

# **Agriculture Law of the People's Republic of China**

**Order of the President of the People's Republic of China**

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**The Agriculture Law of the People's Republic of China, amended and adopted at the 31st Meeting of the Standing Committee of the Ninth National People's Congress of the People's Republic of China on December 28, 2002, is hereby promulgated after its amendment and shall go into effect as of March 1, 2003.**

**Jiang Zemin**

**President of the People's Republic of China**

**December 28, 2002**

## **Agriculture Law of the People's Republic of China**

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## *Chapter I*

### **General Provisions**

**Article 1** This Law is enacted with a view to consolidating and strengthening the position of agriculture as the foundation of the national economy, deepening the reform in rural areas, developing the productive forces of agriculture, pushing forward the modernization of agriculture, safeguarding the legitimate rights and interests of farmers and agricultural production and operation organizations, increasing the income of farmers, enhancing their scientific and cultural qualification, promoting the sustained, steady and sound growth of agriculture and the rural economy, and attaining the objectives of building a well-off society in an all-round way.

**Article 2** For the purpose of this Law, agriculture consists of the industries of crop-planting, forestry, animal husbandry and fishery, including the services before, during and after the production process directly related with the above.

The agricultural production and operation organizations as mentioned in this Law include the rural collective economic organizations, specialized cooperative economic organizations of farmers, agricultural enterprises and other organizations engaged in agricultural production and operation.

**Article 3** The State gives first priority to agriculture in the development of the national economy.

The main objectives in developing agriculture and the rural economy are to establish a rural economic system that meets the demand for the development of the socialist market economy, to continuously emancipate and develop the productive forces in the countryside, to enhance the quality and efficiency of agriculture as a whole, to ensure the supply and quality of agricultural products, to satisfy the need of developing the national economy, of an increased population and of enhancing people's lives, to increase the income of farmers and raise their living standards, to promote the transfer of the surplus rural labor to non-agricultural industries and to cities and towns, to narrow the difference between town and country and between regions, to build a prosperous, democratic and culturally advanced new socialist countryside, and to gradually bring about the modernization of agriculture and the countryside.

**Article 4** The State adopts measures to ensure that agriculture plays a better role in many fields such as in the supply of food, industrial raw materials and other farm products, in the maintenance and improvement of the ecological environment and in the promotion of the rural economic and social development.

**Article 5** The State upholds and improves the basic economic system under which public ownership is the mainstay of the economy, while the economic sectors of diversified ownerships develop jointly, in order to invigorate the rural economy.

The State, for a long time to come, within a long period, stabilizes the two-tier management system that combines unified with separate management on the basis of household contractual management, develop systems for commercialized services, expand the actual strength of collective economy, and guide the farmers onto the road of common prosperity.

The State upholds and improves the distribution system under which to each according to his work is the predominant mode of distribution, while diversified modes of distribution coexist.

**Article 6** The State upholds the principles of invigoration of agriculture through science and education and of sustainable development of agriculture.

The State takes measures to strengthen agriculture and the construction of infrastructure in rural areas, to readjust and optimize agriculture and the rural economic structure, to push forward the industrialized operation of agriculture, to develop the undertakings of agricultural science, technology and education, to protect the agricultural ecological environment, to promote mechanization of agriculture and application of the technology information and to raise the comprehensive production capacity of agriculture.

**Article 7** The State protects the property and other legitimate rights and interests of farmers and agricultural production

and operation organizations from infringement.

People's governments at all levels and the relevant departments under them shall take measures to increase the income of farmers and effectively reduce the burdens on them.

**Article 8** All sectors of society shall attach great importance to agriculture and support agricultural development.

The State awards the units and individuals that have made remarkable achievements in the development of agriculture and the rural economy.

**Article 9** People's governments at all levels shall assume unified responsibility for work in respect of agriculture and development of the rural economy and make arrangements for the relevant departments and all sectors of society to do a good job in all fields of endeavor for the development of agriculture and for provision of services to the development of agriculture.

The competent administrative department for agriculture under the State Council shall be in charge of work of agriculture and economic development in the rural areas throughout the country. The competent administrative department for forestry under the State Council and relevant departments shall, within the scope of their respective duties, be in charge of work related to agriculture and development of the rural economy.

The competent administrative department for agriculture under the local people's governments at or above the county level shall be in charge of work related to agriculture and development of the rural economy including crop-planting, animal husbandry and fishery, within their own administrative regions, while the competent administrative departments for forestry shall be in charge of forest work within their own administrative regions. The relevant departments under the local people's governments at or above the county level shall, within the scope of their respective duties, be responsible for work related to services for agricultural production and operation within their own administrative regions.

## *Chapter II*

### **System of Agricultural Production and Operation**

**Article 10** The State applies the contractual management system in respect of land in rural areas, protects, in accordance with law, the long-term stability of the relationship of land contract in rural areas, and protects the right of farmers to use their contracted land.

The Land Administration Law of the People's Republic of China and the Law of the People's Republic of China on Land Contract in Rural Areas shall be applicable to matters such as the mode and term of contractual management of rural land, the rights and obligations of the party giving out the contract and the contractor, and protection and transfer of the right to land

contractual management.

The rural collective economic organizations shall, on the basis the household contractual management and in accordance with law, manage the collective assets, provide their members with services in respect of production, technology, information, etc., make arrangements for rational development and use of collective resources and build up the economic strength.

**Article 11** The State encourages farmers to voluntarily organize themselves into various kinds of specialized cooperative economic organizations on the basis of household contractual management.

Specialized cooperative economic organizations of farmers shall adhere to the aim of serving their members and in accordance with the principles of voluntary participation, free withdrawal, democratic management and return of the surplus and in accordance with law, engage in agricultural production and operation and provide services within the scope prescribed by their articles of association.

