

## CPC Disciplinary ‘Punishment’ Regulations in the New Era

**Bhim B. Subba**

Research Associate, Institute of Chinese Studies, Delhi

[bhimsubba@gmail.com](mailto:bhimsubba@gmail.com)

On 1 October 2018, a revised Party Disciplinary Punishment Regulations came into effect. These Regulations were approved and released by the Communist Party of China (CPC) Central Committee on 26 August 2018 and it is the second revision since Xi Jinping came to power in 2012 (*Xinhua* 2018b). The first revision was done in October 2015 (*China Daily* 2015). The revision of disciplinary rules indicates the party-state’s focus on party-building by addressing concerns in the changing times, especially when there has been a renewed intensity on anti-corruption and emphasis on socio-economic contradictions in the Chinese society. Based on the textual analysis of the document, this paper will highlight important features in the party’s efforts to codify retribution rules and procedures for addressing crimes such as violation of the party discipline.

### Party Discipline System in China

Discipline rule is one of the most important aspects of the Leninist organisation. The CPC, also a Leninist organisation, mandates ‘discipline rules’ (纪律 *jilu*) as the cornerstone of its organisational principle through the system of discipline inspection (纪律检查 *jilu jiancha*). Through these rules and inspection system, the party reinforces institutional coherence and integrity among its members and leadership cadres. However, in China, the first

party disciplinary body, the Monitoring and Inspection Commission (监察委员会 *jiancha weiyuan hui*) was enshrined in the party charter in 1927. But the agency had no clear discipline and supervision provisions. The jurisdictions were diverse and comprehensive and included auditing party finances, party loyalty and performance to punishment for discipline violation (Li 2016). Even in the revolutionary period, there were no concrete discipline rules. It was the existing party charter that ensured the organisational survival from regular onslaughts from the Kuomintang (Nationalist) and later by the Japanese forces.

After the establishment of People’s Republic of China (PRC), the party once again had serious discipline violation issues. Rampant practices of hedonism, corruption, formalism and bureaucraticism among its own cadres became antithetical to the party’s governing and organisational principles leading to party rectification campaigns (Mao 1977: 64). During the decade-long Cultural Revolution (1966-76), the Commission for Discipline and Inspection CDI (纪律检查委员会 *jilu jiancha weiyuan hui*) which was established after the Civil War became a mere tool of the party machinery for political campaigns. These institutions both at the centre and local levels were sabotaged by the red-guards for political propaganda, indoctrination and persecuting political enemies. It was only after the *gaige kaifang* (reforms and open door policy), some comprehensive steps towards institutionalization of the ‘discipline

inspection mechanism' and 'regulations' took shape especially from 1988 onwards.

## 2018 Revision of Discipline Regulations

As per the official party history, the first instance of drafting disciplinary punishment rules began in March 1988, and promulgated by the CPC Central Committee on 27 February 1997 (*People's Daily* 1997). Since then, regulations have been revised and amended at least three times in December 2003, October 2015 and most recently in August 2018. This indicates that codification of disciplinary rules has led to streamlining institutional regulations for Central Commission for Discipline Inspection (CCDI) and other state supervisory organs. These amendments therefore becomes the corollary of the revision of disciplinary rules to address concerns and challenges of the party building (党建设 *dang jianshe*), especially in the New Era.

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As some scholars like Su Wei, a professor of Chongqing Municipality Party School points out that 'revision of rules is required to cope with issues of changing times' and 'nature of discipline violations under the party's core leadership' (*Global Times* 2018). After Xi Jinping succeeded Hu Jintao anti-corruption campaign (反腐运动 *fanfu yundong*) has become the main plank for party reforms. The need for regulations therefore has become even more essential and there has already been two revisions (修订 *xiuding*). Like the first, the recent revision tries to address issues that were not included in the previous revision.

The 2015 revision had 11 chapters (章 *zhang*) elaborated into 133 articles (条 *tiao*). The

present document 11 chapters with 142 articles. It has addition of 11 new articles, 65 amendments and two articles integrated into existing clauses (Regulations 2018). The whole document is divided into three parts: General (总则 *zongze*), Specific (分则 *fenze*) and Supplementary Provisions (附则 *fuze*) (see table at appendix).

