

A Study of the 1978 Constitution of RSFSR

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PREFACE

In Soviet Constitutional theory and practice the Constitutions of the Union Republics occupies a prominent place. However, this aspect of Soviet Constitutional theory and practice has not very much attracted Scholars and Students of Soviet Union. Our study is a modest attempt at exploring this vital aspect of Soviet political system.

The study has been divided into five chapters. The first chapter covers Soviet Constitutional Theory and Practice; here an attempt has been made to focus attention on their framework. The second chapter deals with the actual provisions of the 1978 Constitution of RSFSR. The third chapter analyses its Unitary and Federal aspects of 1978 Constitution of RSFSR with a view to identify its common features with the USSR Constitution as well as its specific features. The fourth chapter provides a critical over-view of the 1978 Constitution of RSFSR. The final chapter sums up the findings of our study.

Our study is primarily based on the actual text of the 1978 RSFSR Constitution; the English translation of the text is taken from the book "The Constitutions

of the USSR and the Union Republics, Analysis,
Texts, Reports" by F.J.M. Feldbrugge, (Netherlands,
1979).

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CHAPTER - ONE

SOVIET CONSTITUTIONAL THEORY AND
PRACTICE - A FRAMEWORK

(The USSR is a federal state. The federal principle has been reiterated by the new Soviet Constitution (Article 70) of 1977.) The Scholars of Soviet political system too have generally agreed that the USSR is basically a federal political system. They, however, argue that this federal structure has its own novelties and distinctive characteristic features. The theory and practice of Soviet federalism is different from what we know of Western federalism.

A detailed study of the Constitutions of the Union Republics of the USSR may be relevant for understanding the letter and spirit of the Soviet political system. Of all the constituent republics the Russian Soviet Federative Socialist Republic (hereinafter referred to as RSFSR) occupies the most prominent position in the USSR. An analysis of the RSFSR Constitution is significant for understanding the fundamentals of the Soviet Constitution, indeed, the very federal structure of the USSR.

One of the novel characteristic features of the Soviet state system relates to the powers and functions of the constituent republics under the USSR.

Constitution itself. (Article 76). These have been further amplified in the Constitutions of each of the fifteen constituent republics.

(Soviet state structure is a characteristic of Soviet system) Its basic ideas are not in conformity with the western thinking. The Soviet concept of federal state basically hinges on the nationality question and its solution in the Soviet Union. Federalism in the west, on the other hand, is generally believed to possess the following characteristics:

- (a) sovereignty is derived by the constitution so that neither federal nor provincial government is supreme but each is supreme in its own sphere, the area of competency being set out in the constitution;
- (b) financial powers are shared and both federal and state government possess independent source of revenue;
- (c) judicial review operates to determine constitutional disputes arising out of federal system;
- (d) states are equally represented in the federal senate;
- (e) the process of constitutional amendment is difficult and often requires approval by either a majority of population or by a majority of states, and
- (f) states

boundaries can not be changed without the consent of states.¹

Two distinct assumptions emerge out of the above mentioned characteristics of federation as understood by western scholars. First, the state is treated by them as eternal and so is the federal state structure by implication. Secondly, the class nature of the state has no relevance for them. This, however, is not the case with the Soviet theory of state which considers the state as an instrument of class rule and, as such, liable to wither away with the elimination of classes from society. The federal state structure according to Soviet theory is a transitory phase leading to the ultimate fusion of all nationalities into a homogenous society.

Soviet political Dictionary defines a federation as -

"A union of states, forming a new union state with a single citizenship. Entering into a federation the union state retain their legal and administrative organs, the

1. See; K.C. Wheare, Federal Government (London, 1946), Chapter I.

activities of which are limited to specific groups of question. Side by side with the organs of power of different states belonging to the federation, there are established union (federal) legal, administrative and judicial organs, the acts of which are operative throughout the entire territory of federal state.²

