



AgEcon SEARCH
RESEARCH IN AGRICULTURAL & APPLIED ECONOMICS

The World's Largest Open Access Agricultural & Applied Economics Digital Library

This document is discoverable and free to researchers across the globe due to the work of AgEcon Search.

Help ensure our sustainability.

Give to AgEcon Search

AgEcon Search
<http://ageconsearch.umn.edu>
aesearch@umn.edu

*Papers downloaded from **AgEcon Search** may be used for non-commercial purposes and personal study only. No other use, including posting to another Internet site, is permitted without permission from the copyright owner (not AgEcon Search), or as allowed under the provisions of Fair Use, U.S. Copyright Act, Title 17 U.S.C.*

Analysis of New Model of "Rule by Three Committees" and Discussion on Construction of Villagers' Self-governing Organizations in China

YANG Cheng*, ZHANG Lu-ping

School of Law, Wuhan University, Wuhan 430027, China

Abstract This paper introduces the operation model of "rule by three committees", including the members of "three committees", functional constitution of "three committees", and relationship between restriction and coordination of "three committees". By referring to the villagers' self-governing system in China, and the relevant provisions in *Constitution and Village Committee Organization Law*, we take into account the legitimacy of "rule by three committees". In terms of the details of system design, we perfect the new model of "rule by three committees" as follows: make the conditions of holding office stringent and ensure the quality requirements of members of "three committees"; standardize the procedures of election, and guarantee the equitable election of members of "three committees"; perfect dismissal procedure, and strengthen the supervision on members of "three committees".

Key words Villagers' self-governing, Villagers' self-governing organizations, "Rule by three committees", China

In recent years, with the ceaseless deepening of rural reform, the rural social structure, organization form and benefit-based relationships have had profound changes. Meanwhile, farmers' awareness of democracy, awareness of participating in government and political affairs and awareness of supervision is increasingly intensifying. Be that as it may, in rural areas, the power of village cadres is centralized but the supervision is short; the village party branch and the village committee are inconsistent, holding each other back; the operation of "one thing one discussion" in the villagers' meeting of discussing official business is difficult. In addition, there are some other actual problems, turning out to be the bottleneck of promotion of politicalizing democracy at the grassroots level. The farmers universally require that they should not only protect their own practical interests, but also often participate in decision making and management of important affairs in village; the farmers universally require that the village cadres should not only be incorruptible and self-disciplined, but also the village cadres should deal with the village affairs abiding by law. According to the requirement advanced by the report of the 17th Congress of Communist Party of China, "we should establish and perfect decision-making right, execution right and supervision right; mutually restricted and mutually coordinated right structure and operation mechanism", by referring to the "separation of powers" theory and the model of modern enterprise system, Haizhou District of Lianyungang City creatively establishes three management institutions of village affairs in the village, namely villagers' meeting of discussing official business, villagers' committee, and villagers' board of supervisors, to exercise villagers' self-governing decision-making right, management

right and supervision right respectively, so as to form the new pattern of "party branch to exercise leadership, villagers' meeting of discussing official business to make decision, villagers' committee to deal with affairs, and villagers' board of supervisors to conduct supervision". Haizhou District of Lianyungang City strengthens the village-level organization construction from the source^[1]. The model of "rule by three committees" is of great significance of reference to strengthening construction of the villagers' self-governing organization.

1 Operation mechanism of the model of "rule by three committees"

1.1 The members of "three committees" The quantity of members of village meeting of discussing official business, in principle, is 10–15, including the members selected from villagers' representatives by commissioner of village branch and villager's congress. The president of village meeting of discussing official business is assumed by the secretary of village branch as a concurrent post. When the head of the village committee and the secretary of village branch are one, the president of village meeting of discussing official business is assumed by the vice-secretary of village branch as a concurrent post. The commissioner of village party branch, also the member of the village committee, must not be the member of meeting of discussing official business. The term of the village meeting of discussing official business is three years, the same session as the village committee. The proportion of villagers' representatives should be more than the members of village branch, with rotation of one third annually. The members of village meeting of discussing official business must not participate in the work of the village committee. If the members of meeting of discussing official business do not attend the meeting of discus-

sing official business three times consecutively for no reason or do not attend the meeting of discussing official business five times within one year, their membership of meeting of discussing official business will be canceled, and meeting of discussing official business will elect the farmers' representatives for the vacancies. In principle, the village board of supervisors has three to five people, including one commissioner elected by the village branch (must not be the member of meeting of discussing official business, village head, and relative of president of meeting of discussing official business, who serves as chief supervisor and does not participate in the work of the village committee) and two to four persons elected from villagers' representatives by the villager's congress (must not be the head of the village committee and the relative of president of meeting of discussing official business, who serves as supervisor). The term of office of villagers' board of supervisors is three years, the same session as the village committee. If the members of board of supervisors do not attend the meeting of discussing official business three times consecutively for no reason or do not attend the meeting of board of supervisors five times within one year, their membership of board of supervisors will be canceled, and meeting of discussing official business will elect the farmers' representatives for the vacancies. In principle, the members of the village committee are directly elected based on *The Village Committee Organization Law*.

