

Martial Law of the People's Republic of China

中华人民共和国戒严法

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The Martial Law of the People's Republic of China, adopted at the 18th Meeting of the Standing Committee of the Eighth National People's Congress of the People's Republic of China on March 1, 1996, is hereby promulgated and shall enter into force as of the date of promulgation.

《中华人民共和国戒严法》已由中华人民共和国第八届全国人民代表大会常务委员会第十八次会议于1996年3月1日通过，现予公布，自公布之日起施行。

Jiang Zemin President of the People's Republic of China

中华人民共和国主席 江泽民

March 1, 1996

1996年3月1日

MARTIAL LAW OF THE PEOPLE'S REPUBLIC OF CHINA

中华人民共和国戒严法

(Adopted at the 18th Meeting of the Standing Committee of the Eighth National People's Congress on March 1, 1996, promulgated by Order No. 61 of the President of the People's Republic of China on March 1, 1996, and effective as of March 1, 1996)

(1996年3月1日第八届全国人民代表大会常务委员会第十八次会议通过)

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CHAPTER I GENERAL PROVISIONS

第一章 总则

Article 1 This Law is enacted in accordance with the Constitution of the People's Republic of China.

Article 2 The State may decide to apply martial law when such state of emergency as unrest, rebellion or grave riot occurs which seriously endangers unification and security of the State or public security and under which public order cannot be maintained and safety of people's lives and property cannot be ensured unless extraordinary measures are taken.

Article 3 When it is necessary to impose martial law in the country as a whole or in an individual province, autonomous region or municipality directly under the Central Government, the matter shall be submitted by the State Council to the Standing Committee of the National People's Congress for decision; the President of the People's Republic of China shall, in accordance with the decision made by the Standing Committee of the National People's Congress, proclaim the order of martial law.

When it is necessary to impose martial law in part(s) of a province, autonomous region or municipality directly under the Central Government, the matter shall be decided on by the State Council, and the Premier of the State Council shall proclaim the order of martial law.

Article 4 In order to guarantee execution of martial law and preserve public security and public order during the period of martial law, the State may, in accordance with this Law, lay down special rules and regulations regarding the citizens' exercising of their rights and freedom as stipulated by the Constitution and laws in the area under martial law.

Article 5 The people's government of the area under martial law shall, in conformity with this Law, adopt measures necessary for bringing public order to normal as soon as possible and ensuring safety of people's lives and property and supply of their daily necessities.

Article 6 All organizations and individuals in the area under martial law shall strictly observe the order of martial law and the rules and regulations for executing the order of martial law and actively assist the people's government in bringing public order to normal.

Article 7 With regard to the organizations and individuals that observe the order of martial law and the rules and regulations for executing the order of martial law, the State adopts effective measures to protect their lawful rights and interests from encroachment.

Article 8 Martial law tasks shall be performed by the People's Police and the People's Armed police. When necessary, the State Council may make a suggestion to the Central Military Commission that it decide to dispatch troops of the People's Liberation Army to help perform the martial law tasks.

CHAPTER II EXECUTION OF MARTIAL LAW

Article 9 The State Council shall organize execution of martial law in the country as a whole or in an individual province, autonomous region or municipality directly under the Central Government.

The people's government of a province, autonomous region or municipality directly under the Central Government shall organize execution of martial law in part(s) of the province, autonomous region or municipality directly under the Central Government; when necessary, the State Council may directly organize the execution thereof.

The organ that organizes execution of martial law is referred to as martial-law-executing organ.

Article 10 The martial-law-executing organ shall set up a martial law command, which shall coordinate actions taken by the units concerned to fulfill martial law tasks and shall work out unified plans and measures for enforcing martial law.

第一条 根据中华人民共和国宪法，制定本法。

第二条 在发生严重危及国家的统一、安全或者社会公共安全的动乱、暴乱或者严重骚乱，不采取非常措施不足以维护社会秩序、保护人民的生命和财产安全的紧急状态时，国家可以决定实行戒严。