Judged by the formal definition given in the Soviet Political Dictionary the concept of federalism in both the Soviet Union and West appears to be somewhat identical. Yet, this is far from reality. The Soviet concept of state structure is based on class approach and the principle of democratic centralism is vital to it. The Soviet theory of state structure ensures the development of socialist economy of the entire country on the basis of single national economic plan. Democratic Centralism, writes Vyshinsky, "Presupposes centralism in basic question; in general guidance in the maximum unification of all economic activity according to one state-wide plan in guiding production to the end of rational and economic utilization of all the country's natural resources."³ In his opinion, far from excluding it presupposed local independence upon

2. Politichesky Slovar (Political Dictionary), 2nd edition (Moscow, 1958).

3. A.Y. Vyshinsky, The Law of Soviet State, (New York, 1948), pp. 230-1.

condition of developing the creative self reliance and initiative of the local population (with its deffering language ways of life and economic relationship) for the best possible fulfillment, of general plans and cultural buildings.⁴

The difference between the western and Soviet concept of federalism has been summed up by Vyshinsky - "Its distinguishing feature is the elasticity of its forms as applied (a) to concrete problems of the socialist state in raising the economic cultural level of each people separately and (b) the conditions of class struggle at each separate historical phase. The form of federative bonds existing in bourgeois federation are alien to it."⁵

Thus, the emergence of socialist federal state has created a considerable controversy among various scholars. Some western scholars are of the opinion that the Soviet national state is not in fact a free union of voluntary unified nations and Soviet federation is not more than a fiction. It is rather a unitary centralised state. There is, thus, a great need to analyse the Soviet constitutional framework.

4. Ibid.

5. Ibid.

A brief survey of the development of the concept of federalism in the writings of Marx, Engles and Lenin⁶ and co-relating them with the actual Soviet constitutional experience will help to bring out the genesis and growth of Soviet thinking on state structure in its proper perspective.

Marx and Engles On Federalism

The founders of scientific socialism Karl Marx and Engles, while working out the theory of dictatorship of the proletariat and the proletarian revolution, brought out a number of important points relating to the political forms of state construction under socialism. Marx and Engles deeply studied the unitary and federal forms of state construction of bourgeois states and described their positive features and inadequacies under different historical conditions.

6. For example, K. Marx and F. Engles, Manifesto of the Communist Party (Moscow, 1975); K. Marx and F. Engles, Selected Works, vols. 1, 2 & 3 (Moscow, 1965); and V.I. Lenin; On Soviet Socialist Democracy, (Moscow, 1975); _____, State and Revolution (Moscow, 1976); _____, On the Soviet State apparatus (Moscow, 1975); Critical remarks on the national question, the rights of nations to self-determination (Moscow, 1975); _____, On the opening of the Constituent Assembly in Collected Works, vol. 26, (Moscow, 1976).

During the life time of Marx and Engles, Europe had seen the completion of the transition from feudal disunity to centralism i.e. creation of a centralised bourgeois state. In that period it was a progressive development, as it marked an advance over the feudal form of disunity. The centralization of bourgeois political power objectively helped the development of productive forces in the society. Marx and Engles, however, scientifically explained that the bourgeois national states were not eternal. In fact, they were the result of the emergence and development of the bourgeois mode of production on the ruins of feudalism. They observed in the Manifesto of the Communist Party that the bourgeoisie destroyed more and more the scatteredness of the means of production and centralized them and concentrated property into a few hands. The trends towards centralization of state power was the natural product of this process. And the result was, they wrote; "Independent or but loosely connected province with separate interests, laws, governments and system of taxation became lumped together into one nation, with one government, one code of laws, one national class interests, one frontier and customs and tariffs."⁷

7. Manifesto of the Communist Party (Moscow, 1975), p.48.

So far as the views of Marx and Engels, towards the state construction are concerned, they favoured a certain form of a centralized strong national state against feudal politically disunited states which did not accord with the interests of the proletariat and its task to unite their struggle for socialism. A unitary centralised bourgeois state helped in the existing condition the economic and political cohesion of the working class and growth of its class consciousness.

The process of transition from particularism to centralization of state power basically proceeded along two paths (1) the direct transition from feudal scatteredness to the establishment of strong centralized bourgeois state as in France and Italy, where the big bourgeoisie turned out to be stronger and more united as a class (2) the second path was more complicated. It envisaged transition from scatteredness to more close state unity to centralized political power through the intermediate form of union like confederation. Some of the states like USA, Switzerland and Germany were organised as bourgeois federal republics. The process of centralized state power was completed in these

countries in the form of union republics.

