

## Reparation law revision to go to NPC

The draft revision of the 14-year-old State Compensation Law will be given its first reading by deputies to the National People's Congress (NPC) next Thursday, it was announced yesterday at a meeting in Beijing hosted by the country's top legislator Wu Bangguo.

The proposed changes to the statute came about following criticism from the legal sector of the way in which the law - designed to protect the public from the improper practices of government organs - was being implemented.

Legal experts have said that despite the growing number of malpractice cases now being brought against the government, the law in its present form is too narrow in its scope, fails to guarantee the payment of fair levels of compensation, and is too unwieldy to function smoothly.

Shen Kui, a law professor at Peking University, told China Daily yesterday that he expected NPC lawmakers to include mental damages for the first time within the State compensation system and to clarify what defines improper practice by the government.

"On some occasions, the government can harm the public interest without actually breaking any specific law," he said.

"At present, these cases are not covered by the State Compensation Law, so government agencies are immune.

"However, many lawmakers believe such cases should be included and be eligible for compensation," he said.

While most experts agree that the amendment will likely expand the scope of the law, others have said the greater need is for a change to the way in which people can apply for compensation.

Sun Guihua, a procurator with the Harbin People's Procuratorate who has twice proposed amendments to the law, said that under the current legislation simply applying for compensation is beyond the means of most people.

Similarly, Professor Wang Chengdong from the China University of Political Science and Law said yesterday that an independent State compensation commission beyond the control of government agencies should be set up to handle such cases.

"The current system isn't working," Wang said.

"The revised law should ensure governments are made to face up to their mistakes and pay compensation for their wrongdoings."

Ma Huaide, vice-president of the Administrative Law Association of China, agreed.

"It is essential that the compensation law seeks to stop the abuse of power by government agencies and officials, and better protects citizens' legal rights and interests," he said.

The revised draft of the State Compensation Law will be read at the fifth session of the NPC Standing Committee, which runs from Oct 23-28.

*Source: China Daily*

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