第三条 全国或者个别省、自治区、直辖市的戒严，由国务院提请全国人民代表大会常务委员会决定；中华人民共和国主席根据全国人民代表大会常务委员会的决定，发布戒严令。

省、自治区、直辖市的范围内部分地区的戒严，由国务院决定，国务院总理发布戒严令。

第四条 戒严期间，为保证戒严的实施和维护社会治安秩序，国家可以依照本法在戒严地区内，对宪法、法律规定的公民权利和自由的行使作出特别规定。

第五条 戒严地区内的人民政府应当依照本法采取必要的措施，尽快恢复正常社会秩序，保障人民的生命和财产安全以及基本生活必需品的供应。

第六条 戒严地区内的一切组织和个人，必须严格遵守戒严令和实施戒严令的规定，积极协助人民政府恢复正常社会秩序。

第七条 国家对遵守戒严令和实施戒严令的规定的组织和个人，采取有效措施保护其合法权益不受侵犯。

第八条 戒严任务由人民警察、人民武装警察执行；必要时，国务院可以向中央军事委员会提出，由中央军事委员会决定派出人民解放军协助执行戒严任务。

第二章 戒严的实施

第九条 全国或者个别省、自治区、直辖市的戒严，由国务院组织实施。

省、自治区、直辖市的范围内部分地区的戒严，由省、自治区、直辖市人民政府组织实施；必要时，国务院可以直接组织实施。

组织实施戒严的机关称为戒严实施机关。

第十条 戒严实施机关建立戒严指挥机构，由戒严指挥机构协调执行戒严任务的有关方面的行动，统一部署和实施戒严措施。

The units of the People's Liberation Army assigned with martial law tasks shall, in carrying out the unified plans of the martial law command, be directed by a military organ designated by the Central Military Commission.

Article 11 In an order of martial law such matters as the territorial scope under the martial law, the time the martial law begins to be enforced and the organ that executes it shall be stipulated.

Article 12 As soon as the state of emergency as cited in Article 2 of this Law, for which martial law is enforced, is eliminated, the martial law shall be lifted.

The procedure for lifting the martial law is the same as the procedure for deciding to impose it.

CHAPTER III MEASURES FOR EXECUTING MARTIAL LAW

Article 13 During the period of martial law, the martial-law-executing organ may decide to take the following measures in the area under martial law and may also adopt specific execution methods:

- (1) to ban or restrict assembly, procession, demonstration, street speeches, and other mass activities;
- (2) to ban strikes of workers, shop assistants and students;
- (3) to impose press embargo;
- (4) to enforce control over communications, postal services and telecommunications;
- (5) to enforce control over entry into and exit from the country; and
- (6) to ban any activities against the martial law.

Article 14 During the period of martial law, the martial-law-executing organ may decide on measures to impose traffic control in the area under martial law, restricting entry and exit of the area under traffic control and checking the papers, vehicles and other things of people entering or leaving such an area.

Article 15 During the period of martial law, the martial-law-executing organ may decide to impose a curfew in the area under martial law. During the curfew, people passing through the streets or other public places in the area under curfew must carry their identification papers and special passes issued by the martial-law-executing organ.

Article 16 During the period of martial law, the martial-law-executing organ or the martial law command may adopt special measures to control the following things in the area under martial law:

- (1) weapons and ammunition;
- (2) knives under control;
- (3) inflammable or explosive goods; and
- (4) hazardous chemicals, radioactives, deadly poisons, etc.

执行戒严任务的人民解放军，在戒严指挥机构的统一部署下，由中央军事委员会指定的军事机关实施指挥。

第十一条 戒严令应当规定戒严的地域范围、起始时间、实施机关等事项。

第十二条 根据本法第二条规定实行戒严的紧急状态消除后，应当及时解除戒严。

解除戒严的程序与决定戒严的程序相同。

第三章 实施戒严的措施

第十三条 戒严期间，戒严实施机关可以决定在戒严地区采取下列措施，并可以制定具体实施办法：

- (一) 禁止或者限制集会、游行、示威、街头演讲以及其他聚众活动；
- (二) 禁止罢工、罢市、罢课；
- (三) 实行新闻管制；
- (四) 实行通讯、邮政、电信管制；
- (五) 实行出境入境管制；
- (六) 禁止任何反对戒严的活动。

第十四条 戒严期间，戒严实施机关可以决定在戒严地区采取交通管制措施，限制人员进出交通管制区域，并对进出交通管制区域人员的证件、车辆、物品进行检查。

第十五条 戒严期间，戒严实施机关可以决定在戒严地区采取宵禁措施。宵禁期间，在实行宵禁地区的街道或者其他公共场所通行，必须持有本人身份证件和戒严实施机关制发的特别通行证。