Marx and Engles saw federation as an union of free and equal states. They held that the federation could not conform to the interests of the proletariat in its struggle for socialism under all historical conditions. As such, they supported federation only in such conditions where it could historically become the transitional political form from scatteredness to unity of state power, uniting different small states into one strong centralized state. Analysing the experience of bourgeois federalism in the period of their establishment, Marx and Engles considered that federation was a fetter on the development of productive forces of the bourgeois society as it did not permit centralization of economy, creation of single market i.e. it did not lead to the strengthening and development of economic unity of the working people of different nations in a system of united multinational bourgeois state. The disunity of already formed centralized state into small union in the name of federation in many cases went against the class interests of the working people of different nations and was not conducive to the strengthening of the political unity and

transformation of the proletariat into a strong social force capable of overthrowing capitalist system.

Lenin's views on Federalism

Lenin's views on federal autonomy and unitary democratic republic on the other hand were formed under the conditions of the revolutionary movement. Several points relating to federalism had been formulated even before the victory of the "Great October Revolution". It is well known that in the epoch of imperialism and proletarian revolution the national question became inseparable from the question of socialist revolution and the dictatorship of the proletariat. Hence, the need arose for analysing the different forms of political construction of future socialist Russia. Lenin proceeded, to begin with, recognising the need for a democratic solution of the national question as a component part of the general question of socialist revolution. Thus the problem of ensuring co-operation among nations was ultimately connected with providing them full equality of rights. The problem was extremely acute for Russia where national aggression was perpetuated in a most cruel

form. Lenin justly called Tsarist Russia as a "prison house of nations."

The essence of the formulations and views of Lenin on the national question can be briefly stated as follows:-

(1) Recognition of the right of all nations to self-determination upto state separation and formulation of their national state.

(2) Decisive repudiation of every form of coercion and force in their relations among nations in any form whatsoever.

(3) Declaration of full equality and sovereignty of nations in political construction of their life, and

(4) Recognition of the fact that strong union of nations in a system of united democratic republic is possible only as a result of overthrow of the domination of exploiters and on the basis of full freedom and equality of rights of all nations.

Lenin viewed the nationality of one or the other form of state construction in a similar way as Marx and

and Engels did, against the background of concrete historical conditions, subjecting the solution of a given question, to the interests of the proletariat and socialist revolution and the establishment of dictatorship of the proletariat. A strong centralized democratic state was viewed by Lenin as the best form conducive to the interests of the proletariat. Such a state provided more possibilities than a small state for creating close economic relations between the proletariat of various nations. Quick development of productive forces of capitalism wrote Lenin required a large united single centralized state where old medieval restrictions on the development of capitalism were destroyed. Such a state would promote not only the unity of bourgeois class but also the antipode of the proletariat.

(Thus Lenin developed the concept of federalism in accordance with the Marxist theory while emphasizing a single large state which he considered progressive. He came to the conclusion that in a multinational state like Russia federation was the most suitable form of state structure.)

In the light of above, now we will proceed to analyse briefly the Soviet constitutional experience since 1917 and its development with special reference to its federal features.

✓ The 1918 Constitution of RSFSR

Seven days after the "Great October Revolution" of 1917 the declaration on the rights of all peoples of Russia was issued by Lenin as head of the new Soviet government and Stalin as head of the people's commission for nationality question. "The Declaration ensured the equality and sovereignty of the people of the country the right of every people to self-determination including the right to secede and form an independent state, the abolition of all national restrictions, the free development of all nationalities."⁸ In accordance with this declaration the RSFSR, the Ukrainian SSR, the Byelorussian SSR, the Georgian SSR and Armenian SSR were formed and recognised as independent states. The first Russian Soviet Constitution was adopted in July 1918

8. Yuri Akhapiin, First Decrees of Soviet Powers (London, 1970), p. 12.

more than eight months after the establishment of the Soviet Russia. In accordance with this Constitution the other republics also adopted their own Constitutions.⁹

Some of the basic features of the 1918 RSFSR constitution were as follows. It retained the Soviets as the institutional pattern to exercise state power. A distinct character of executive collegium at every level was established. It disfranchised certain classes and also introduced a discriminatory franchise. There was a provision for recall of deputies. The Constitution also had provisions to confer citizenship on foreigners and provisions for foreign policy objectives.

