

# Military Service Law of the People's Republic of China

(Adopted at the Second Session of the Sixth National People's Congress on May 31 and promulgated by Order No.14 of the President of the People's Republic of China on May 31, 1984; amended in accordance with the Decision on Revising the Military Service Law of the People's Republic of China adopted at the 6th Meeting of the Standing Committee of the Ninth National People's Congress on December 29, 1998)

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### Chapter I General Provisions

Article 1 This Law is enacted pursuant to Article 55 of the Constitution of the People's Republic of China which stipulates, " it is the sacred duty of every citizen of the People's Republic of China to defend the motherland and resist aggression. It is the honourable duty of citizens of the People's Republic of China to perform military service and join the militia in accordance with the law," and in accordance with other relevant provisions of the Constitution.

Article 2 The People's Republic of China practises a military service system which combines conscripts with volunteers and a militia with a reserve service.

Article 3 All citizens of the People's Republic of China, regardless of ethnic status, race, occupation, family background, religious belief and education, have the obligation to perform military service according to the provisions of this Law.

Exemptions from military service shall be granted to persons unfit for it owing to serious physical defects or serious deformities.

Persons deprived of political rights by law may not perform military service.

Article 4 The armed forces of the People's Republic of China shall be composed of the Chinese People's Liberation Army, the Chinese People's Armed Police Force and the Militia.

Article 5 The military service shall comprise an active service and a reserve service. Those serving in the Chinese People's Liberation Army are active servicemen while those regimented into militia organizations or registered in the reserve service are reservists.

Article 6 The active servicemen and reservists must abide by the Constitution and the law, and shall perform

their duties and at the same time enjoy their rights as citizens; their rights and duties resulting from their joining the military service shall be specified separately in military regulations in addition to the provisions of this Law.

Article 7 Active servicemen must abide by the rules and regulations of the army, faithfully discharge their duties and always be ready to fight for the defence of the motherland.

Reservists must participate in military training according to the regulations and always be ready to join the army and take part in war for the defence of the motherland.

Article 8 Medals, decorations or titles of honour shall be given to active servicemen and reservists who perform meritorious deeds.

Article 9 The People's Liberation Army shall practise a system of military ranks.

Article 10 Responsibility for military service work throughout the country shall be assumed by the Ministry of National Defence under the leadership of the State Council and the Central Military Commission.

The military commands shall be responsible for military service work within their respective areas as assigned by the Ministry of National Defence.

The provincial commands (garrison commands), sub-commands (garrison commands) and the departments of people's armed forces of counties, autonomous counties, cities and municipal districts shall concurrently act as the military service organs of the people's governments at corresponding levels and shall be responsible for military service work in their respective areas under the leadership of military organs at higher levels and the people's governments at corresponding levels.

## Chapter II Enlistment in Peacetime

Article 11 The number of citizens to be enlisted for active service each year, the requirements for them to be enlisted and the time schedule for enlistment shall be prescribed by order of the State Council and the Central Military Commission.

Article 12 Each year, male citizens who have reached 18 years of age by December 31 shall be enlisted for active service. Those who are not enlisted during the year shall remain eligible for active service until they are 22.

To meet the needs of the armed forces, female citizens may be enlisted for active service according to the provision of the preceding paragraph.

To meet the needs of the armed forces and on the principle of voluntary participation, male and female citizens who have not yet reached 18 years of age by December 31 of a certain year may be enlisted for active service.

Article 13 Each year, male citizens who will be 18 years old by December 31 shall be registered for military service by September 30 according to the arrangements of the military service organs of counties, autonomous counties, cities or municipal districts. Those who have registered and have passed the preliminary examination are called citizens eligible for enlistment.

Article 14 During the period of enlistment, citizens eligible for enlistment shall, upon notification by the military service organs of counties, autonomous counties, cities or municipal districts, go to the designated health centres in time for physical examination.

Citizens eligible for enlistment who are qualified for active service shall be enlisted for such service upon approval by the military service organs of counties, autonomous counties, cities or municipal districts.

