural labourers in developing agricultural production.

Article 22 The State shall guide agricultural production and operation organizations or agricultural labourers to adjust the structure of agricultural production according to market demands, ensure steady growth of cotton and grain production, achieve all-round development of crop-plantation, forestry, animal husbandry and fishery, and develop an agriculture with high yield, good quality and high benefits.

The State shall establish production bases of commodity grain and commodity cotton in a planned way.

Article 23 People's governments at various levels shall map out plans for comprehensive development of agriculture to develop agriculture in width and depth and organize the implementation thereof.

Article 24 People's governments at various levels and agricultural economic collectives shall

take measures to develop township and town enterprises and tertiary industries so as to support the development of agriculture, and to transfer surplus agricultural labour force.

Article 25 People's governments at various levels and agricultural production and operation organizations shall map out plans and take measures to organize the construction of irrigation and water conservancy works and shelter forests so as to ensure the steady expansion of farmland with stable yields despite of drought or waterlogging.

Article 26 People's governments at various levels and agricultural production and operation organizations shall establish and perfect the management system of irrigation and water conservancy works, develop water-saving irrigation facilities, strictly control the appropriation of water resources for irrigation by non-agricultural construction projects and forbid any organizations or individuals to unlawfully appropriate or destruct irrigation and water conservancy facilities.

Article 27 The State shall encourage and support agricultural production and operation organizations or agricultural labourers to apply advanced and suitable agricultural machinery for the purpose of raising the level of agricultural mechanization.

Article 28 The State shall encourage and support the processing and comprehensive development and utilization of grains, increase the added value of grains and improve the nutritive structure of people's food.

Article 29 People's governments at various levels shall take measures to improve the abilities of battling against natural calamities in agriculture, do a good job in preventing and fighting disasters and relieving the victims thereof, assist the victims to resume their production and carry out mutual assistances and mutual relieves in the society; as to victims who can hardly secure their daily life, the people's governments at various levels shall organize them to provide for and help themselves by engaging in production, and shall extend relieves and assistances to them.

The State shall give aids to poverty-stricken areas, help them to conduct economic exploitation and improve their conditions of economic development.

Article 30 People's governments at various levels shall support the development of meteorological undertakings in the service of agriculture and enhance the abilities of forecasting meteorological calamities.

Article 31 The State shall encourage and assist the development of insurance undertakings for agriculture.

The principle of voluntariness shall be practised in agricultural insurance. No organization or individual may force any agricultural labourer or agricultural production and operation organization to take out agricultural insurance.

Article 32 The State shall practise a system of animal and plant epidemic prevention and quarantine. All organizations or individuals must abide by the laws and administrative rules and regulations on animal and plant epidemic prevention and quarantine.

Article 33 The State shall take measures of macro-regulation and control to maintain a reasonable price ratio between agricultural products and the principal means of agricultural production such as chemical fertilizers, pesticides, agricultural plastic films, agricultural

machinery and diesel oil for agricultural use.

Article 34 People's governments at various levels and agricultural production and operation organizations shall establish and improve the safe-use system of agricultural means of production such as pesticides, veterinary drugs and agricultural machinery which may endanger the safety of persons or livestock, and shall educate agricultural labourers to ensure safety in production.

Any producer or seller of pesticides, veterinary drugs, chemical fertilizers, seeds, agricultural machinery, agricultural plastic films and other agricultural means of production shall be responsible for the qualities of the products he produces or sells. Any act of passing defective products off as high-quality ones, or passing fake products off as genuine ones, or passing substandard ones off as standard ones, shall be prohibited. The production of such agricultural means of production as pesticides, veterinary drugs and agricultural machinery, which the State has publicly ordered to be obsolete, shall be forbidden.

CHAPTER IV CIRCULATION OF AGRICULTURAL PRODUCTS

Article 35 Market regulation shall be gradually practised in the purchasing or selling of agricultural products, and the State shall carry out necessary macro-regulation and control in the purchasing or selling activities of major agricultural products relating to the national economy and the people's livelihood.

The State Council or the people's governments of provinces, autonomous regions or municipalities directly under the Central Government empowered by the State Council may entrust relevant management organizations with the purchase of the major agricultural products relating to the national economy and the people's livelihood. The variety and quantity of agricultural products, the purchase of which is so entrusted, shall be prescribed by the State Council or by the people's governments of provinces, autonomous regions or municipalities directly under the Central Government empowered by the State Council.

The State Council may, when necessary, set the entrustment purchase prices of the specially designated agricultural products.

Article 36 The State shall practise the protective purchasing price system and establish risk fund for the major agricultural products such as grains relating to the national economy and the people's livelihood.

The State shall practise a central and local multi-leveled storage and regulation system for the major agricultural products such as grains relating to the national economy and the people's livelihood, and set up reserve funds, establish and perfect the storage and transportation system so as to guarantee the supply and stabilize the market.

Article 37 The State-owned commercial organizations and the collective commercial organizations such as supply and marketing co-operatives shall strengthen the construction of storage facilities, provide market information, improve the purchasing work, play a role of main channel, and offer service to peasants in their selling of agricultural products.