Specialized cooperative economic organizations of farmers may take diversified forms and shall be established and registered in accordance with law. No organizations or individuals may infringe upon the property of such organizations or their right of decision-making in management.

**Article 12** Farmers and agricultural production and operation organizations may, on a voluntary basis and in accordance with the principles of democratic management, and distribution according to work combined with dividends on shares, buy shares by pooling funds, technologies or material objects to establish different types of enterprises according to law.

**Article 13** The State takes measures to develop industrial management of agriculture in various forms, and encourages and supports farmers and agricultural production and operation organizations in their efforts to develop integrated operation of production, processing and marketing.

The State provides guidance and support to enterprises, scientific research institutions and other organizations which are in the service of production, processing and circulation of agricultural products through concluding contracts or establishing different kinds of enterprises with farmers or farmers' specialized cooperative economic organizations, in their efforts to form benefit communities that jointly share profits and undertake risks, in order to push forward the industrial management of agriculture and give impetus to the development of agriculture.

**Article 14** Farmers and agricultural production and operation organizations may, in accordance with law and administrative regulations, establish trade associations of different kinds of agricultural products in order to provide their members with services related to production, marketing, information, technology, training, etc., to play the role of coordination and self-discipline, to submit applications for relief measures for trade in agricultural products and to safeguard the interests of

their members and trade.

### *Chapter III*

#### **Agricultural Production**

**Article 15** People's governments at or above the county level shall, on the basis of the medium and long-term national economic and social development plans, the basic objective for agriculture and rural economic development and the regional division of agricultural resources, work out their plans for agricultural development.

The competent administrative department for agriculture under the people's governments at or above the provincial level shall, on the basis of their plans for agricultural development, take measures to give play to the advantages of their regions, in order to promote the formation of a rational regional distribution of agricultural production and to guide and coordinate the restructuring of agriculture and the rural economy.

**Article 16** The State guides and supports farmers and agricultural production and operation organizations in their efforts to readjust and optimize the structure of agricultural production according to market demand and in light of the actual local conditions, to coordinate the development of crop-planting, forestry, animal husbandry and fishery, and to develop an agriculture with high quality, yields and returns in order to enhance the competitiveness of agricultural products in the world.

In crop-planting, the mix of crops, varieties and quality shall be readjusted, centering around the optimization of varieties, improvement of quality and increase of returns.

Efforts shall be made to improve forest ecology, carry into execution the projects designed to protect natural forests, restore reclaimed land to forests and prevent and control sand encroachment, and shelter forests shall be expanded and the cultivation of fast-growing and high yielding timber forests, forests for industrial raw materials and charcoal forests shall be speeded up.

Grasslands shall be better protected and cultivated, the development of animal husbandry speeded up, the rearing of livestock in pens and folds popularized, the breeds of livestock and poultry improved, and the feed industry and the processing industry of livestock and poultry products developed.

In fisheries, attention shall be paid to protection and rational use of fishery resources, readjustment of the mix of fishing, and active development of aquatic farming, deep-sea fishing and the processing of aquatic products.

People's governments at or above the county level shall frame their policies, allocate funds, guide and support the

structural readjustment of agriculture.

**Article 17** People's governments at all levels shall take measures to strengthen all-round agricultural development and the construction of infrastructures for agriculture and the rural areas, such as irrigation and water conservancy, protection of agricultural ecological environment, rural roads, rural energy and electric networks, storage and circulation of agricultural products, fishing ports, grassland enclosures and bases of original and fine breeds and improved strains of animals and plants, improve the conditions for agricultural production, and protect and increase the comprehensive production capacity of agriculture.

**Article 18** The State supports the breeding, production and updating of animal breeds and plant varieties and the wide use of the improved strains and fine breeds, encourages the combination of variety breeding with production and operation, and sees that the seed project and the fine livestock and poultry breed project are carried into execution. The State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall set up special funds in support of the breeding and wide use of fine breeds and improved strains of animals and plants.

**Article 19** People's governments at all levels and agricultural production and operation organizations shall strengthen the construction of irrigation and water conservancy facilities, establish a sound system for the management of such works, economize on the use of water, develop a water-saving agriculture, control strictly in accordance with law the use of irrigation water resources by non-agricultural construction projects and prohibit all organizations and individuals from unlawfully occupying or damaging irrigation and water conservancy facilities.

The State gives priority to water-deficient regions in supporting the development of a water-saving agriculture.

**Article 20** The State encourages and supports farmers and agricultural production and operation organizations to use advanced, applicable farm machines and improves the safety control over such machines for the purpose of raising the level of agricultural mechanization.

The State gives support to farmers and agricultural production and operation organizations in purchasing advanced farm machines.

**Article 21** People's governments at all levels shall support the development of the meteorological undertakings in the service of agriculture and enhance the abilities of monitoring and forecasting meteorological calamities.

**Article 22** The State takes measures to enhance the quality of agricultural products, establish a sound system for quality standards of agricultural products and supervisory system for quality inspection and testing, and, in accordance with relevant technical regulations, operational rules and quality, hygiene and safety standards, make arrangements for production and

management of agricultural products and ensure the quality and safety of agricultural products.

**Article 23** The State supports the establishment, according to law, of a sound certification and mark system for quality agricultural products.

The State encourages and supports the production of quality agricultural products. Local people's governments at or above the county level shall, in light of their local conditions and in accordance with relevant State regulations, take measures to develop the production of quality agricultural products.

For quality agricultural products that are up to the standards prescribed by the State, an application may, in accordance with the provisions of laws or administrative regulations, be made for the use of relevant marks. For agricultural products that meet the requirements of the prescribed places of origin or production specifications, an application may, in accordance with the provisions of relevant laws or administrative regulations, be made for the use of geographic marks for agricultural products.