第十六条 戒严期间，戒严实施机关或者戒严指挥机构可以在戒严地区对下列物品采取特别管理措施：

- (一) 武器、弹药；
- (二) 管制刀具；
- (三) 易燃易爆物品；
- (四) 化学危险物品、放射性物品、剧毒物品等。

Article 17 Where it is necessary for fulfilling tasks of martial law, the people's government at or above the county level in the area under martial law may temporarily requisition houses, places, facilities, means of transport, engineering machinery, etc. of State organs, enterprises, institutions, public organizations and individual citizens. Under conditions of unusual emergencies, on-the-spot commanders of the People's Police, the People's Armed-police and the People's Liberation Army may make immediate decisions on temporary requisition of things, and the local people's government shall give assistance. A receipt of the things requisitioned shall be made out.

The things temporarily requisitioned, as prescribed in the preceding paragraph, shall be returned to the owner immediately after their use or after the martial law is lifted. The things that are damaged shall be compensated, as appropriate, by the people's government at or above the county level in accordance with relevant regulations of the State.

Article 18 During the period of martial law, measures shall be taken to mount rigid guard over the following units and places in the area under martial law.

- (1) headquarters;
- (2) military organs and key military facilities and installations;
- (3) foreign embassies and consulates in China, representative agencies of international organizations in China and guest houses for leaders of foreign countries;
- (4) important mass media such as broadcasting stations, television stations and national news agencies, and the important facilities thereof;
- (5) public utility enterprises and public facilities that have a vital bearing on the national economy and the people's livelihood;
- (6) airfields, railway stations and ports;
- (7) prisons, places of reform through labor and houses of detention; and
- (8) other units and places that need rigid guard.

Article 19 In order to guarantee supply of the basic daily necessities of the people in the area under martial law, the martial-law-executing organ may take special measures to control the production, transport, supply and pricing of such necessities.

Article 20 The martial-law-executing organ shall make known to the public the steps and measures which it adopts in accordance with this Law for executing the martial law and which it requires the public to abide by. In the course of executing the martial law, where conditions allow discontinuance of such steps and measures, the organ shall promptly declare discontinuance of their enforcement.

CHAPTER IV FUNCTIONS AND DUTIES OF MARTIAL-LAW-ENFORCING OFFICERS

Article 21 Martial-law-enforcing officers are members of the People's olive, the People's Armed-police and the People's Liberation Army, who are assigned with tasks of enforcing the martial law.

When performing martial law tasks, martial-law-enforcing officers shall wear uniform insignias as required by the martial-law-executing organ.

Article 22 The martial-law-enforcing officers shall, in accordance with the regulations of the martial-law-executing organ, have the right to check the papers, vehicles and other things of people in the streets or other public places in the area under martial law.

第十七条 根据执行戒严任务的需要,戒严地区的县级以上人民政府可以临时征用国家机关、企业事业单位、社会团体以及公民个人的房屋、场所、设施、运输工具、工程机械等。在非常紧急的情况下,执行戒严任务的人民警察、人民武装警察、人民解放军的现场指挥员可以直接决定临时征用,地方人民政府应当给予协助。实施征用应当开具征用单据。

前款规定的临时征用物,在使用完毕或者戒严解除后应当及时归还;因征用造成损坏的,由县级以上人民政府按照国家有关规定给予相应补偿。

第十八条 戒严期间,对戒严地区的下列单位、场所,采取措施,加强警卫:

- (一) 首脑机关;
- (二) 军事机关和重要军事设施;
- (三) 外国驻华使领馆、国际组织驻华代表机构和国宾下榻处;
- (四) 广播电台、电视台、国家通讯社等重要新闻单位及其重要设施;
- (五) 与国计民生有重大关系的公用企业和公共设施;
- (六) 机场、火车站和港口;
- (七) 监狱、劳教场所、看守所;
- (八) 其他需要加强警卫的单位和场所。

第十九条 为保障戒严地区内的人民基本生活必需品的供应,戒严实施机关可以对基本生活必需品的生产、运输、供应、价格,采取特别管理措施。

第二十条 戒严实施机关依照本法采取的实施戒严令的措施和办法,需要公众遵守的,应当公布;在实施过程中,根据情况,对于不需要继续实施的措施和办法,应当及时公布停止实施。

第四章 戒严执勤人员的职责

第二十一条 执行戒严任务的人民警察、人民武装警察和人民解放军是戒严执勤人员。

戒严执勤人员执行戒严任务时,应当佩带由戒严实施机关统一规定的标志。

第二十二条 戒严执勤人员依照戒严实施机关的规定,有权对戒严地区公共道路上或者其他公共场所内的人员的证件、车辆、物品进行检查。

Article 23 The martial-law-enforcing officers shall, in accordance with the regulations of the martial-law-executing organ, have the right to detain people who violate the regulations on curfew until the end of the curfew in early morning; they shall also have the right to search the person of the detainees and check the things they carry.