The State shall encourage and guide peasants to engage in various forms of circulation activities of agricultural products. Agricultural production and operation organizations and agricultural labourers may, in accordance with the relevant provisions of the State, engage in activities of purchasing, processing, wholesaling, trafficking and retailing of agricultural products.

Article 38 The State shall encourage and support enterprises, institutions and individuals to engage in transregional or inter-trade joint operational activities in producing, processing or selling of agricultural products according to law.

Article 39 The State shall support the establishment and development of rural fairs and wholesale markets for agricultural products.

Wholesale markets for agricultural products shall have transaction regulations. No administrator of wholesale market for agricultural products may participate in the transactions of the wholesale market for agricultural products.

Article 40 Agricultural production and operation organizations and other economic organizations properly qualified may acquire the managerial power of foreign trade with approval granted in accordance with the regulations of the State Council, and engage in import and export trade of agricultural products.

Article 41 People's governments at or above the county level shall organize the relevant departments and units such as those of finance, banking, grain, supply and marketing to raise in time enough funds for purchasing agricultural products. No unit or individual may intercept or misappropriate such funds.

Units purchasing agricultural products must, at the time of purchasing, pay off the money to the agricultural production and operation organizations or peasants who sell their agricultural products.

No units purchasing agricultural products may, at the time of purchasing, beat down the grade or price of agricultural products or deduct any costs from the payment. Any withholding of taxes to be made under laws or administrative rules and regulations shall be handled in accordance with the provisions of relevant laws or administrative rules and regulations.

CHAPTER V INPUT TO AGRICULTURE

Article 42 The State shall gradually increase the overall input to agriculture. The growing rate of the annual overall input to agriculture by the national finance shall be higher than that of regular national revenue.

The State shall take measures to promote the further exploitation of foreign capitals in agriculture.

Article 43 People's governments at or above the county level shall, in accordance with the relevant provisions of the State, establish special agricultural funds for agricultural development, forest cultivation and construction of special projects such as water conservancy facilities.

Article 44 The State shall, by such means as taxation, price, credit and loan, encourage and guide the agricultural production and operation organizations and agricultural labourers to increase their input to agriculture.

The State shall encourage and support agricultural production and operation organizations and agricultural labourers to raise agricultural funds on voluntary basis and by various ways.

Article 45 The input to agriculture by the State shall be used in the following infrastructure and

engineering projects: key projects for harnessing big rivers and lakes, large-scale water conservancy projects for flood and waterlogging control, diversion and irrigation, major infrastructure facilities for agricultural production and circulation of agricultural products, production bases of commodity grain, commodity cotton and timber forest, projects for shelter-forest, and fundamental facilities for agricultural education, agricultural scientific research, popularization of technology and meteorology.

Agricultural production and operation organizations and agricultural labourers shall put in fund and labour accumulation in input to agricultural production and capital construction such as irrigation and water conservancy works, and the State shall grant support thereto.

Article 46 The State shall, by such means as taxation, credit and loan, encourage and support the development of industries of means of agricultural production, and make efforts to meet the needs of agricultural production for means of agricultural production such as chemical fertilizers, pesticides, veterinary drugs, agricultural plastic films and agricultural machinery.

Article 47 People's governments at various levels shall strengthen their control over the application of the agricultural funds of the State and guide the agricultural economic collectives to make a rational use of their collective funds.

No unit shall intercept or misappropriate the funds for agriculture allocated by people's governments at various levels or agricultural loans by banks.

CHAPTER VI AGRICULTURAL SCIENCE AND TECHNOLOGY, AND AGRICULTURAL EDUCATION

Article 48 People's governments at various levels shall steadily increase the expenditure on agricultural science and technology and on agricultural education to promote agricultural science and technology as well as agricultural education undertakings.

The State shall encourage economic collectives, State-owned enterprises and institutions, and other social forces to engage in agricultural science and technology as well as agricultural education undertakings.

The relevant departments under the State Council shall make overall planning for the basic research, applied research and high technology research of agricultural science and technology, organize joint tackling of major projects, and promote the international co-operation and exchanges of agricultural science and technology.

Article 49 The State shall implement compulsory education in the countryside, develop professional education of agriculture and enhance the cultural and technical qualifications of agricultural labourers.

Article 50 The State shall support the popularization of agricultural techniques to promote the prompt application of advanced agricultural techniques to agricultural production.

Setups for popularizing agricultural techniques shall coordinate with units of agricultural scientific research and education to popularize advanced agricultural techniques.

Article 51 The State shall afford preferential treatments in respect of taxation, credit and loan to enterprises initiated for the service of agriculture by setups for popularizing agricultural techniques, units of agricultural scientific research and relevant schools.

Article 52 People's governments at various levels shall take measures to reinforce and strengthen the contingent of agricultural science and technology, education and popularization of agricultural techniques, safeguard and improve the working and living conditions and better the treatment of the professional scientific and technological personnel engaged in the work of popularizing agricultural techniques and shall, in accordance with the provisions of the State, give subsidies to such personnel and encourage them to contribute their services to agriculture.