Article 15 The enlistment of a citizen eligible for enlistment may be deferred if he is the only worker in his family providing its means of subsistence or if he is a student in a full-time school.

Article 16 A citizen eligible for enlistment shall not be enlisted if he is detained for investigation, prosecution or trial, or if he has been sentenced to imprisonment, criminal detention or public surveillance and is serving his sentence.

## Chapter III Active Service and Reserve Service of Soldiers

Article 17 There shall be two types of soldiers: conscripts and volunteers.

Article 18 The term of active service for a conscript is two years.

Article 19 Upon the expiration of his term of active service, a conscript may, according to need of the armed forces and on the basis of his own free will, change to a volunteer with approval by a unit at or above the regimental level.

A system of active service for different terms shall be instituted for volunteers. The term of active service for a volunteer shall, counting from the day when he changes to a volunteer, be no less than three years but generally not more than thirty years, up to the age of 55.

Volunteers may, according to need of the armed forces, be recruited directly from among citizens with professional skills in non-military departments. Specific measures in this regard shall be formulated by the State Council and the Central Military Commission.

Article 20 A soldier shall be discharged from active service upon the expiration of his term of active service. Those who have to be discharged from active service because of a reduction in the personnel of the armed forces, a condition of health unfit for continued service as diagnosed and certified by a hospital of the armed forces or other special reasons may be discharged before the expiration of their terms of active service upon approval by a division headquarters or a higher organ.

Article 21 A soldier who is discharged from active service but is qualified for reserve service shall be assigned by his army unit to serve in the soldiers' reserve; a soldier who is considered after assessment to be fit for the post of an officer shall serve in the officers' reserve.

A soldier who is discharged from active service and assigned by his army unit to serve in the reserve shall, within thirty days of returning to his place of residence, register for reserve service with the local military service organ of the county, autonomous county, city or municipal district.

Article 22 Citizens eligible for enlistment who have registered for military service according to the provisions of Article 13 of this Law but have not been enlisted for active service shall serve in the soldiers' reserve.

Article 23 Persons serving in the soldiers' reserve shall be between the ages of 18 and 35.

Article 24 Persons in the soldiers' reserve shall be divided into two categories:

Category One of persons in the soldiers' reserve shall include:

- (1) soldiers at or under the age of 35 who have been discharged from active service and have registered for the soldier's reserve;
- (2) civilian technicians at or under the age of 35 who have registered for the soldiers' reserve and whose specialities fit in with those of the military; and
- (3) other reserve soldiers at or under the age of 28 who have been regimented into the reserve forces or pre-regimented into active forces.

Category Two of persons in the soldiers' reserve shall include:

- (1) persons regimented into militia organizations other than those included in Category One of persons in the soldiers' reserve; and
- (2) other male citizens at or under the age of 35 who have registered for the soldiers' reserve.

Persons listed in sub-paragraph (3) under Category One of persons in the soldiers' reserve in this Article shall be transferred to Category Two at the age of 29; reserve soldiers shall be discharged from reserve service at the age of 35.

## Chapter IV Active Service and Reserve Service of Officers

Article 25 Officers in active service shall be replenished with the following persons:

(1) graduates of military institutes and academies;

(2) soldiers who have been trained at officers' training centres established with the approval of the Central Military Commission and who are considered after assessment to be fit for officers' posts;

(3) graduates of institutions of higher learning and secondary technical schools who are fit for officers' posts; and

(4) civilian cadres of the armed forces and professional and technical persons recruited individually from non-military departments.

In wartime, officers in active service shall also be replenished with the following persons:

(1) soldiers who can be appointed directly as officers; and

(2) reserve officers called into active service and cadres of non-military departments fit for active service.

Article 26 Officers in reserve service shall consist of the following:

(1) officers who have been discharged from active service and transferred to reserve service;

(2) soldiers who have been discharged from active service and assigned to serve in the officers' reserve;

(3) graduates of institutions of higher learning assigned to serve in the officers' reserve;

(4) full-time cadres of the departments of people's armed forces and cadres of the militia assigned to serve in the officers' reserve; and

(5) cadres and professional and technical persons of non-military departments assigned to serve in the officers' reserve.