**Article 24** The State applies the system of animal and plant epidemic prevention and quarantine, improves the setup for such prevention and quarantine, strengthens the monitoring, early warning, and prevention and control of animal epidemic diseases and plant diseases, insect pests, weeds, and damages caused by rats, sets up a rapid elimination mechanism for major animal epidemic diseases, plant diseases and insect pests, builds random animal epidemic disease zones and carries into execution the plant protection project.

**Article 25** The system of registration or license shall, in accordance with the provisions of relevant laws and administrative regulations, be applied in respect of the production and operation of such means of agricultural production as pesticides, veterinary medicines, fodder and feed additives, fertilizers, seeds and farm machines, which may endanger the safety of human beings and or livestock.

People's governments at all levels shall establish a sound system for the safe use of the means of agricultural production. No farmers or agricultural production and operation organizations may use such means of agricultural production as the pesticides, veterinary medicines and feed additives which are eliminated or the use of which is banned by State decree, or use other products the use of which is banned.

Manufactures and sellers of the means of agricultural production shall be responsible for the quality of the products they manufacture and sell. They are prohibited from passing off inferior products as good ones, or fake products as genuine ones, or substandard products as standard ones; and they are prohibited from manufacturing and selling such agricultural means of production as pesticides, veterinary medicines, feed additives and farm machines, which are eliminated by State decree.



## Chapter IV

### Circulation and Processing of Agricultural Products

**Article 26** The purchase and sale of agricultural products shall be regulated by market forces. The State exercises the necessary macro-economic control over in the purchase and sale of key agricultural products which have a bearing on the national economy and the people's livelihood, establishes a system for storage regulation at the central and local levels and improves the storage and transportation system, in order to guarantee supply and stabilize the market.

**Article 27** The State gradually establishes a unified, open, competitive and orderly market system for agricultural products and formulates plans for the development of a wholesale market for agricultural products. The State gives support to the rural collective economic organizations and specialized cooperative economic organizations of farmers in their efforts to build up wholesale markets and rural fairs for agricultural products.

Administrative departments for industry and commerce under the people's governments at or above the county level and the relevant departments shall, in compliance with their respective duties and in accordance with law, administer the wholesale markets for agricultural products, standardize the order of trade and prevent local protectionism and unfair competition.

**Article 28** The State encourages and supports the circulation of agricultural products in various forms. It supports the farmers and the specialized cooperative economic organizations of farmers to engage in purchase, wholesale, storage, transportation and retail of agricultural products and other intermediary activities in accordance with the relevant regulations of the State. It encourages the supply and marketing cooperatives and other agricultural production and operation organizations engaged in purchase and sale of agricultural products to provide market information and open up circulation channels for agricultural products in the service of the purchase and sale of such products.

People's governments at or above the county level shall take measures and urge the relevant departments to ensure unblocked transportation of agricultural products and to reduce the circulation costs for such products. The relevant administrative departments shall simplify formalities to facilitate the transportation of fresh and live farm products, they are not allowed to detain the means of transport for fresh and live farm products except where otherwise provided for in laws and administrative regulations.

**Article 29** The State supports the development of the processing of agricultural products and the food industry in order to increase the added value of the products. People's governments at or above the county level shall formulate plans for the development of the processing of agricultural products and the food industry, provide guidance to the enterprises engaged in the processing of agricultural products, helping them form a rational regional layout and structure of scale, and support the specialized cooperative economic organizations of farmers and enterprises town and township enterprises in their efforts to

engage in processing and comprehensive development and utilization of agricultural products.

The State establishes a well-defined quality standards for processed agricultural products, improves the means of inspection and testing and tightens control and supervision over quality safety during the processing of agricultural products, in order to guarantee food safety.

**Article 30** The State encourages the development of import and export trade of agricultural products.

The State takes measures for improving research in international markets and providing information and marketing services in order to promote the export of agricultural products.

An early warning system for the import of agricultural products shall be established for maintaining the order of production and marketing of and fair trade in agricultural products, so that the State may take the necessary measures when the import of certain agricultural products has already occasioned or is likely to occasion serious effect detrimental to the production of relevant agricultural products at home.

#### *Chapter V*

#### **Grain Safety**

**Article 31** The State takes measures to protect and enhance the comprehensive capacity for grain production, steadily to raise grain production level and to ensure gain safety.

The State establishes the system of protection for arable land and provides special protection to capital farm land according to law.

**Article 32** The State gives major assistance in terms of policy, funds and technology to the main grain producing areas, in order to build up stable bases for the production of commodity grains, improve grain storage and processing facilities and raise the grain production and processing level and increase the economic returns in the main grain producing areas.

The State supports the establishment of a stable cooperative relationship of purchase and sale between the main grain producing areas and the main grain marketing areas.

**Article 33** When the market price of grain is too low, the State Council may decide to introduce the protective price system for some varieties of grain. Protective prices shall be determined on the principle that they are conducive to the protection of the farmers' interests and to stable production of grain.

When farmers sell their grains in accordance with the protective price system, no purchasing units entrusted by the State may refuse to purchase them.

People's governments at or above the county level shall make arrangements for departments of finance, banking, etc. as well as purchasing units entrusted by the State to raise enough funds in time for the purchase of grain. No departments, units or individuals may withhold or misappropriate such funds.

**Article 34** The State establishes an early warning system for grain safety and takes measures to guarantee the supply of grain. The State Council shall design the objective for ensuring grain safety and the quantity index for grain storage and, when necessary, make arrangements for the relevant competent departments to verify the fields cultivated and the grain stored.

The State applies a system for the regulation of grain storage at central and local levels and establishes a network for storage and transportation of grain. Enterprises to which the State assigns the task of grain storage shall, in accordance with the regulations of the State, guarantee the quantity and quality of the grain stored.

**Article 35** The State establishes a risk fund for grain, which shall be used to support grain storage, stabilize grain markets and protect the interests of farmers.