### I. General Provisions

This section has 43 articles with one addition (新增 *xinzen*) of Article 5, amendments (修改 *xiugai*) of 25 articles and integration (整合 *zhenghe*) of 2 articles. The new document reiterates on strengthening the party leadership under the spirit of existing principles and Xi Jinping Thought of Socialism with Chinese Characteristics in New Era (XJT). The XJT as a new guiding ideology was included in Party and the PRC constitutions subsequently. The revision also warrants the party to 'resolutely preserve General Secretary Xi Jinping's status as the 'core of the Party Central Committee' (Article 2). The inclusion of Xi as a 'core of the Central Committee and a core of the party under unified leadership' makes it a signature document for Xi to pursue his aim of party governance.

Under Article 5 'four forms' (四种形态 *xizhong xingtai*) constitutes four levels of punishment and supervision. It includes: criticism and self-criticism, even via letters and interview; minor penalties and organisational adjustments; severe punishment or demotion of officials, and those prosecuted for discipline violations should be least (Regulations 2018). This four-tier yardstick to measure political discipline was incorporated as intra-party supervision after it was first proposed at the 6th Plenary session of the 18th Central Committee in 2016 (*China Daily* 2017). On the other hand, the existing type of disciplinary punishments: warnings; serious warnings; removal from internal party positions; party probation; and expulsion from the party have been retained with slight modifications.

At the organisational level, the higher-level party organisation shall monitor its subordinate organisation for inspection if found violating

party discipline, it must inspect or circulate a notice of criticism. In case, if it fails to rectify mistakes then the party committee superior or above it will can suggest for restructuring or dissolution of the party organisation all together. This regulation also resonates with party's call for reforms of party and state institutions in March 2018 at the 13th National People's Congress (NPC).

## II. Specific Provisions

The Specific provisions (分则 *fenze*) is the most elaborate part of the document. Here Article 44-69 deals with violation of 'political discipline' (政治纪律 *zhengzhi jilu*) in Chapter 6. Out of 26 articles, five new articles have been added and 12 others have undergone significant amendments. Vilification of party's or state's image, its leaders including 'exemplary heroes and martyrs' (英雄模范 *yingxiong mofan*) is illegal and can attract disciplinary action. On the other hand, if leading cadres (领导干部 *lingdao ganbu*) are dishonest and disloyal to the party directives, the incumbent will be prosecuted under Articles 50 and 51. These sections ensure that no senior cadres support factions or cliques. Under Article 55, person can be persecuted if interfered with inspection tours by the CCDI or local DIC.

However, the most important insertion is Article 62 which mandates party members to 'relinquish religious beliefs through ideological education'. If a cadre or member fails to give up his practices, then he is delisted (出名 *chuming*) from the party rolls. Furthermore, if engaged in group activities like incitement and undermining the party, the incumbents are expelled (开除党籍 *kaichu dangji*) from the party. Similarly, organising superstitious activities (迷信活动 *mixin huodong*) also invokes strict disciplinary sanctions and condemnation. At the same time, if the accused shows remorse and regret in participating in religious activities, then a sanction may be waived.

Organisational discipline' (组织纪律 *zuzhi jilu*) is listed in Chapter 7 (Articles 70-84) with five articles amended and no new insertions. The amendments focus on three main issues. First,

stringent rules against any individual or party unit's challenge on party's collective decision making body. Second, strict punishment against organized canvassing or buying votes, and third, strict disciplinary actions against cronyism and nepotism in appointment and selection of officials (Article 76). These punishment rules have been incorporated with a view to restrict the formation of 'factional mountain-tops', vote-buying in village elections and provincial congress elections. Similarly, the rules also sanction punishment for embezzlement and profiteering from selling positions to the highest bidders. The 'buying and selling of official positions' (买官卖官 *mai guan mai guan*) were order of the day in Jiang-Hu regime until Xi Jinping-Wang Qishan combine launched anti-corruption campaign across board from party official and state agencies to PLA, SOEs and the financial sector.