Article 27 The maximum age for officers in active and reserve services shall be stipulated in the Regulations of the Chinese People's Liberation Army on the Military Service of Officers.

Article 28 Officers in active service who have attained the maximum age stipulated for such service shall be discharged from active service; those who have not attained the maximum age but have to be discharged from active service for special reasons may be discharged from such service with approval.

Officers discharged from active service may be transferred to the officers' reserve if they are qualified to serve in it.

Article 29 Officers who have been discharged from active service and transferred to reserve service, soldiers who have been discharged from active service and assigned to serve in the officers' reserve and graduates of institutions of higher learning assigned to serve in the officers' reserve shall, within 30 days of their arrival at their places of work or residence, register for reserve service with the local military service organs of the counties, autonomous counties, cities or municipal districts.

Full-time cadres of the departments of people's armed forces, cadres of the militia, and cadres and professional and technical persons of non-military departments fit for officers' posts shall serve in the officers' reserve through registration with the military service organs of counties, autonomous counties, cities or municipal districts and upon approval by military organs at a higher level.

Reserve officers who have attained the maximum age stipulated for reserve service shall be discharged from such service.

## Chapter V Cadets Enrolled by Military Institutes and Academies from Among Student Youths

Article 30 Military institutes and academies may, according to needs in building up the armed forces, enroll cadets from among student youths. The age limit for the cadets to be enrolled need not be subject to that for the active servicemen to be enlisted.

Article 31 A cadet who has completed his studies and passed the examinations shall be given a diploma by the institute or academy and shall be appointed officer or civilian cadre in active service according to relevant regulations.

Article 32 A cadet who has completed the required courses but has failed in the examinations shall be given a certificate of his completion of the courses by the institute or academy and return to the place of his residence where he was enrolled, and shall be placed by the people's government of the county, autonomous county, city or municipal district according to the regulations of the State on the placement for those who have completed their studies at other colleges and schools of similar levels.

Article 33 A cadet who is unfit for continuing his studies at a military institute or academy due to his suffering from chronic diseases or other reasons and is thus approved to leave school shall be given a certificate by the institute or academy of the amount of academic work he has done and shall be accepted for placement by the people's governments of the county, autonomous county, city or municipal district at the place of his residence where he was enrolled.

Article 34 A cadet dismissed from school shall be accepted by the people's government of the county, autonomous county, city or municipal district at the place of his residence where he was enrolled, and shall be treated according to the regulations of the State on the treatment of students dismissed from other colleges or schools of similar levels.

Article 35 The provisions of Articles 31, 32, 33 and 34 of this Law shall also apply to cadets enrolled from among soldiers in active service.

## Chapter VI The Militia

Article 36 The militia is an armed organization of the masses not divorced from production and is an assisting and reserve force for the Chinese People's Liberation Army.

The tasks of the militia are:

- (1) take an active part in the socialist modernization drive and be exemplary in completing the tasks in production and other fields;
- (2) undertake the duties related to preparations against war, defend the frontiers and maintain public order; and
- (3) be always ready to join the armed forces to take part in war, resist aggression and defend the motherland.

Article 37 Militia organizations shall be set up in townships, nationality townships, towns, enterprises and institutions. Male citizens who are at the age from 18 through 35 and are fit for military service, excluding those enlisted for active service, shall be regimented into militia organizations to perform reserve service. The age limit for militia cadres may be extended appropriately.

In units where no militia organizations are to be established, male citizens qualified for military service shall be registered for reserve service in accordance with regulations.

Article 38 The militia shall consist of a primary militia and an ordinary militia. Persons under the age of 28 who are soldiers discharged from active service or who have received or are selected for military training shall be regimented into the primary militia; the remaining male citizens at the age from 18 through 35 who are qualified for military service shall be regimented into the ordinary militia.

The primary militia may recruit female citizens when necessary.