Article 24 The martial-law-enforcing officers shall, in accordance with the regulations of the martial-law-executing organ, have the right to detain the following persons immediately:

- (1) persons who are committing an offense that endangers State security or disrupts public order or who are strongly suspected of such an offense;
- (2) persons who obstruct or resist performance of martial law tasks by martial-law-enforcing officers;
- (3) persons who defy traffic control or regulations on curfew; and
- (4) persons who engage in other activities against the order of martial law.

Article 25 The martial-law-enforcing officers shall, in accordance with the regulations of the martial-law-executing organ, have the right to search the person of the detainees and to search the houses of criminal suspects and the places where criminal offenders, criminal suspects or weapons, ammunition and other dangerous articles are suspected of being concealed.

Article 26 When the martial-law-enforcing officers fail to prevent the following persons from engaging in mass activities in the area under martial law, they may, in accordance with relevant regulations, use police implements to stop or disperse them, and forcibly take the organizers and the persons who refuse to obey away from the scene or detain them immediately:

- (1) persons who engage in unlawful assembly, procession, demonstration or other mass activities;
- (2) persons who illegally occupy public places or incite destructive activities in public places;
- (3) persons who attack State organs or other important units and places;
- (4) persons who disrupt traffic order or deliberately create traffic jams; and
- (5) persons who plunder or destroy the property of State organs, public organizations, enterprises, institutions or individual citizens.

Article 27 The martial-law-enforcing officers shall have the persons, whom they have detained in accordance with the provisions of this Law, immediately registered and interrogated and shall release the ones as soon as they find that there is no need to detain them any longer.

During the period of martial law, the procedures and time limit for detention and arrest may be free from the restrictions of the relevant provisions of the Criminal Procedure Law of the People's Republic of China, except that an arrest shall be subject to approval or decision of People's Procuratorate.

Article 28 The martial-law-enforcing officers may, under any of the following unusual emergencies that occurs in the area under martial law, use guns or other weapons when they cannot stop it simply with police implements:

- (1) when the safety of the lives of citizens or martial-law-enforcing officers are endangered by violence;

第二十三条 戒严执勤人员依照戒严实施机关的规定, 有权对违反宵禁规定的人予以扣留, 直至清晨宵禁结束; 并有权对被扣留者的人身进行搜索, 对其携带的物品进行检查。

第二十四条 戒严执勤人员依照戒严实施机关的规定, 有权对下列人员立即予以拘留:

- (一) 正在实施危害国家安全、破坏社会秩序的犯罪或者有重大嫌疑的;
- (二) 阻挠或者抗拒戒严执勤人员执行戒严任务的;
- (三) 抗拒交通管制或者宵禁规定的;
- (四) 从事其他抗拒戒严令的活动的。

第二十五条 戒严执勤人员依照戒严实施机关的规定, 有权对被拘留的人员的人身进行搜索, 有权对犯罪嫌疑分子的住所和涉嫌藏匿犯罪分子、犯罪嫌疑分子或者武器、弹药等危险物品的场所进行搜索。

第二十六条 在戒严地区有下列聚众情形之一、阻止无效的, 戒严执勤人员根据有关规定, 可以使用警械强行制止或者驱散, 并将其组织者和拒不服从的人员强行带离现场或者立即予以拘留:

- (一) 非法进行集会、游行、示威以及其他聚众活动的;
- (二) 非法占据公共场所或者在公共场所煽动进行破坏活动的;
- (三) 冲击国家机关或者其他重要单位、场所的;
- (四) 扰乱交通秩序或者故意堵塞交通的;
- (五) 哄抢或者破坏机关、团体、企业事业组织和公民个人的财产的。