**Article 36** The State encourages people to cherish and economize on the use of grain, and takes measures to improve people's food nutrition patterns.

## *Chapter VI*

### **Input to and Support and Protection of Agriculture**

**Article 37** The State establishes a sound network for support and protection of agriculture, and takes such measures as financial investment, preferential taxation and banking assistance to support, in terms of fund input, scientific research and popularization of technology, education and training, supply of the means of agricultural production, market information, quality standard, test and quarantine, commercialized services and disaster relief, farmers and agricultural production and operation organizations in their efforts to develop agricultural production, in order to help increase the income of farmers.

On condition that the relevant international treaties which China has concluded or has acceded to are not contravened, the State pursues a policy in support of the income of farmers, and the specific measures thereof shall be worked out by the State Council.

**Article 38** The State gradually increases the overall input to agriculture. The annual overall input to agriculture by the Central Government and the local governments at or above the county level shall be increased by a broader margin than their

regular revenues respectively.

The various funds earmarked for agriculture in the financial budgets of the people's governments at all levels shall chiefly be used for the following: strengthening the construction of agricultural infrastructure; supporting readjustment of the agricultural structure and promoting industrial management of agriculture; protecting the comprehensive production capacity of grain and ensuring safety of State grains; improving the system for animal and plant quarantine and epidemic prevention and prevention and control of animal epidemic diseases and plant diseases, insect pests, weeds and damage caused by rats; establishing a sound system for quality standards of agricultural products and supervisory system for quality inspection as well as networks for agricultural product markets and information service; supporting scientific research and education in agricultural, popularization of agricultural technology and training of farmers; strengthening the construction of projects for protection of agricultural ecological environment; supporting the development of poverty-stricken areas; ensuring the income level of farmers; and so on.

The investment made by the governments at or above the county level in capital construction in agriculture including crop-planting, forestry, animal husbandry, fishery and irrigation and water conservancy shall be given overall consideration and increased in a coordinated manner.

The State increases its investment in agricultural development and protection of the ecological environment in the western region in order to speed up the development of the region.

**Article 39** The various funds earmarked for agriculture in the annual financial budgets of the people's governments at or above the county level shall be appropriated in time and in full. People's governments at all levels shall tighten supervision over the allocation and use of the various funds earmarked by the State for agriculture, in order to guarantee safety of the funds and to raise their efficiency of use.

No units or individuals may withhold or misappropriate the financial credit and funds to be used for agriculture. The audit authorities shall, in accordance with law, exercise strict supervision over such funds through auditing.

**Article 40** The State, through taxation, pricing, credit and other means, encourages and guides farmers and agricultural production and operation organizations to increase investment in agricultural production and operation and in capital construction such as small irrigation and water conservancy projects.

The State encourages and supports farmers and agricultural production and operation organizations to raise agricultural funds in various forms on a voluntary basis and in accordance with law.

**Article 41** The State encourages investment of public funds in agriculture and encourages enterprises and institutions,

public organizations and individuals to donate money for setting up various funds for agricultural development, agricultural science and technology as well as education in agriculture.

The State takes measures to promote increased use of foreign funds in agriculture.

**Article 42** People's governments at all levels shall encourage and support enterprises, institutions and other economic organizations of different types to provide information services to agriculture.

The competent administrative department for agriculture and the relevant departments under the people's governments at or above the county level shall establish a system for collecting, sorting out and publishing agricultural information, in order to provide timely services such as market information to farmers and agricultural production and operation organizations.

**Article 43** The State encourages and supports the development of agro-industry.

The State, by such means as taxation and credit, encourages and supports the manufacture of and trade in the means of agricultural production in order to provide the material guaranteed for stable growth of agricultural production.

The State takes macro-regulation and -control measures to maintain a reasonable price ratio between agricultural products and the principal means of agricultural production such as chemical fertilizers, pesticides, agricultural plastic films, farm machines and diesel oil for agricultural use.

**Article 44** The State encourages the supply and marketing cooperatives, rural collective economic organizations, specialized cooperative economic organizations of farmers, other organizations and individuals to develop diversified forms of undertakings that provide commercialized services before, during and after the process of agricultural production. People's governments at or above the county level and the relevant departments under them shall take measures to provide support to undertakings that render commercialized services to agriculture.

The departments for agriculture, industry and commerce, transportation and public security and other relevant departments shall take measures to give support to units that provide transregional commercialized services to agriculture.

**Article 45** The State establishes a sound rural financial network, improves the rural credit system and tightens supervision over rural finance.

The financial institutions concerned shall take measures to increase input to credit, improve financial services in the countryside and extend credit in support of agricultural production and operation conducted by farmers and agricultural production and operation organizations.

Rural credit cooperatives shall adhere to their aims of serving agriculture, the farmers and economic development in rural areas and, in providing credit services, give priority to production and operation conducted by local farmers.

The State, by taking such measures as discount, encourages financial institutions to provide credit to the farmers and agricultural production and operation organizations engaged in agricultural production and operation.

**Article 46** The State establishes a sound insurance system for agriculture.

The State gradually establishes a sound policy-related insurance system for agriculture. It encourages and supports farmers and agricultural production and operation organizations to form mutual-aid cooperative insurance organizations in the service of agricultural production and operation, and encourages commercial insurance companies to conduct insurance business in agriculture.

The principle of voluntariness shall be practised in agricultural insurance. No organizations or individuals may compel farmers or agricultural production and operation organizations to buy agricultural insurance.

**Article 47** People's governments at all levels shall take measures to increase the capabilities of fighting against natural disasters in agriculture, do a good job of preventing and fighting against disasters and providing disaster relief, help victims to restore production, and encourage them to support themselves by engaging in production and give each other assistance; and they shall give relief and help to the victims who lack the basic living guarantee.