Commenting on the 1918 constitution, Andrew Rothstein writes that "the Soviet Constitution of July 1918 was the first attempt to express in a legislative code of the political meaning of the Russian Revolution of 1917."¹⁰ It consolidated the conquests of 'October

9. L.G. Churchward, Contemporary Soviet Government second edition (London, 1975), p. 78.

10. Andrew Rothstein (ed.), The Soviet Constitution, (London, n.d.), pp. 7-8.

Revolution' and defined the class nature of Soviet state as a state of the dictatorship of the proletariat. The constitutional framework was elastic and capable of expanding and contracting or altering according to the lessons drawn by the Russian workers from their every day experience.¹¹

Federal Framework under the 1918 Constitution of RSFSR

The RSFSR Constitution of 1918 in its provisions, adopted a federal form of government. Article one stated that "the Russian Soviet Republics is organised on the basis of free union of free nation as a federation of Soviet national republics."¹² It should be noted that the RSFSR in its first Constitution envisaged a programmatic aim to unite the other fraternal peoples on the basis of voluntary agreement. But the 1918 Constitution

11. Ibid.

12. Article 1, in Constitution (Fundamental Law) of the Russian Soviet Federative Socialist Republic (RSFSR) enacted by the 5th All Russian Congress of Soviets on July 10, 1918. Selected from USSR : Sixty Years of the Union 1922-1982, (Moscow, 1982) (Hereafter the articles referred to of 1918 Constitution are taken from this source.).

contained no operative provision for the federal framework. The Constitution simply stated that "... At the same time endeavouring to create a really free and voluntary and therefore all the more firm and stable union of the working classes of all the nations of Russia. Third all Russia Congress of Soviets confines its own task to setting up the fundamental principles of Russia, while leaving it to the workers and peasants of each nation to decide independently at their own authoritative congress whether they wish to participate in the federal government and in other federal Soviet institutions and on what terms."¹³

On this ground Graham points out that the Constitution does not stipulate that the laws of federation should be either equality or their organization.¹⁴ But, a perusal of various other provisions indicates that this free union of free people is based on the bonds of common ideology and the spirit of proletarian internationalism.

13. Article 8, 1918 RSFSR Constitution, n. 12.

14. Graham, Jr., New Government of Eastern Europe, (New York, 1969), p. 124.

The 1918 Constitution of the RSFSR, though it marked an advance in the development of Soviet federalism, did not meet several problems raised by the practical federal construction of the RSFSR. For example, in that period there was no clarity about the ways and forms of participation of the subjects of the RSFSR. In the work of the federal organs, even the organs in which such participation was envisaged were not clearly identified. But, the importance of 1918 Constitution lies in the fact that it served the useful purpose of testing the working of various institutions.

The Soviet form of political organisation developed rapidly during the period 1918-1922 in most part of the old Russian empire, but there was no organic link between Russia and other Republics. On the model of the 1918 RSFSR Constitution the other republics enacted their own Constitutions, in January 1919 the Byelorussian SSR, in 1920, the Azerbaizan SSR and in February 1921 the Georgian SSR, and they were recognised as independent states.¹⁵

15. USSR: Sixty years of the Union 1922-1982
Progress Publishers (Moscow, 1982), p. 18.

The Formation of the Union

During the civil war and foreign intervention the question of uniting the various nationalities to successfully defend the Revolution became all the more important. In the course of 1917-1922, valuable experience of co-operation between the Soviet Republics was recognised. By the end of 1922 the desirability of forming a closer union of Soviet state became very essential.