1.2 Functional constitution of "three committees" The villagers' meeting of discussing official business is the permanent establishment of villager's congress. During the period of closing of villager's congress, authorized by the villager's congress, villagers' meeting of discussing official business exercises the power of villager's congress on behalf of villager's congress and exercises decision-making power in specific village affairs and discussing official business. The meeting of discussing official business holds a regular meeting once a month in principle and the president of meeting of discussing official business presides at the regular meeting. Regular meeting of meeting of discussing official business is invalid unless two-thirds of members in meeting of discussing official business attend the meeting. Prior to regular meeting, the village committees should report the relevant affairs to be discussed and checked, 3 to 5 days in advance, to the members of meeting of discussing official business, and make them open to the villagers, so that members of meeting of discussing official business better understand and know the topics. The forms of discussing affairs in villagers' meeting of discussing official business mainly include hearing, inquiry, balloting, impeachment and so on. Hearing means that the members of meeting of discussing official business in village give audience to the processing scheme to be adopted regarding a certain village affair in meeting of discussing official business. Hearing adopts the way of "one affair, one discussion".

Inquiry means that the members of meeting of discussing official business inquire about a certain village affair and the performance of duties from the members of the village committee in meeting of discussing official business, and the members

of the village committee offer the answers on the spot. Balloting means that meeting of discussing official business of the village ballots on a certain village affair, deciding by secret ballot vote. Impeachment means that as for the village committee members with the behaviours of serious dereliction of duty, abuse of power, bucking for personal gain, and transgressing laws, the meeting of discussing official business can organize more than one-fifth of the villagers with the right to vote jointly to hold villagers' meeting, initiating the removal procedure of the village committee members' duties, agreed by two-thirds majority ballots of meeting of discussing official business. Removing the members of the village committee from office requires that when more than half of the villagers with the right to vote participate in the meeting, then the removal will be passed through.

The affairs discussion scope of meeting of discussing official business includes conducting hearing on the special work of village affairs, checking and discussing great expenditure of the village, and conducting reelection for member vacancies of villagers' meeting of discussing official business, and villagers' board of supervisors.

The supervision scope of village board of supervisors is mainly to conduct supervision on affairs discussion procedure of meeting of discussing official business, execution of the village committee, decision of meeting of discussing official business, the financial accounts of villagers' committee, incorruption status of village cadres and making village affairs open. The village board of supervisors reports the supervision status and especially the financial payments to the villagers every month regularly by the form of making village affairs open; handles letters and visits of the masses; accepts the villagers' inquiry; carries out the construction of incorruptible administration in rural areas.

The function of the villagers' committee, in general, is stipulated by the village organization law, but the affairs related with villagers' interests must not be handled unless they are advanced in villagers' meeting or villagers' meeting of discussing official business for discussion. At the same time, it must implement the decisions and resolutions of villagers' meeting and villagers' meeting of discussing official business, and accept the supervision of villagers' board of supervisors.

1.3 Relationship between restriction and coordination of "three committees" Villagers' meeting of discussing official business, as a standing body of villager's congress, is an important village affairs decision-making body. Villagers' committee is village affairs executive organization, and villagers' board of supervisors is village affairs supervision body. As for the decisions or requirements of villagers' meeting of discussing official business, except for the unavoidable circumstances, such as natural disasters, villagers' committee must implement these decisions or requirements. If villagers' committee does not implement these decisions or requirements within the time limit, or it refuses to implement these decisions or requirements within the time limit, villagers' meeting of discussing official business has the right to initiate distrust or impeachment procedure on the related members of the village committee. On important issues, for example, if the village committee thinks the decision