## *Chapter VII*

### **Agricultural Science and Technology and Education in Agriculture**

**Article 48** The State Council and the people's governments at the provincial level shall make plans for the development of agricultural science and technology and education in agriculture to promote the undertakings of agricultural science and technology and education in agriculture.

People's governments at or above the county level shall, in accordance with the relevant regulations of the State, steadily increase funds for agricultural science and technology and for education in agriculture.

The State encourages enterprises and other sectors of society to increase investment in agricultural science and technology and draws their attention to that direction, and encourages farmers, agricultural production and operation organizations, enterprises and institutions to sponsor agricultural science and technology and education undertakings in accordance with law.

**Article 49** The State protects such intellectual property rights as new varieties of plants and geographic marks of agricultural products, encourages and guides agricultural scientific research and education units to improve the basic research and application studies in agricultural science and technology, disseminate and popularize knowledge about agricultural science and technology, speed up the transformation and industrialization of scientific and technological results, and promote progress of agricultural science and technology.

The relevant departments under the State Council shall take charge of the tackling of key agricultural technologies. The State takes measures to promote international cooperation and exchange in agricultural science, technology and education, encourages the introduction of advanced foreign technologies.

**Article 50** The State supports the popularization of agricultural techniques, and establishes the network for popularizing agricultural techniques, under which government support is combined with guidance by market forces, compensatory services are combined with gratuitous services and government setups for popularizing agricultural techniques are combined with different sectors of society in order that advanced agricultural techniques may be applied to agricultural production as soon as possible.

**Article 51** Setups for popularizing agricultural techniques established by the State shall, relying on the pilot and demonstration bases for agricultural techniques, be in charge of popularizing and demonstrating key techniques, which are needed by the public, and provide public welfare services in respect of agricultural techniques to farmers and agricultural production and operation organizations.

People's governments at or above the county level shall, in light of the need for the development of agricultural production, stabilize and strengthen the contingent for popularization of agricultural techniques, and guarantee funds for the setups working for popularization of such techniques.

People's governments at all levels shall, in accordance with relevant State regulations, take measures to ensure and improve the working conditions, salaries and other benefits, and the living conditions of the scientific and technological professionals engaged in popularization of agricultural techniques, in order to encourage them to contribute their services to agriculture.

**Article 52** Units of agricultural scientific research, relevant schools, setups for popularization of agricultural techniques and scientists and technicians may, on the basis of the need of farmers and agricultural production and operation organizations, provide gratuitous services, or provide compensatory services for legitimate earnings through transfer of technologies, technical services, technological contract, buying shares with technologies, etc. They shall raise the level of their services and guarantee the quality of the services.

The State affords preferential treatment in terms of taxation and credit to enterprises sponsored in the service of agriculture by units of agricultural scientific research, relevant schools and setups for popularization of agricultural techniques.

The State encourages farmers, specialized cooperative economic organizations of farmers, supply and marketing cooperatives, enterprises and institutions to participate in popularization of agricultural techniques.

**Article 53** The State establishes the system of continuing education for agricultural professional technicians. The competent administrative department for agriculture under the people's governments at or above the county level shall, in conjunction with the relevant departments of education and personnel, work out plans for continuing education for agricultural professional technicians, and make arrangements to carry them out.

**Article 54** The State sees that compulsory education is conducted in rural areas according to law, and guarantees the funds for such education. The salaries of the teaching and administrative staff of regular primary and secondary schools run by the State shall be distributed in a unified manner by people's governments at the county level according to the regulations of the State, and the funds for building and maintaining teaching facilities, including schoolhouses, shall be arranged in a unified manner by the said people's government according to the said regulations.

**Article 55** The State develops vocational education in agriculture. The relevant departments under the State Council shall, in accordance with the unified regulations of the State on the professional qualification certificate system, classify the professions and verify professional competence in agriculture, and administer professional qualification certificates in agriculture.

**Article 56** The State takes measures to encourage farmers to apply advanced agricultural techniques, support them to form various kinds of scientific and technological organizations, and conduct training in applied agricultural technology, training among farmers for green certificates and training for employment, in order to enhance the cultural and technical qualifications of farmers.

### *Chapter VIII*

#### **Agricultural Resources and Protection of Agricultural Environment**

**Article 57** In the development of agriculture and the rural economy, attention shall be paid to the rational use and protection of the natural resources, such as the land, water, forests, grasslands and wild animals and plants, to the rational development and use of renewable and clean sources of energy such as hydro-energy, marsh gas, solar energy and wind energy, to the development of ecological agriculture, and to the protection and improvement of the ecological environment.



People's governments at or above the county level shall work out regional division for agricultural resources or for regional rational use and protection of agricultural resources, and establish a monitoring system for agricultural resources.

**Article 58** Farmers and agricultural production and operation organizations shall keep their arable land well-maintained, make rational use of chemical fertilizers, pesticides and agricultural plastic films, increase the application of organic fertilizers and apply advanced techniques, in order to protect and improve soil fertility and prevent the land for agriculture from pollution, destruction and soil fertility declination.

The competent administrative departments for agriculture under the people's governments at or above the county level shall take measures to support farmers and agricultural production and operation organizations in their efforts to improve the quality of the arable land, and regularly monitor the quality of such land.

**Article 59** People's governments at all levels shall take measures to improve the comprehensive rehabilitation of small river basins, and to prevent and control soil erosion. Units and individuals engaged in production or construction which may cause soil erosion shall take preventive measures, and shall be responsible for the control of soil erosion caused by production or construction.

People's governments at all levels shall take measures to prevent and control sand encroachment upon land. The State Council and the local people's governments at or above the county level in the places where land is encroached upon by sand shall, in accordance with the provisions of laws, draw up plans for prevention and control of sand encroachment, and make arrangements to carry them out.