The age limit for primary militiamen in frontier areas on land or sea, in areas inhabited by minority nationalities as well as in urban units in special circumstances may be extended appropriately.

## Chapter VII Military Training for Reservists

Article 39 Military training for reserve soldiers shall be conducted in militia organizations or reserve forces, or in other organizational forms.

Reserve soldiers and primary militiamen at the age from 18 through 22 who have not been in active service but are regimented into reserve forces or pre-regimented into active forces shall receive military training for 30 to 40 days; the period of training for professional and technical soldiers among them may be appropriately extended according to actual needs.

The retraining of reserve soldiers who have performed active service or have received military training and the military training for ordinary militiamen and for reserve soldiers who are not regimented into militia organizations shall be conducted in accordance with the regulations of the Central Military Commission.

Article 40 Reserve officers shall receive military training for three to six months during the period of their reserve service.

Article 41 The State Council and the Central Military Commission may, when necessary, decide that the reservists shall participate in emergency training.

Article 42 Reservists shall, when participating in military training, be subsidized for loss of work time by the local people's governments. Specific measures and rates of subsidy shall be formulated by the State Council and the Central Military Commission; before such measures and rates are formulated by the State Council and the Central Military Commission, they shall be prescribed by the provinces, autonomous regions and municipalities directly under the Central Government.

#### Chapter VIII Military Training for Students of Institutions of Higher Learning and Students of Senior Middle Schools

Article 43 Students of institutions of higher learning must receive basic military training during the period of their schooling.

To meet the needs of national defence, additional short-term, concentrated training shall be given to students fit for the posts of officers', and those who are considered qualified after assessment shall serve in the officers' reserve upon approval by military organs.

Article 44 Offices in charge of military training shall be set up and military instructors provided in institutions of higher learning to organize and conduct the military training of the students.

The short-term, concentrated training for students to become reserve officers as prescribed in paragraph 2 of Article 43 shall be organized and conducted jointly by officers in active service sent from military departments and the offices in charge of military training in the institutions of higher learning.

Article 45 Senior middle schools and schools equivalent to them shall be provided with military instructors to conduct military training for the students.

Article 46 The military training of students of institutions of higher learning and students of senior middle schools shall be under the charge of the Ministry of Education and the Ministry of National Defence. Educational departments and military departments shall set up agencies or appoint full-time cadres to handle matters concerning the military training of students.

#### Chapter IX Mobilization of Troops in Wartime

Article 47 In order to cope with an enemy's surprise attack and resist aggression, people's governments and military organs at all levels must, in peacetime, make preparations for the mobilization of troops in wartime.

Article 48 Upon the issuance of a mobilization order by the State, people's governments and military organs at all levels must promptly carry out the mobilization:

- (1) Active servicemen must not be discharged from active service, and those on vacation or on home leave must immediately return to their respective units.
- (2) Reservists must be ready to be called into active service at any time and, as soon as they are notified, must punctually report at the designated places.
- (3) Responsible persons of government departments, public organizations, enterprises and institutions and of

the people's governments of townships, nationality townships, and towns must see to it that the reservists in their respective units who have been called up report at the designated places on time.

(4) Transportation departments must provide priority transportation for reservists who have been called up and for active servicemen who are returning to their units in the armed forces.

Article 49 The State Council and the Central Military Commission may decide to call into active service male citizens at the age from 36 through 45 in special wartime circumstances.

Article 50 When the war is over, active servicemen to be demobilized shall be discharged from active service in staggered groups in accordance with the demobilization order issued by the State Council and the Central Military Commission, and shall be properly placed by the people's governments at various levels.

#### Chapter X Preferential Treatment for Active Servicemen and Placement of Ex-servicemen

Article 51 Active servicemen, disabled revolutionary armymen, ex-servicemen and family members of revolutionary martyrs, of armymen who were killed in action or died of diseases and of active servicemen shall be esteemed by the general public and given preferential treatment by the State and the masses of people.