Lenin made the most important contribution to the founding of the USSR. As head of the Soviet Government he guided all aspects of the life of the new Republic attending the most diverse questions of economic management and state administration.¹⁶

Summing up the experience of state administration during the first month of its experience Lenin wrote, "it shows us particularly, clearly, that federation which we are introducing and will introduce is now the surest step towards the most lasting union of various nationalities of Russia into a single democratic state."¹⁷

16. Yuri Abhapkin, First Decrees of Soviet Power, (London, 1970), p. 14.

17. V.I. Lenin, Collected Works, vol. 27, p. 207.

In his thesis for the second congress of the Communist International in June 1920, Lenin had pointed out three objective reasons requiring unification of Soviet Republics in a single Union state:-

(i) The impossibility of their continuity to exist surrounded as they are by the imperialist powers of the whole world without the closest alliance.

(ii) The need for a close economic alliance between the Soviet Republics without which it was impossible to restore the shattering economy and ensure the well being of the working people.

(iii) The class nature of the Soviet power and its international nature which were impelling towards unity.¹⁸

Lenin also carefully studied the state legal relation of the RSFSR with the other fraternal Republics that emerged before the union of socialist republics. He stressed that "the question of the forms and mutual

18. V.I. Lenin, Preliminary Draft Thesis on the National and Colonial Question, Collected Works, vol. 31, (Moscow, Progress Publishers), p. 147.

state relationship and the character of links between the Soviet Republic must be subordinated to the solution of the union question that is the strengthening of the power of the workers and peasants. This lay at the basis of the formation of the USSR characterising the state unity of Soviet peoples in a single union of Soviet socialist republics.¹⁹ Lenin, however, stated that "the same could not be achieved immediately and therefore, it was necessary to work towards it with greatest patience and circumspection."²⁰

Lenin suggested formulating, a proposal to create a new constitutional entity. The Union of Soviet Socialist Republics as a voluntary alliance of equal sovereign nations rather than admitting the Soviet republics to the RSFSR. He wrote "we consider ourselves, the Ukranian SSR and other three republics equal into - with them on an equal basis into a new federation."²¹ By the end of 1922, the desirability of forming a closer union of Soviet state had become very clear. Extensive

19. V.I. Lenin, Collected Works, vol. 30, p. 297.

20. Ibid., p. 293.

21. V.I. Lenin, On the Establishment of the USSR, Collected Works, vol. 42, pp. 421-22.

work in preparation for the unification of Soviet republics into a single union state was started in 1922 under the direction of the Communist Party. The process of reunion, as E.H. Carr writes, was complete by the end of 1922.²²

The declaration of the Union of Soviet Socialist Republics and accompanying, Treaty of Union were signed in Moscow on 30 December 1922. The treaty had 26 articles. It is based on the principles of equality of Soviet republics and their voluntary entry into the federal state.²³

The 1924 Constitution of USSR

The Constitution of 1924 was necessitated not because of any drastic change in socio-economic condition but because of providing a federal structure for a multinational state. Definite views on the national question were formed. National Self-determination was defined as an extension of autonomy to various nationalities.

22. E.H. Carr, History of Soviet Russia, vol. 1, (London, 1969), p. 411.

23. USSR: Sixty years of the Union 1922-1982, (Moscow, Progress Publishers, 1982), p. 22

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The contents of the 1924 Constitution served its purpose as a covenant between sovereign states. It contained two sections. (Treaty and 72 articles) Some of the specific features of the 1924 Constitution can be stated as follows. It outlined two camp theory, gave a distinct solution of nationality question; it stated the reason for the formation of the union. The provisions also contained a scheme of relations between union and the constituent Republics. The Constitution made a provision for bicameral assembly. It consisted of a union council elected from among the delegates of the Congress of Soviets on the basis of population and a council of nationalities composed of five representatives from each union; autonomous republic and one each from autonomous region.²⁴ The concurrence of both chambers was required for all acts of Central Executive Committee and fairly elaborate procedures were laid down for the resolution of disagreement between the two chambers.²⁵

The Constitution established the presidium of the central executive committee as the highest legislative

24. Articles 13, 15 in Constitution (Fundamental Law) of the Union of Soviet Socialist Republics, Approved by the Second Congress of Soviets of the USSR on 31 January 1924, Selected from USSR: Sixty Years of the Union 1922-1982, (Moscow, 1982).