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Integrity discipline (廉洁纪律 *lian jie jilu*) is incorporated in Chapter 8 (Articles 85-111). There are two new insertions and 12 amendments. This chapter emphasises on the party members and cadres' sincerity and honesty in performing duties. It not only issue warnings but also punishes when party cadres and officials encourage 'four winds' of decadence (四风问题 *si feng wenti*) namely formalism (形式主义 *xingshi zhuyi*), burueacratism (官僚主义 *guanliao zhuyi*), hedonism (享乐主义 *xiangle zhuyi*) and waste (奢靡 *shemi*). The cadres should also maintain the 'Eight Frugality Codes' (八项规定 *baxiang guiding*) in day to day administrative activities. These 'Frugality Codes' includes abuse of official positions, cars, using state fund for personal travel both within the country and abroad, diversion of funds by conducting sham conferences and research, and hosting extravagant banquets. On the other hand, the integrity regulations also restrain cadres and

officials profiteering from insider-trading in stocks and share markets. In 2016, many senior officials in the financial institutions were arrested for such crimes. The new regulations now make borrowing and lending illegal, and especially when beneficiaries are family members and relatives.

*The rules are not only expansive, but also include punishments regarding non-implementation of policies and programme mandated by Party's decision-making agencies.*

Disciplinary rules against violation of party's relation with the masses (群众纪律 *qunzhong jilu*) are included in Chapter 9 (Articles 112-120). This section has one new addition and 5 amendments. Issues of corruption affecting the lives of the people such as raising unwarranted fees and taxes without adequate policy mandates attract punishment. Xi Jinping in 19<sup>th</sup> Congress Political Report in 2017 alluded to the contradictions in China's development and the poverty alleviation was one of them. Therefore, one of the important clauses that attract severe sanctions is misgiving and non-implementation of 'poverty alleviation policies' (Article 112). Similarly, sanctions against religions and cult groups that try to 'exploit' the masses will invite severe punishments (Article 115). The ban on underground churches and practices advocated by Falun Gong (法轮功) in the pretext of evil underground forces still continue. The 'image building project' (形象工程 *xingxiang gongcheng*) and 'political performance project' (政绩工程 *zhengji gongcheng*) at the cost of public exchequer has been discouraged and is punishable. The rules also sanction punishments for official inaction on the issues that can create chaos and undermines the 'party-people' and 'cadre-people' relations.

### III. Supplementary Provisions

Articles 139-142 are included in the *Supplementary Provisions* (附则 *fuze*). In addition to the 2018 Regulations, these provisions recommend of formulating specific rules in different level of governance that is in

provinces, autonomous regions and municipalities. Party institutions such as the Central Military Commission, the People's Liberation Army (PLA), People's Armed Police should enact disciplinary rules on the lines of 2018 revision. The institution for interpretation of these regulations is CCDI, the watchdog of the party. The clause make no mention of the recently formed National Supervision Commission (NSC) (中华人民共和国国家监察委员会 *zhonghua renmin gongheguo guojia jiancha weiyuanhu*) in March 2018 at the 13<sup>th</sup> National People's Congress session. Article 142 mentions 1 October 2018 as the day of enforcement of the Regulations.

### Decoding the Document: Expansive but Inclusive

The revised document makes the party members more responsible and accountable to the party discipline. It seems to be expansive and tries to address the issues of contemporary stage of China's social, political and economic development. The rules are not only expansive, but also inclusive and stricter than before for transgression and violation of party discipline including non-action in implementation of policies and programme mandated by Party's decision-making agencies. The rules not only safeguard the core status of Xi Jinping but also focus on interests of the masses. There rules look to open some cases retrospectively if there were grave misgivings and affected the political and economic lives of the people.

Similarly, Xi Jinping's Four Consciousness (四个意识 *si ge yishi*) mandates that every party members and organisations should firmly establish awareness of the ideology, the whole system of the party and loyalty to the core leadership of Xi Jinping and party line (*Xinhua* 2016). These four consciousness or awareness along with the 'four forms' become the bedrock for discipline and supervision in the party. These principles are not only political and legal but also moral in nature. Members are to be loyal but also virtuous vis-à-vis the party leadership and family duties. In the new revision, the coordination between party and

state agencies in delivering punishment is also clearly spelt out. Articles 27-30 and 33 make it mandatory for cases to be tried according to national legal system if found guilty during the party disciplinary review. These cases, then is dealt by the relevant state organs. However, this also surmounts to abuse of interrogation techniques such as *shuanggui* (双规) which is now replaced by *liuzhi* (留置) to make forced acceptance of crime.