Article 52 Disabled revolutionary armymen shall enjoy priority in buying tickets at favourable discount prices according to relevant regulations when travelling by train, ship, airplane or long-distance bus.

Ordinary mail sent by conscripts from their units shall be free of charge.

Article 53 Active servicemen who are wounded or disabled while taking part in military operations or performing military duties shall be graded for their disability by their army units and be given pension certificates for disabled revolutionary armymen. Disabled revolutionary armymen of Special Grade and First Grade discharged from active service shall be provided for by the State throughout their lives. Disabled revolutionary armymen of Second and Third Grades who are residents of cities or towns shall be given jobs suited to their abilities by the people's governments of the counties, autonomous counties, cities or municipal districts; those who are residents of rural areas may be given suitable jobs in enterprises or institutions if this can be done locally, or they may get an increase in the pension for the disabled in accordance with relevant regulations as a guarantee for their livelihood.

Article 54 During the period when conscripts are in active service, their families shall be granted preferential treatment by the local people's governments. The standard for preferential treatment shall not be lower than the local average living standard. Specific measures shall be prescribed by the provinces, autonomous regions and municipalities directly under the Central Government.

Article 55 A pension in a lump sum shall be given by the State to the family of an active serviceman who was killed in action or died of a disease. If the family cannot provide for itself because it has no one who can work or because it has no regular income, it shall be given a periodical pension by the State.

Article 56 Conscripts discharged from active service shall, on the principle of returning to the place where they came from, be accepted and placed by the people's governments of the counties, autonomous counties, cities or municipal districts where they were enlisted:

(1) Conscripts who are residents of rural areas, when discharged from active service, shall be provided with proper arrangements for their work and livelihood by the people's governments of townships, nationality townships or towns. When recruiting staff members or workers from among people in the rural areas, government departments, public organizations, enterprises and institutions shall give preference to discharged servicemen under equal conditions. Those who have been awarded Citation for Merit, Class II or higher, shall be given jobs as prescribed in sub-paragraph (2) of this Article.

(2) Conscripts who are residents of cities or towns, when discharged from active service, shall be given jobs by the people's governments of counties, autonomous counties, cities or municipal districts, or may be placed by the people's governments at the next higher level or of the provinces, autonomous regions or municipalities directly under the Central Government through an overall arrangement within their own regions. Government departments, public organizations, enterprises and institutions, regardless of the nature of their ownership and the form of organization, shall have the obligation to place discharged servicemen in accordance with the relevant regulations of the State. Those who, prior to their enlistment, were staff members or workers of

government departments, public organizations, enterprises or institutions shall be allowed to resume their original work or positions.

(3) Discharged servicemen who are from cities or towns shall, during the period pending their placement, be given subsidies for living expenses by the local people's governments on the principle of ensuring them a living standard not lower than the lowest in the localities.

(4) Discharged servicemen who are from cities or towns and wish to seek employment by themselves shall be given financial subsidies in a lump sum and preferential treatment in terms of policies by the local people's governments.

(5) When conscripts discharged from active service take examinations for recruitment as public servants of the State or take entrance examinations for institutions of higher learning or secondary vocational schools, they shall be given preferential treatment in accordance with relevant regulations.

Article 57 Conscripts discharged from active service because of mental disorder acquired during the period of their active service shall, depending on the seriousness of their cases, be sent to a civilian hospital for medical treatment or sent home for recuperation. Their medical and living expenses shall be borne by the people's governments of the counties, autonomous counties, cities or municipal districts.

Conscripts discharged from active service who contracted chronic diseases during the period of their active service and who need medical treatment because of a recurrence of such diseases shall be treated by a local civilian medical institution. If they have financial difficulties and cannot meet the necessary medical and living expenses, they shall be subsidized by the people's governments of the counties, autonomous counties, cities or municipal districts.