25. Articles 22, 24 in 1924 Constitution of USSR, no.24.

executive and administrative organs of power of the USSR. It was elected by the Central Executive Committee at a joint sitting of two chambers. The union by virtue of the Treaty on the formation of the USSR had the right to amend or alter the border of the union. The 1924 Constitution empowered the Union to decide upon questions of amendments of border between the Union Republics. The treaty also contained the division of powers between the Union and the Union Republics. The 1924 Constitution gave a new competence to the union viz. to determine the branches of industry and single enterprises of all-union importance.

Federal Framework under the 1924
Constitution of the USSR

The 1924 Constitution of the USSR and in the official documents relating to it the words federal and federation were avoided. In the 1924 Constitution the term 'union' was rather incorporated. It was created by an agreement between formally equal and sovereign states. The Constitution itself formally recognised the continuing sovereignty of the units, of the federation which was restricted within the limits laid down in the Constitution. Article one defined

the scope of the sovereignty of the union, and the union list included twenty two items. Thus, the Constitution provided on federal basis for a division of competence between the Union and Republics and in certain matters for the exercise of concurrent jurisdiction. The Constitution also stipulated a single federal citizenship replacing the double citizenship of several constituent republics.

There was a separate chapter that deal with the sovereign rights of the Union Republics. The constitutional provision states that the Union of Soviet Socialist Republic shall safeguard the sovereign rights of the Union Republics.²⁶ The Constitution also recognises the right to secede. As a novel feature of Soviet federalism, it give recognition to the ethnic claims of identity than the 1918 Constitution of RSFSR did. The Constitution granted the right to the republics to enact their own constitution. But in case of conflict between Union and Republican law, the Union law will prevail and Republics are required to amend their Constitution to ensure their conformity with the Union law.

26. Article 3, Chapter two, in 1924 USSR Constitution.

The Constitution also guarantees that the territory of each constituent Republic shall not be altered without its consent and no amendments or repeal of the federal Constitution shall be made without the consent of all the constituent republics of the Union.²⁷

Like most of the federal states of the world, the 1924 Constitution of USSR too, provides for a second chamber representing the constituent units, the council of nationalities, Article 13 states that the central executive committee of the Union of Soviet Socialist Republics shall consist of Soviet of Union and Soviet of Nationalities. The Soviet of Nationalities formed on representatives of Union and Autonomous Republics. Both of them were equally represented i.e. five representatives from each. The autonomous regions of RSFSR were represented by one representative each. Thus, the Constitution embodied a formal recognition of equality of the nations constituting the union irrespective of their population.

27. Article 6, Chapter two, in 1924 USSR Constitution.

The 1936 Soviet Constitution

The 1936 Constitution replaced the 1924 Constitution. As Stalin explained, the necessity of 1936 Constitution came about, because of the need to provide legislative embodiment for the changes which the country had undergone since 1924. The Constitution known for many years as Stalin Constitution, remained in force for slightly over four decades, the longest period for any Constitution in the Soviet history. Lacking a inspirational preamble of the kind contained in the 1918 and 1924 Constitutions, it was designed as Stalin put it, "to deal in single and concise terms in the styles of minutes with facts of victory of socialism and democracy."²⁸

The main changes introduced by the 1936 Constitution were as follows:

(i) It introduced universal suffrage and the earlier system of restricted suffrage was abolished. The principle of one man vote was adopted, the system

28. J.V. Stalin, Problems of Leninism (Moscow, 1954) P.711.

of weighting the votes of workers was abolished. The secret ballot was adopted.

(ii) Direct election replaced the earlier system of indirect election. All Soviets from local Soviets right upto the USSR Supreme Soviet were directly elected on the basis of single member electorate.

(iii) A bicameral Supreme Soviet was introduced in the place of the old Congress of Soviets of USSR. Both the chambers were approximately equal in size and they, were to have equal powers in all respect. The old Central Executive Committee was abolished, but the Presidium and the Council of People's Commissars were retained. Both the bodies were appointed by the Supreme Soviet of the USSR.

(iv) Fourthly, the Union Constitution included an elaborate and expanded statement of democratic rights. An entire chapter of the Constitution consisting of sixteen articles was taken up²⁹ with democratic right.