**Article 60** The State applies the system of compulsory tree planting by the whole nation. People's governments at all levels shall take measures and make arrangements for the masses to plant trees, to protect forestland and forests, to prevent forest fires, to prevent and control plant diseases and insect pests in forests, to put a stop to denudation and illegal felling of trees, and to increase forest coverage.

The State applies in the natural forests preservation zones the system under which felling of trees is prohibited or restricted, and improves afforestation and the protection of forests.

**Article 61** The local people's governments concerned shall strengthen protection, development and management of grasslands, guide and make arrangements for farmers (herdsmen) and agricultural (animal husbandry) production and operation organizations to build artificial pastures, bases of forage grass and fodder and improve natural grasslands, carry out the principle of basing the number of animal raised on the grass available, keep the number of animals fed under control, introduce the system of regional rotation grazing, closed grazing and prohibition against grazing, protect the vegetation of

grasslands and prevent the grasslands from degeneration, encroachment by sand, and salinization.

**Article 62** Destruction of forests and grass and burning of mountain vegetation for land reclamation and reclaiming of slopes banned by the State are prohibited; and where such land has already been reclaimed, it shall gradually be restored to forests or grasslands.

Reclaiming land from a lake and reclaiming land from wetland which is banned by the State are prohibited; and where such land has already been reclaimed, it shall gradually be restored to the lakes and wetland.

Farmers who restore reclaimed land within the scope of plans approved by the State Council shall be given subsidies in accordance with the regulations of the State.

**Article 63** People's governments at all levels shall take measures to implement, in accordance with law, the system of fishing norms, fishing prohibition and closed fishing, in order to propagate fishery resources and protect ecological environment of fishery waters.

The State provided guidance to and supports farmers (fishermen) and the agricultural (fishery) production and operation organizations engaged in fishing to take up aquaculture or other occupations; and the farmers (fishermen) who change the line of production or are transferred to other jobs on the basis of unified plans of the local people's governments shall be given subsidies in accordance with the regulations of the State.

**Article 64** The State establishes the system of protection for the resources of biological species related to agricultural production in order to protect the variety of organisms, laying emphasis on the resources of organisms which are rare, endangered, or precious, and on their origins. Resources of biological species introduced from abroad shall, according to law, be registered or be subject to examination and approval, and appropriate safety and control measures shall be taken.

With respect to research, experiment, production, processing, operation and other application of agricultural transgenic organisms, all the safety and control measures shall be enforced strictly in accordance with the regulations of the State.

**Article 65** The competent administrative departments for agriculture at all levels shall provide guidance to farmers and agricultural production and operation organizations in their adoption of biological measures or use of highly effective, low-toxic and low-residual pesticides and veterinary medicines to prevent and control animal and plant diseases, insect pests, weeds and damage by rats.

Straws and other residual materials after the reaping of agricultural products shall comprehensively be utilized and properly disposed of in order to prevent environmental pollution and ecological destruction.

Units and individuals engaged in raising livestock and poultry in scale shall conduct decontamination or make comprehensive utilization of their excrements and urines, waste water and other waste materials; and units and individuals engaged in aquaculture shall rationally use feedings, fertilizers and medicines in order to prevent environmental pollution and ecological destruction.

**Article 66** People's governments at or above the county level shall take measures to urge the relevant units to prevent and control pollution of the agricultural ecological environment by waste water and gas and solid waste materials. Where a unit discharges waste water or gas or solid waste materials and thus causes pollution of the agricultural ecological environment, the competent department of environment protection administration or for agriculture shall, in accordance with laws, investigate the matter and handle it; and if losses are caused to farmers or agricultural production and operation organizations, the person responsible for such losses shall pay compensation according to law.

### *Chapter IX*

#### **Protection of the Rights and Interests of Farmers**

**Article 67** Any government department or unit that collects administrative or operating charges from farmers or agricultural production and operation organizations shall do so in accordance with the provisions of laws and regulations. All the items, scopes and rates of such charges shall be made public. Farmers and agricultural production and operation organizations shall have the right to refuse to pay any charges for which there are no laws or regulations to go by.

Any government department or unit that is to impose fines on farmers or agricultural production and operation organizations shall do so in accordance with the provisions of laws, rule and regulations. Farmers or agricultural production and operation organizations shall have the right to refuse to pay any fines for which there are no laws, rules or regulations to go by.

No government department or unit may, by any means, make apportionment among farmers or agricultural production and operation organizations. Any demand made by any government department or unit, by any means, on farmers or agricultural production or operation organizations for manpower, financial or material resources shall be regarded as an apportionment, except where otherwise provided for in laws or regulations. Farmers or agricultural production and operation organizations shall have the right to refuse any apportionment made by any means.

**Article 68** No people's government at any level or the relevant departments or unit under it may, by any means, raise funds from among farmers or agricultural production and operation organizations.

No government departments or unit may conduct, without laws or regulations to go by or without approval by the State

Council, conduct any form of activities in the countryside for reaching a certain standard, for upgrading or for accepting a project after inspection.

**Article 69** Farmers and agricultural production and operation organizations shall, in accordance with the provisions of laws and administrative regulations, have the obligation to pay taxes. Taxation departments and the units that withhold or collect taxes on behalf of the said governments shall levy taxes according to law and are not allowed to apportion taxes in violation of law or levy taxes by other illegal means.

**Article 70** With respect to compulsory education in rural areas, except for fees collected in accordance with the regulations of the State Council, no other fees may be collected from farmers and students. Government departments and units are prohibited from collecting fees from farmers through rural primary and secondary schools.

**Article 71** When, in accordance with law, requisitioning land collectively owned by farmers, the State protects the legitimate rights and interests of the farmers and rural collective economic organizations and, in accordance with law, give them compensation for the land requisitioned, which no unit or individual may withhold or misappropriate.