of meeting of discussing official business inappropriate, it should notify board of supervisors of it within ten days, and submit it to board of supervisors so as to exercise veto power. If within ten days, the village committee does not submit it to board of supervisors so as to exercise veto power. It will be regarded as that the village committee waives that right. If the members of villagers' meeting of discussing official business violate the procedures, or the members of meeting of discussing official business who participate in voting, abuse power, board of supervisors has the power to veto decisions (resolutions) of meeting of discussing official business. After decisions (resolutions) of meeting of discussing official business are vetoed by board of supervisors, the meeting of discussing official business should meet again in ten days, and re-vote on the topic for discussion advanced by the village committee according to the procedure. If the new decision (resolution) is still rejected, the village meeting of discussing official business can hold villager's congress within thirty days to conduct public voting. If the the votes exceed half, then the village meeting of discussing official business can veto resolutions (decisions) of board of supervisors. If the village meeting of discussing official business does not hold villager's congress within thirty days to conduct public voting, it is deemed to have waived that right. The members of meeting of discussing official business who violate discipline and law must not participate in the voting on same topic for discussion concerning village affairs. The board of supervisors has no power to veto the content of decision (resolution) of meeting of discussing official business.

Therefore, the newly established villagers' meeting of discussing official business, villagers' board of supervisors and the former villagers' committee, exercise decision-making power, supervision power and execution power in the self-governing power respectively, so as to construct new model structure of "three divisions of village power and rule by three committees".

2 Consideration of the legitimacy of "rule by three committees"

The villagers' self-governing system is the grassroots-democracy self-governing system with Chinese characteristics, stipulated by Constitution in China, and the basic form of the rural democracy in China. According to provisions of Constitution, related laws and policies, self-governing system can be defined as follows: under the leadership of the Communist Party of China, within a certain range (usually with the village as a unit), the villagers deal with the village affairs related to the interests of villagers abiding by law through self-governing organizations, and realize the villagers' self-management, self-education and self-service. It includes the following content: first, the main body of self-governing is rural residents, and the villagers enjoy the democratic rights to conduct self-management on public affairs in the village; second, the geographical scope of self-governing is village, namely the community with a close relationship with rural residents' life, the most basic unit of social organization; third, the content of self-governing is the village's

public affairs and public welfare, namely village affairs; fourth, the goal of self-governing is to make the majority of rural residents within the scope of the village realize self-management, self-education, and self-service, effectively deal with the village public affairs closely related to the villagers' interests, implement the socialist democracy to the lowest level, and ensure effective governance on the rural grass-roots society by the state; fifth, the form of self-governing is democratic election, democratic decision-making, democratic management and democratic supervision^[2].

The new model of "rule by three committees", in itself, is the innovation under the existing laws and regulations system, which can not bypass the state's basic political system in rural areas-villagers' self-government system. It is the innovation of the villagers' self-governing organizations, but not to overthrow the system of villagers' self-governing, to establish a new system. This new model adopts authorization way of rules of the villagers' self-governing, which solves the problems of legalization of the power. Article 111 in China's *Constitution*, in the form of fundamental law, determines the grass-roots self-government system, which is the fundamental basis for the villagers' self-governing. Article 111 of China's *Constitution*, the provisions regarding villagers' committee, can be regarded as constitutional basis for the villagers' self-governing system, while the specific legal basis of implementation is *Villagers' Committee Organization Law*. If the new model of "rule by three committees" is to be consistent with the provisions of Constitution, it must not violate the existing *Villagers' Committee Organization Law*. According to the provisions of *Villagers' Committee Organization Law*, the villager's congress can enact the rules of the villagers' self-governing.

Under the circumstance of conforming to the spirit of *Villagers' Committee Organization Law*, this new model, based on this provision, via the carrier of rules of the villagers' self-governing, makes the setting of the villagers' self-governing organizations more elaborate under the former framework, and conduct three divisions on the villagers' self-governing right, forming villagers' meeting of discussing official business, villagers' committee and villagers' board of supervisors. The villagers' meeting of discussing official business, as a standing body of villager's congress, is the decision-making body; the villagers' committee is the executive body; villagers' board of supervisors is the supervision body. The main body of affairs discussion is rural residents, and the content of affairs discussion is all the important village-level affairs in the rural areas. It is a systematic, comprehensive, scientific, and standardized democratic village-governing model, better combining democratic system, operating procedures, and people's supervision. The essence is democratic self-government, the core is the balance of power, and the feature is procedural norm, namely by perfecting democratic system, regulating the exercising of power, and strengthening supervision and guarantee, to gradually form one self-management, self-monitoring, self-service, and self-development operation mechanism. Thus, the new model of "rule by three committees" is the innovation confor-

ming to Constitution and following the principle of spirit of the villagers' self-governing. This system better practises the villagers' self-governing system, and offers the system platform for the party leadership in rural areas. It is the key to transformation of the villagers' self-governing from election-oriented democracy to participatory democracy. Only by realizing this transformation can we fundamentally prevent the differentiation problem of endogenous public power in the village and finally overcome the predicament of administration absorbing politics^[3]. Its generation does not deviate from the stipulations on the villagers' self-governing system by existing Constitution in China, so it has the rationality and legitimacy of its existence.