29. Chapter 10 in Constitution (Fundamental Law) of the Union of Soviet Socialist Republics, Adopted by the extraordinary 8th Congress of Soviets of the USSR on 5 December 1936, Selected from USSR: Sixty Years of Union 1922-1982, (Moscow, 1982) (All articles for the 1936 Constitution quoted hereafter, are from this source).

to rest, the right to material security in old age and sickness, the right to education, equal right to women, equal rights to all citizens, freedom of conscience, freedom of speech and press, assembly and meetings, procession and demonstration, the right to political organization, the inviolability of the person, the inviolabilities of homes and correspondence and the right to asylum to foreign citizens. The obligations to safeguard socialist property and the obligation to military service were incorporated. Apart from the obvious emphasis, on social rights rather than conventional civil and legal rights this section of this Constitution was significant in that it ostensibly provided concrete guarantees for the exercise of each right.³⁰

Federal Framework Under the 1936 USSR
Constitution

Unlike the 1924 Constitution, Article 13 of the 1936 Soviet Constitution defines USSR as a federal state formed on the basis of voluntary Union of equal Soviet

30. L.G. Churchward, Contemporary Soviet Government, 2nd edition (London, 1975), p. 81.

Socialist Republic. Article 15 and 19 define the special competences and sovereignty of the Union Republic. Most of the features of the 1924 Constitution, however, were retained.

The 1936 USSR Constitution, unlike the 1924 Constitution, explicitly states that "each Union Republic shall have its own Constitution which will take into account the specific features of the Republic and is drawn in full conformity with the Union Constitution." The 1936 Constitution under the amendment of 1944 empowered the Union Republics to maintain their own military formation and the right to enter into direct relations with the foreign states and to conclude agreements and exchange diplomatic and consular representatives with them.³¹

However, the degree of federal framework was not uniform in the Soviet Union over the years. In some concrete historical conditions specially during the course of the Second World War a tendency towards excessive centralism was developed. It was corrected

31. Article 18-a in 1936 USSR Constitution.

by the Party at different times after the situation became normal. Hence, it is logical to say that the primacy of the federal structure was indeed, could not have been challenged.

Thus, the above discussion in this chapter shows that the western thinking on federalism and the Marxist-Leninist approach to federalism as a form of state construction are widely different. Whereas in Western thinking the main principle of federal state construction is the territorial administration the Soviet constitutional framework of federalism is in-
insparably linked with the right of nations to self-determination. Lenin developed the concept of federalism in accordance with the Marxist theory. In the difficult conditions of civil war and foreign intervention, the most urgent task was to evolve a political state system. He came to the conclusion that in a multinational state like Russia, federation was the most desirable form of state structure. The first Soviet Constitution in 1918 by RSFSR was a federal Constitution. But it lacked a formal institutional framework. The specific situations of the period forced the Soviet Republics to sign a treaty, on the basis of which the union of Soviet Socialist Republics was formed. The first Constitution of the USSR was

adopted in 1924 it incorporated a formal institutional framework for the working of Soviet federalism. It had several novel federal features. It defined federation as the voluntary association of equal sovereign Socialist Republics. It gave the right to constituent Republics to secede freely from the union. It also gave the right to have their own constitution. A federal legislative second chamber was created and the constituent Republics were equally represented. The sovereign rights of the Republic were guaranteed by the USSR.

The 1924 Constitution was replaced by 1936 Constitution of the USSR. It retained all the federal features even though it brought some changes. However, in the conditions of the Second World War and the first years following the war when the Soviet people were engaged in reconstructing the economy of the country, the tendency towards centralization got the upper hand in the Soviet federalism. The decisions of the 20th party congress of CPSU served as an important step along the path eliminating excessive centralization and strengthening the federal structure.

In 1977, the USSR adopted its present Constitution. / As a constitutional obligation the RSFSR adopted its new Constitution in 1978. In the next chapter we will make an attempt to study the RSFSR Constitution with a view to determine its profile.