On the other hand, the revision also portrays party leadership's emphasis on the 'six stricts' (六个从严 *liu ge cong yan*). The regulations make it illegal for any organization that uses religious activities to undermine the party and national unity including formation of political clans and groups. Xi's Political Report to the 19th Party Congress alluded to the importance of growing contradictions and economic disparity in China and, exploitation of people's sentiments and making false claims on implementation of poverty alleviation programme for political rewards and non-implementation invite harsher punishment. Likewise, organising and canvassing for vote-buying during elections is dealt very seriously. The incident of vote buying in Liaoning Provincial Congress where over 450 deputies who were mostly business elites were expelled from the legislature and tried for disciplinary violations (Choi 2017).

The rules also sanction punishment for embezzlement and cronyism, rumour mongering and most especially violating the 'Eight Frugality codes' and 'Four Winds of Decadence'. Thus, these rules have will make the enforcement of disciplinary not only target and focused but also more accountable and consistent to meet the challenges of this changing times (*Xinhua* 2018a). One of the important development is the right to appeal by the accused if not satisfied with discipline sanctions under the purview of article 42 of the Regulations as per the Party Constitution. This indeed, is a welcome step towards party's rule according to the law.

## Conclusion

The revision of the party discipline regulations has been a continuous process in the post-Mao period. To maintain unity and supremacy, the CPC, as a Leninist organisation must depend on discipline punishment regulations. These are essential requisites to monitor and control the behaviour of its members, cadres and organisational coherence. However, since the beginning of Xi Jinping's first term, the drive against graft and corruption has given the party a sense to reclaim its position among the people. The two revisions in quick succession in 2015 and August 2018 shows this urgency.

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The inclusion of varied crimes and violations include financial, social, religious, family and lifestyle in addition to political, party and organisation violations. The inclusion of insider trading in stock markets to borrowing from the state firms for personal enrichment have made it more futuristic and optimistic. The founding of NSC as a statutory body with equal jurisdiction with Supreme People's Court and Supreme People's Procuratorate is welcome development in institutionalizing process.

However, CCDI's internal judicial process of interrogation such as *shuanggui* and *liuzhi* has equally retained most of its abusive practices. Besides, many a times, the system is rigged against the poor and lower level officials than big 'tigers' who are only caught at the last. Under the new *liuzhi* system, Chen Yong (陈勇) a driver of a local leader in Fujian died in custody. The rich and famous elites pay premium fines and buy their way out. Nevertheless, with changing and evolving material conditions of the society, the challenges that party is facing enormous. The nature of crimes and discipline violations have changed themselves, and revision of party's discipline punishment regulations are beneficial

for the survival of the party of almost 90 million members. But some inconsistencies persist such as image building of Xi Jinping in various forms of media. The most recent one is Hunan TV's quiz on Xi Jinping Thought (Cai 2018). How will such inconsistencies be addressed and shape the party's campaign on discipline violations is too early to make an assessment. ■

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*The views expressed here are those of the author and not necessarily of the Institute of Chinese Studies*

## Appendix

### CPC Disciplinary Punishment Rules 2018

#### 2018 中国共产党纪律处分条例

Part	Chapters	Articles	Features and Provisions
General Provisions  <b>(I)</b>	1	1-6	Guiding ideology, principles and scope of applications of rules.
	2	7-16	Discipline violations and punishments.
	3	17-26	Rules for disciplinary punishments.
	4	27-33	Disciplinary punishments against party members.
	5	34-43	Other Provisions.
Specific Provisions  <b>(II)</b>	6	44-69	Rules of sanctions against political discipline.
	7	70-84	Rules of sanctions against organisational indiscipline.
	8	85-111	Rules of sanction against violation of integrity discipline.
	9	112-20	Rules of sanction against violation of party & masses relations.
	10	121-33	Rules of sanction against violations of work discipline.
	11	134-38	Rules of sanction against violation of lifestyle discipline.
Supplementary Provisions  <b>(III)</b>		139	Each province, autonomous regions & municipality party committees to formulate specific rules based on these regulations.
		140	Central Military Commission (CMC); People's Liberation Army (PLA); People's Armed Police (PAP) should formulate supplementary provisions based on the new regulations.
		141	Central Discipline and Inspection Commission (CCDI) is the interpreting agency of these regulations.
		142	Date of enforcement of Regulations: <b>1 October 2018.</b>

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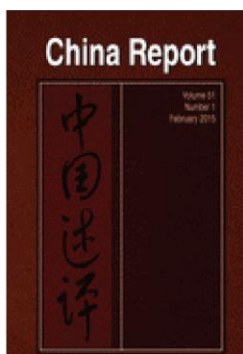


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