Article 58 Volunteers who are discharged before having performed active service for 10 years shall be placed in accordance with the provisions in Article 56 of this Law; those who have performed active service for 10 years shall be given jobs by the people's governments of the counties, autonomous counties, cities or municipal districts where they were enlisted, or may be placed by the people's governments at the next higher level or of the provinces, autonomous regions or municipalities directly under the Central Government through an overall arrangement within their own regions; those who wish to return home to take part in agricultural production or wish to seek employment by themselves shall be encouraged to do so and be given extra subsidies by the local people's governments for setting up homes there; and those who have performed active service for 30 years or reached the age of 55 shall retire, or may be transferred to civilian jobs according to local needs and their own wish.

Volunteers who have basically lost their ability to work because they were disabled while taking part in military operations or performing military duties or because their health broke down as a result of constant overwork during the period of their active service shall go through the procedures of retirement as pensioners and shall be accepted and taken care of by the people's governments of the counties, autonomous counties, cities or municipal districts where they were enlisted or where their lineal relatives reside.

Article 59 Officers discharged from active service shall be properly placed by the State.

Article 60 In cases where militiamen died or were disabled while taking part in military operations or performing military duties, or where reservists or students died or were disabled while taking part in military training, pensions and preferential treatment shall be granted by the local people's governments in accordance with the Regulations on Pensions and Preferential Treatment Concerning Militiamen.

## Chapter XI Punishments

Article 61 If a citizen who has the duty to perform military service commits any of the following acts, he shall be ordered by the people's government at the county level to make amends within a time limit; if he fails to do so, he shall be compelled to fulfil his duty of military service and may also be fined by the said government:

(1) refusing to register for military service or evading such registration, or refusing to take physical examination or evading such examination;

(2) refusing to be enlisted or evading enlistment if he is eligible for enlistment; or



(3) refusing to receive military training or evading such training, or refusing to fulfil military duties or evading such duties if he is a reservist.

Any citizen who commits any of the acts mentioned in sub-paragraph (2) in the preceding paragraph and refuses to make amends may not, within two years, be recruited as a public servant of the State or a staff member or worker of a State-owned enterprise, or be allowed to go abroad or enter a higher school.

Any citizen who commits in wartime any of the acts listed in sub-paragraphs (2) and (3) in the first paragraph, if the act is serious enough to constitute a crime, shall be investigated for criminal liability according to law.

Article 62 Any active serviceman who refuses to perform his duties or deserts the armed forces in order to evade military service shall be given administrative sanction in accordance with the regulations of the Central Military Commission; if he deserts the armed forces in time of war and if the case is serious enough to constitute a crime, he shall be investigated for criminal liability according to law.

Any person who knowingly employs an individual who has deserted the armed forces shall be ordered to set it right and be fined by a people's government at the county level; if the case is serious enough to constitute a crime, he shall be investigated for criminal liability according to law.

Article 63 Any government department, public organization, enterprise or institution that refuses to carry out military service work prescribed in this Law, obstructs any citizen's performance of his duty of military service, refuses to accept and place discharged servicemen or commits any other act of impairing military service work shall be ordered to set it right and may also be fined by a people's government at the county level; the persons directly in charge of the unit and the other persons directly responsible for the act shall be punished according to law.

Article 64 Any person who disrupts the order of military service work or obstructs military service workers' lawful performance of their duties shall be punished in accordance with the provisions of the Regulations on Administrative Penalties for Public Security; if he resorts to violence or threat and if the case is serious enough to constitute a crime, he shall be investigated for criminal liability according to law.

Article 65 Any State functionary or armyman who, in military service work, commits any of the following acts, if the case is serious enough to constitute a crime, shall be investigated for criminal liability according to law; if the case is not serious enough to constitute a crime, he shall be given administrative sanction:

- (1) taking bribes;
- (2) abusing his power or neglecting his duty; or
- (3) engaging in malpractices for selfish purposes through accepting or sending unqualified recruits.

## Chapter XII Supplementary Provisions

Article 66 This Law shall apply to the Chinese People's Armed Police Force.

Article 67 The Chinese People's Liberation Army shall, when necessary, provide itself with civilian cadres. The regulations on civilian cadres shall be formulated separately.

Article 68 This Law shall go into effect on October 1, 1984.

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