**Article 72** In the course of the agricultural and rural economic restructuring, the industrialization of agricultural operation and the transfer of the right to land contractual management, no people's government at any level, rural collective economic organization or villagers committee may infringe upon the farmers' right to land contractual management, interfere with the items of production and operation arranged by the farmers themselves, or compel the farmers to buy the means of production designated by it or to sell their agricultural products through the channels designated by it.

**Article 73** Where rural collective economic organizations or villagers committees need to obtain funds or manpower from their members (villagers) for the development of production or establishment of public welfare undertakings, the matter shall be subject to adoption the majority of the participants of the members (villagers) assembly or representative assembly.

Where rural collective economic organizations or villagers committees raise funds or obtain manpower in accordance with the provisions of the preceding paragraph, they are not allowed to exceed the ceiling of the control norm fixed by the people's governments at or above the provincial level, and compulsory substitution of funds for manpower is prohibited.

Rural collective economic organizations and villagers committees shall make known to farmers important matters that have a bearing on the interests of the farmers and regularly publish their financial accounts to accept supervision by the farmers.

**Article 74** Any unit or individual that provided compensatory services in respect of production, technology, information, culture, insurance, etc. to farmers or agricultural production and operation organizations shall adhere to the principle of

voluntariness, and is not allowed to compel farmers or agricultural production and operation organizations to accept such services.

**Article 75** When purchasing agricultural products, no purchasing units may force down the grade or price or withhold any fees from the money paid. Where taxes are to be withheld or collected by an agent, as provided for by laws and administrative regulations, the provisions of the said laws and regulations shall be abide by.

Where a dispute arises over the grade of quality of agricultural products between the unit purchasing the agricultural products and the seller of the products, they may entrust a statutory qualified authority for quality inspection of agricultural products with the inspection of the products.

**Article 76** Where a user of the means of agricultural production suffers losses due to the dubious quality of the means of production, seller of such means of production shall make the user compensation, and the amount of compensation shall include the purchasing price, the relevant expenses and the losses of the benefits available.

**Article 77** Farmers and agricultural production and operation organizations shall, for the purpose of safeguarding their own legitimate rights and interests, have the right to report what happens and put forth their lawful requests to people's governments at different levels and the relevant departments, and the people's governments and the relevant departments shall, in accordance with the regulations of the State and without delay, give replies to the reasonable requests put forth by the farmers or agricultural production and operation organizations.

**Article 78** Where the rights and interests of farmers are infringed upon in violation of the provisions of laws, the farmers or agricultural production and operation organizations may, according to law, apply for administrative reconsideration or bring a lawsuit in the People's Court; and the relevant people's governments and departments or the People's Court shall accept the case according to law.

People's Courts and the competent administrative organs of justice shall provide legal assistance to farmers in accordance with relevant regulations.

## *Chapter X*

### **Development of the Rural Economy**

**Article 79** The State upholds the principle of coordinated development of town and country, supports and helps the development of the secondary and tertiary industries in the rural areas, and readjusts and optimizes the rural economic structure, in order to help increase the income of farmers, promote the all-round development of the rural economy and

gradually narrow the difference between town and country.

**Article 80** People's governments at all levels shall take measures to develop enterprises in townships and towns, support agricultural development and transfer the surplus labor force in agriculture to other fields of endeavor.

The State improves the supporting measures for the development of town and township enterprises, and guide the enterprises to optimize their structure, update their technologies and enhance their qualification.

**Article 81** Local people's governments at or above the county level shall, in light of the level of local economic development, the advantages of their location and the conditions of resources, promote the building of small rural cities and towns, giving priority to selected ones and acting on the principles of rational geographic distribution, scientific planning and economy in the use land.

Local people's governments at all levels shall attach importance to the application of the market mechanism, improve the relevant policies, attract investment by farmers and public funds in the development and building of small cities and towns and the development of the secondary and tertiary industries, and provide guidance to town and township enterprises in order that they develop in a relatively concentrated manner.

**Article 82** The State takes measures to guide the rational and orderly flow of the surplus rural labor force between cities and the countryside and among different regions. Local people's governments at all levels shall, according to law, protect the legitimate rights and interests of the rural workers who get employed in cities and towns, and they are not allowed to establish unreasonable restrictions, and they shall remove such restrictions, if established.

**Article 83** The State gradually improves the public relief system in the rural areas and guarantees the basic living standards among the households of infirm and childless old people enjoying the five guarantees (namely, food, clothing, medical care, housing and burial expenses), poor disabled farmers, poor aged farmers and other farmers who have lost the ability to work.

**Article 84** The State encourages and supports farmers to consolidate and expand rural cooperative medical service and other medical guarantee forms in order to foster farmers' health.

**Article 85** The State supports and helps poverty-stricken areas to improve the conditions of their economic development and assists them to develop their economy. People's governments at the provincial level shall, on the basis of the State's overall objective of and requirements for supporting and helping the poverty-stricken areas, draw up plans for alleviating poverty through development, and make arrangements for their implementation.

People's government at all levels shall adhere to the developmental principle in helping alleviate poverty, making arrangements for farmers and agricultural production and operation organizations in poverty-stricken areas to rationally use the funds for fighting poverty and lift themselves from poverty and backwardness by relying on their own efforts, and guide farmers in poverty-stricken areas to readjust their economic structure and develop their local resources. In alleviating poverty through development, they shall uphold the principle of combining with the protection of resources and ecological development and promote the coordinated economic development and all-round social progress in the poverty-stricken areas.

**Article 86** The Central and provincial governments shall include their input to the fight against poverty throw development in their fiscal financial budgets, and keep increasing such input year by year, and increase the transfer of payments and the input of construction funds for the poverty-stricken areas.

The State encourages and supports financial institutions, other enterprises and institutions and individuals to invest funds in support of the development and construction of the poverty-stricken areas.

All units and individuals are prohibited from withholding and misappropriating the funds earmarked for the fight against poverty. Audit authorities shall tighten supervision over such funds through auditing.