第二十七条 戒严执勤人员对于依照本法规定予以拘留的人员, 应当及时登记和讯问, 发现不需要继续拘留的, 应当立即释放。

戒严期间拘留、逮捕的程序和期限可以不受中华人民共和国刑事诉讼法有关规定的限制, 但逮捕须经人民检察院批准或者决定。

第二十八条 在戒严地区遇有下列特别紧急情况之一, 使用警械无法制止时, 戒严执勤人员可以使用枪支等武器:

- (一) 公民或者戒严执勤人员的生命安全受到暴力危害时;

(2) when persons subject to detention or arrest or offenders under escort resort to violence in resistance, commit physical assault or try to escape;

(3) when persons use violence to seize weapons and ammunition;

(4) when important objects under guard are assaulted by violence or are in imminent danger of being assaulted by violence;

(5) when, in the course of fighting a fire, rushing to deal with an emergency, rescuing people or performing other major urgent tasks, they are obstructed by extreme violence; or

(6) other circumstances under which guns and other weapons may be used in accordance with the provisions of laws and administrative rules and regulations.

Martial-law-enforcing officers must strictly observe the regulations on the use of guns and other weapons.

Article 29 Martial-law-enforcing officers shall observe laws, regulations, and rules governing performance of duties, obey orders, fulfill their functions and duties and respect the local ethnic customs and habits, and they shall not infringe upon or harm the lawful rights and interests of citizens.

Article 30 Acts of martial-law-enforcing officers for performing their tasks in accordance with law shall be protected by law.

Martial-law-enforcing officers who, in violation of the provisions of this Law, abuse their powers and infringe upon and harm the lawful rights and interests of citizens, shall be investigated for legal responsibility in accordance with law.

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 31 When a grave riot suddenly breaks out part(s) of an individual county or city that seriously endangers State security, public security and safety of people's lives and property and when the State has not yet made a decision on imposing martial law there, the local people's government at the provincial level may, subject to approval of its report by the State Council, make a decision on organizing the People's Police and the People's Armed-police to exercise traffic control and control over the scene, restricting people's entry and exit of the area under control, and checking the papers, vehicles and other things of persons who enter or leave the area under control, and the People's police and the People's Armed-police may forcibly disperse the participants in the riot, take them away from the scene and search them and they may immediately detain the organizers and the persons who refuse to obey them. When the forces of the People's Police and the People's Armed-police are not enough to maintain public order, the matter may be reported to the State Council, and the State Council may make a suggestion to the Central Military Commission that it decide to dispatch troops of the People's Liberation Army to help the local people's government restore and maintain normal public order.

Article 32 This Law shall be effective as of the date of its promulgation.

(二) 拘留、逮捕、押解人犯, 遇有暴力抗拒、行凶或者脱逃时;

(三) 遇暴力抢夺武器、弹药时;

(四) 警卫的重要对象、目标受到暴力袭击, 或者有受到暴力袭击的紧迫危险时;

(五) 在执行消防、抢险、救护作业以及其他重大紧急任务中, 受到严重暴力阻挠时;

(六) 法律、行政法规规定可以使用枪支等武器的其他情形。

戒严执勤人员必须严格遵守使用枪支等武器的规定。

第二十九条 戒严执勤人员应当遵守法律、法规和执勤规则, 服从命令, 履行职责, 尊重当地民族风俗习惯, 不得侵犯和损害公民的合法权益。

第三十条 戒严执勤人员依法执行任务的行为受法律保护。

戒严执勤人员违反本法规定, 滥用职权, 侵犯和损害公民合法权益的, 依法追究法律责任。

第五章 附则

第三十一条 在个别县、市的局部范围内突然发生严重骚乱, 严重危及国家安全、社会公共安全和人民的生命财产安全, 国家没有作出戒严决定时, 当地省级人民政府报经国务院批准, 可以决定并组织人民警察、人民武装警察实施交通管制和现场管制, 限制人员进出管制区域, 对进出管制区域人员的证件、车辆、物品进行检查, 对参与骚乱的人可以强行予以驱散、强行带离现场、搜查, 对组织者和拒不服从的人员可以立即予以拘留; 在人民警察、人民武装警察力量还不足以维持社会秩序时, 可以报请国务院向中央军事委员会提出, 由中央军事委员会决定派出人民解放军协助当地人民政府恢复和维持正常社会秩序。

第三十二条 本法自公布之日起施行。

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