3 Perfection of the new model of "rule by three committees"

The existing system design of new model of "rule by three committees", on the whole, is still a relatively complete system. Laying down democratic elections, decision-making of village affairs, financial management, making the village affairs open, democratic supervision, evaluation of cadres, accountability and other systems, cover all the contents of "four democracy" of the villagers' self-governing, and effectively guarantee the exercise of "four rights" for the villagers. In terms of the mutual relations, systems are interrelated and interlocking to form a progressive system. In order to guarantee the effective operation of the new model of "rule by three committees", the details of the system design still have great room for improvement.

3.1 Make the conditions of holding office stringent and ensure the quality requirements of members of "three committees" We should tighten the quality control over the members of village-level organizations, and ensure the smooth, orderly and dramatic development of the villagers' self-governing cause. The first is to make the conditions of holding office stringent and control the "entry" of members of organizations. The new model of "rule by three committees" is established by referring to the enterprise governance structure model in modern enterprise system (shareholders, board of directors, board of supervisors, and managers). Then, when making restriction of holding office on the members of "three committees", we can get inspiration from the relevant provisions of *Company Law* in China. China's *Company Law* states that: directors and supervisors in the company, from shareholder representatives, are elected by shareholders meeting in the company or shareholder congress. In the following circumstances, one cannot serve as directors and supervisors: with no capacity of civil conduct or limited capacity of civil conduct; being found guilty of corruption, bribery, and appropriation of property or disrupting social economic order, one is sentenced to criminal penalty and execution expiration period does not exceed five years, or due to crime, one is deprived of political rights, execution expiration period does not exceed five years; a large amount of debt of individual is not be paid off at term. Therefore, when pinning down the requirements of holding office of the members of "three committees", we can take into account the above restrictions.

3.2 Standardize the procedures of election and guarantee the equitable election of members of "three committees"

In the new model of "rule by three committees", the members of the village committee are elected in accordance with *The Village Committee Organization Law*, and the villager representatives in villagers' meeting of discussing official business and board of supervisors are elected through standardized election procedure. Legality and legitimacy of the electoral process is an important premise to effectively ensure the quality of members of "three committees", and prevent the manipulation of power by few people. Therefore, the parts of registration, election, and vote should focus on the standardization of procedure. In the link of voters' registration, the villages with certain conditions can conduct voter's online registration, and release the voter list on line, which can simplify the registration formalities of "mobile voters". Standardizing voting procedures, on the one hand, is to strictly limit the use of mobile ballot boxes. In the actual operation, setting mobile ballot boxes has great randomness, and the irregular use of mobile ballot boxes is frequent. Some people use the defects of mobile ballot boxes to create the conditions for bribery. As far as we are concerned, for the densely populated villages or villages with scattered residence, they can set several fixed votes instead of mobile ballot boxes. On the other hand, we should standardize the proxy vote. People who vote by proxy should fulfil the prescribed procedures, or else, the commission is invalid. Moreover, voting by proxy can be only applicable to the case that the laws and regulations prescribe. We should regulate electioneering. The electioneering, as a competitive mechanism in the process of election, is of great significance to strengthening the village-level organizations and arousing participatory enthusiasm of the villagers. But the current electioneering is still not very irregular. On the one hand, the local leaders have great autonomous rights in a series of procedures of election; on the other hand, a variety of useful practices have not yet been institutionalized. In light of the development of electoral system, the competitive mechanism is bound to be strengthened and the election is inevitable. Therefore it is very necessary to organize and systemize the rural grass-roots electioneering, based on the reality of the rural areas, to ensure its further healthy development.

3.3 Perfect dismissal procedure and strengthen the supervision on members of "three committees"

In addition to paying attention to the "entry" of village cadres, we should also strengthen the supervision on village cadres, and make those members with low quality, poor responsibility, and weak sense of service, step down. As for the members of the village committee, more than one-fifth villagers with the right to vote, have the right to require meeting of discussing official business to hold villagers' meeting, and through the resolution of half of the villagers, they can remove the members of the village committee from office. As for the members of villagers' representatives in villagers' meeting of discussing official business and board of supervisors, we should strictly enforce the system that if the members of meeting of discussing official business do not attend the meeting of discussing official business consecutively

for no reason or do not attend the meeting of discussing official business five times within one year, their membership of meeting of discussing official business will be canceled. In the process of discussing village affairs, the villagers are to supervise the performance of duties of members of meeting of discussing official business.