## *Chapter XI*

### **Law Enforcement and Supervision**

**Article 87** People's governments at or above the county level shall take measures to gradually improve the agricultural administration system to meet the requirements for the development of the socialist market economy.

The competent administrative departments for agriculture under the people's governments at or above the county level and the relevant competent administrative departments shall rigorously perform their duties of planning, guidance, administration, coordination, supervision and service, exercise their functions according to law and enforce laws impartially.

The competent administrative departments for agriculture under the local people's governments at or above the county level shall, within the limits of their duties, build up the contingent of personnel for administrative enforcement of laws and carry out comprehensive law-enforcement, in order to enhance the efficiency and level of law-enforcement.

**Article 88** The competent administrative departments for agriculture under the local people's governments at or above the county level and their law enforcement officials shall have the right to take the following measures when performing their duties of law enforcement, supervision and inspection:

- (1) requesting the units or individuals under inspection to make explanations and provide relevant documents, certificates

or license and materials; and

(2) ordering the units or individuals under inspection to desist from violating this Law and to perform their statutory obligations.

When performing their duties of supervision and inspection, law enforcement officials in charge of agricultural administration shall show their papers of administrative law enforcement to the units or individuals under inspection and observe the procedure for law enforcement. The units or individuals concerned shall cooperate with the law enforcement officials in charge of agricultural administration who are performing their duties according to law, and they are not allowed to refuse to do so or obstruct such performance.

**Article 89** The competent departments of agricultural administration shall completely be separated from agricultural production or management units in terms of organization, personnel and finance. The competent administrative departments for agriculture and their personnel are not allowed to participate or be engaged in agricultural production or operation.

## *Chapter XII*

### **Legal Responsibility**

**Article 90** Anyone who, in violation of the provisions of this Law, infringes upon such property rights of farmers or agricultural production and operation organizations as the right to land contractual management or other legitimate rights and interests of theirs shall cease such infringement and restore the original state; and if losses or damages are caused, he shall bear the responsibility to pay compensation according to law.

Any State functionary who, taking advantage of his position or under other guise, infringes upon the legitimate rights and interests of farmers or agricultural production and operation organizations shall make compensation for losses, and shall be given administrative sanctions by the unit he belongs to or the competent authority at a higher level.

**Article 91** Any unit or individual that violates the provisions in Articles 19, 25, 62 and 71 of this Law shall be punished in accordance with the provisions of relevant laws and administrative regulations.

**Article 92** Any unit or individual that commits one of the following acts shall be ordered by the competent authority at a higher level to return the funds withheld or misappropriated within a time limit, its/his illegal gains shall be confiscated, and the persons directly in charge and the other persons directly responsible shall be given administrative sanctions by the competent authority at a higher level or by the unit they belong to; and if a crime is constituted, criminal responsibility shall be investigated according to law:



(1) in violation of the provisions in the third paragraph of Article 33 of this Law, withholding or misappropriating funds for purchasing grains;

(2) in violation of the provisions in the second paragraph of Article 39 of this Law, withholding or misappropriating financial or credit funds to be used for agriculture; or

(3) in violation of the provisions in the third paragraph of Article 86 of this Law, withholding or misappropriating funds for the fight against poverty.

**Article 93** Any government department or unit that, in violation of the provisions in Article 67 of this Law, collects fees from, inflicts fines or imposes apportionments upon farmers or agricultural production and operation organizations shall be stopped by the competent authority at a higher level and be made known to the public; where money has already been collected, or human or material resources have already been used, the said authority shall order it to return, within a time limit, the money collected or pay compensation at market price for the human or material resources used, and the persons directly in charge and the other persons directly responsible shall be given administrative sanctions by the competent authority at a higher level or the unit they belong to; and if the circumstances are serious enough to constitute a crime, criminal responsibility shall be investigated according to law.

**Article 94** Any government department or unit that commits one of the following acts shall be ordered by the competent authority at a higher level to cease the unlawful act, the persons directly in charge and the other persons directly responsible shall be given administrative sanctions, and the department or unit shall be ordered to return the funds raised, the taxes paid or the fees collected illegally:

(1) in violation of the provisions in Article 68 of this Law, raising funds, conducting activities for reaching a certain standard, for upgrading, or for accepting a project after inspection in the countryside;

(2) in violation of the provisions in Article 69 of this Law, levying taxes on farmers by illegitimate means; or

(3) in violation of the provisions in Article 70 of this Law, collecting fees from farmers in excess of the quotas and items through rural primary and secondary schools.

**Article 95** Any rural collective economic organization or villagers committee that, in violation of the provisions in the second paragraph of Article 73 of this Law, compels farmers to substitute funds for manpower shall be ordered by the people's government of the township (town) concerned to rectify, and return the funds illegitimately collected.

**Article 96** Any unit or individual that, in violation of the provisions in Article 74 of this Law, compels farmers or agricultural

production and operation organizations to accept compensatory services shall be ordered by the people's government concerned to rectify and return the fees illegitimately collected; if the circumstances are serious, the persons directly in charge and the other persons directly responsible shall be given administrative sanctions; and if losses are caused to the farmers or agricultural production and operation organizations, it/he shall bear the responsibility to pay compensation according to law.

**Article 97** Any staff member of the competent administrative department for agriculture under the people's government at or above the county level, in violation of the provisions of this Law, participates or engages in activities of agricultural production and operation shall be given administrative sanctions; and if a crime is constituted, he shall be investigated for criminal responsibility according to law.

### *Chapter XIII*

#### **Supplementary Provisions**

**Article 98** The provisions of this Law concerning farmers shall be applicable to the staff members and workers who carry out contractual operations in such enterprises and institutions as State-owned farms, livestock farms, tree farms and fish farms.

**Article 99** This Law shall go into effect as of March 1, 2003.

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