Article 53 The State shall encourage peasants to apply the advanced agricultural techniques and support them to form various kinds of scientific and technological organizations.

CHAPTER VII AGRICULTURAL RESOURCES AND AGRICULTURAL ENVIRONMENTAL PROTECTION

Article 54 In the development of agriculture, resources must be utilized in a rational way and the ecological environment must be protected and improved.

People's governments at various levels shall draw up plans for regionalization of agricultural resources, programmes for agricultural environmental protection and plans for the development of rural energy, and organize the rehabilitation of the agricultural ecological environment.

Article 55 People's governments at or above the county level shall delimit protection areas of basic farmlands, and carry out special protection for the cultivated lands within the protection areas of basic farmlands. The specific measures therefor shall be stipulated by the State Council.

People's governments at or above the county level shall take measures to strengthen the development and rehabilitation of barren hills, unreclaimed lands and desolated beaches.

Agricultural production and operation organizations and agricultural labourers shall keep good maintenance of their lands, make a rational use of chemical fertilizers and pesticides, increase their application of organic fertilizers so as to improve soil fertility and prevent the land from pollution, destruction and soil fertility declination.

Article 56 The State shall, in the work of water and soil conservation, implement the policy of prevention first, overall planning, comprehensive prevention and control, adoption of measures suited to local conditions, strengthening management and laying stress on beneficial results. People's governments at various levels shall take measures to strengthen the rehabilitation of small river basins, control hazards of sand storms, prevent and control soil erosion and desertification.

Destroying forest or burning vegetation for land reclamation, or building dykes to reclaim land from a lake or reclaiming slopes banned by the State shall be prohibited.

Article 57 The State shall implement the system of compulsory tree-planting in the whole nation. People's governments at various levels shall take measures to organize the masses to plant trees, protect forests and prevent fires, control plant diseases and insect pests in the forests, protect forest lands, check up denudation and illegal felling of trees, and increase the forest coverage.

Article 58 The State shall protect and make a rational use of the natural resources such as water, forest, grassland, wild animals and plants, and protect them from pollution or destruction.

CHAPTER VIII LEGAL LIABILITY

Article 59 Anyone who, in violation of the provisions of Article 18 or Article 19 of this Law, collects fees from, or imposes fines upon, or apportions costs among, or compulsorily raises funds from peasants or agricultural production and operation organizations shall be checked up and made public by the organs at higher levels, whoever has collected money or has used labour force or material resources shall be ordered by the organs at higher levels to return the money so collected or to pay compensation at the market price of the labour force or material resources so used within a time limit. If the circumstances are serious, persons held directly responsible shall be given administrative sanctions by the organs at higher levels or the units they belong to.

Article 60 Any unit which, in violation of the provisions of paragraph 1 of Article 41 or paragraph 2 of Article 47 of this Law, intercepts the funds for purchasing agricultural products and misappropriates the funds to any use other than purchasing agricultural products, or intercepts the funds allocated for agriculture by people's governments at various levels and misappropriates such funds to any use other than agricultural expenditure, or intercepts the agricultural loans granted by banks and misappropriates such loans to any non-agricultural use, shall be ordered by organs at higher levels to return the funds intercepted or misappropriated within a time limit. And if the circumstances are serious, persons held directly responsible shall be given administrative sanctions by the organs at higher levels or the units they belong to.

Article 61 Anyone who, in violation of the provisions of Article 4 of this Law, buys or sells or illegally transfers land in any other way, or illegally occupies land, shall be investigated for legal liability in accordance with the provisions of the Land Administration Law.

Article 62 Anyone who, in violation of the provisions of paragraph 2 of Article 34 of this Law, produces fake pesticides, fake veterinary drugs or fake chemical fertilizers, or sells pesticides, veterinary drugs, chemical fertilizers and seeds while clearly knowing such products to be fake or no longer effective, or any producer or seller who passes substandard pesticides, veterinary drugs, chemical fertilizers or seeds off as the ones up to the standard, shall be ordered to stop the production or selling. The products illegally produced or sold, and the unlawful earnings shall be confiscated, and a fine of not less than one time the value of the unlawful earnings but not more than five times of it shall be imposed upon, and the business licences may be revoked. And if the offence constitutes a crime, the offender shall be investigated for criminal responsibilities according to law.

The administrative sanctions and penalties stipulated in the preceding paragraph shall be decided by the organs provided by laws or administrative rules and regulations.

Article 63 Anyone who, in violation of the provisions of this Law, infringes upon the lawful rights and interests of agricultural production and operation organizations or agricultural labourers, and thus causes any loss or damage to them, shall bear the liability for civil compensation according to law.

Article 64 In case a person violates any provision of this Law, and thus shall be subjected to administrative sanctions according to law, the provisions of relevant laws and regulations shall be applied except as otherwise provided for in this Law.

Article 65 Anyone who violates the provisions of this Law, and thus shall be investigated for criminal responsibilities according to Law, shall be investigated for criminal responsibilities in accordance with the provisions of the relevant laws.

CHAPTER IX SUPPLEMENTARY PROVISIONS

Article 66 This Law shall go into effect as of the date of promulgation.