How to ensure the coordinated and orderly operation of all the subjects of "three committees" is still to be explored. How can the system work most effectively? How to deal with the relationship between village party branch and "three committees"? These are basically clear in the system setting, but in practice, these will deviate due to various factors. Setting of system must not be changed as the leaders change, and must not be changed as the views and attention of leaders change. Therefore, we should focus on the work of system and supervision. In addition, we should need to strengthen education, so that the established system and supervision are internalized as the cultural factors of the cadres, the party members and the masses. But this needs "cultural soil", incessant optimization of the grass-roots democracy and political environment and increasing enthusiasm of villagers to participate in politics. However, it is a long, arduous, and complicated process.

4 Conclusion

In the light of the history of birth of the first villagers' committee, the villagers' self-governing originating from the grass root is from the inner rural society, a kind of residents' self-integration, with the characteristics of social spontaneity and self-organization. However, the villagers' self-governing rises from social spontaneity to national system, and is universally promoted and popularized across the country, which is the result of the national drive. The state, as this kind of governance body smacking of democratic colour, is to reconstruct the rural order, a process of "democracy to the countryside", and a process of using the way of democracy to re-integrate the rural society and the state empowering the people^[4]. In this context, the villagers' self-governing system emerges, whose development is bound to be impacted by the national policy, inseparable from the modern national administrative drive. It is noteworthy that the national administrative drive is also a "double-edged sword". On the one hand, it plays the positive role in promoting the development of the villagers' self-governing. But on the other hand, using administration to promote the villagers'

self-governing, is likely to cause that the development of the villagers' self-governing is under the administrative pressure, and in the predicament of development. After all, the footing of using administration to promote the villagers' self-governing, is still a kind of external integration of villages. As an external "embedded" institutional arrangement, the growth of the villagers' self-governing also needs a kind of democratic theory based on the rural society, so as to maintain and consolidate this rural democratic citadel. If the rural community lacks effective internal organization mechanism, once the external integration mechanism changes, it easily falls back into "governance vacuum". The new model of "rule by three committees" mentioned in this paper, also expects the improvement of the internal operation of the villagers' self-governing. By further refinement on the procedures, and further coordination on the system, it can provide organization guarantee for improving the villagers' self-governing system, thus combining the top-down national integration and the bottom-up social growth.

References

- [1] People's Government of Haizhou District. Haizhou's first "three will be autonomous," a new model of rural governance[EB/OL]. <http://hzjw.hzqlgk.cn/shownews.asp?id=66>. (in Chinese).
- [2] XU Y. Village self-government in rural of China[M]. Wuhan: Central China Normal University Press, 1997. (in Chinese).
- [3] JIANG YF, XIE S. Grass-root democracy: connotation, limitation and elevation-village self-governance from the perspective of political science[J]. Southeast Academic Research, 2007(4): 31-38. (in Chinese).
- [4] HUANG HX. "Democracy going to the countryside": state re-converge the rural society[J]. Journal of Huazhong Normal University: Humanities and Social Sciences, 2007(5): 10-16. (in Chinese).
- [5] WANG ZB. Protection of minority group interests in the autonomy of villagers[J]. Journal of Anhui Agricultural Sciences, 2010, 38(35): 3715-3716, 3718. (in Chinese).
- [6] ZHANG YH. Peasant, citizenship and state: A case research for the Shanjiaoxia Village in Hunan Province[J]. China Rural Survey, 2009(3): 75-84, 93, 96. (in Chinese).
- [7] ZHANG H. Route choice of new rural law construction[J]. Journal of Anhui Agricultural Sciences, 2011, 39(11): 6792-6794, 6797. (in Chinese).
- [8] XIANG JQ. Village transparency and democratic management in post-tax-fee reforms: Survey and analysis of village self-governance in several provinces and cities[J]. China Rural Survey, 2006(2): 49-56, 63, 79-80. (in Chinese).

(From page 97)

support of government and the serving subjects of financial organizations are the comprehensive rural cooperative organization. The financial service relations among rural cooperative organization and rural households have decreased the transaction costs and solved the problem of excessive high transaction costs. After solving the two restriction factors, the profit level of rural areas is improved and the credit trade costs have decreased. Besides, the external capital will flow to rural areas spontaneously. Thus, the low efficiency and deviated

structure caused by externality of capital and financial organization can be solved. Transforming the financial support from externality to internality and marketizing rural financial market can effectively solve the efficiency of rural finance.

References

- [1] WILLIAM DETTMER H. Goldratt's theory of constraints - a system approach to continuous improvement[M]. Milwaukee: ASQ Quality Press, 1977.