CHAPTER - TWO

A PROFILE OF THE 1978 RSFSR CONSTITUTION

In Soviet constitutional theory and practice constituent Republics of the Union have been assigned an important role. Indeed as the 1977 USSR Constitution reaffirms that the Union of Soviet Socialist Republics is an integral federal multinational state, formed on the principles of federalism as a result of free self-determination of nations and voluntary association of equal Soviet Socialist Republics.¹ Not only does it provide for a separate distinct Constitutions for the constituent Republics, but also gives them the right to secede freely from the union.

Therefore, a study of the Constitutions of these Republics is bound to deepen our understanding of the working of Soviet system of government. Although, these Constitutions do follow a model of the union Constitution, it would be incorrect to say that they are its exact replicas.

Among the constituent Republics of the USSR the RSFSR occupies the most important position. It was

1. Article 70 in Constitution (Fundamental Law) of the Union of Soviet Socialist Republics, Adopted at the Seventh (special) session of the Supreme Soviet of the USSR. Ninth convocation on October 7, 1977. (Moscow, Novosti Progress Agency Publishing House, 1982).

formed on 25 October (Nov. 7), 1917. It ranks first among the Union Republics of the USSR in area, population and economic development. It accounts three-fourths of the territory of the USSR, more than half of the industrial output and roughly half of the population. It adopted its first Constitution in 1918, in fact, it was the first Constitution of Russia (later USSR). The RSFSR includes 16 autonomous Republics, five autonomous regions and also other national units. In fact, the RSFSR is a federated state with respect of its organization. After the formation of the USSR on 11 May 1925, it adopted its second Constitution which had been written on the basis of the Constitution of the USSR. The 1937 Constitution of the RSFSR replaced the 1925 Constitution.

In this Chapter, an attempt has been made to critically examine the actual provisions of the 1978 RSFSR Constitution with a view to present a profile of the Constitution of the most important Union Republic - RSFSR.

The present Constitution of the Russian Soviet Federative Socialist Republic (RSFSR) was adopted on 12th April 1978 by the Supreme Soviet of the RSFSR.

The new Constitution is substantially longer and more explicit than its previous Constitution. Moreover, it is also longer than that of 1977 Constitution of the USSR. It has a more complex internal structure. The 1978 Constitution is divided into 11 parts which are further broken into 22 chapters numbering 185 articles.

Like the first two Soviet Constitutions, but unlike the third, the new Constitution of RSFSR contains a preamble. But the preamble is not so designed as to set the legal tone for the rest of the document but rather to sketch the profile of the political economic and social systems of RSFSR. The preamble and Chapter one are inseparable in as much as they both deal with the characteristic features of the Soviet political system. Setting out the past accomplishments and future aspirations of Soviet society and explicitly preserving the continuity of the ideas and principles of first three Constitutions the preamble restates the history of the RSFSR since "October Revolution".

Political System

The provisions one to nine of the RSFSR Constitution deal with the political system. The most

important feature of this chapter is "that a detailed description of the guiding and leading role of the Communist Party is given and that the actual place of the Party in Soviet society and state is clearly defined."²

The first two articles describes RSFSR as an "all peoples state and that the Soviets are renamed as "Soviets of people's deputies". The other six articles of this part are entirely new. "Democratic centralism" is given the constitutional status. Article 3 defines that "the Soviet state is organized and functions in accordance with the principle of Democratic Centralism, all organs of state power are elected from the lowest to the highest, they are accountable to the people and the decisions of higher organs are binding upon lower organs. Democratic Centralism combines unified leadership with local initiative, creative activity and with responsibility of every state organ and official for the tasks

2. L.I. Brezhnev, On the Draft of the 1977 Constitution, selected from F.J.M., Feldbrugge (ed.), The Constitutions of the USSR and the Union Republics, Netherlands, 1979.

entrusted to them."³ Article four deals with the observance of socialist legality with regard to the state and social organizations. The remaining articles are related to the principle of democracy, nationwide discussion and referendum. Other forms of popular participation are mentioned in article 7 and 9. In article 8, the participation of labour collectives in the administration of economic enterprises is provided.

The Economic System

The inclusion of a separate chapter dealing with economic system in the 1978 RSFSR Constitution is a significant innovation in the history of Soviet Constitutional legislation. Such innovations serve to focus the primacy attached to economic activity in the life of the socialist state; the Constitution puts the provisions dealing with the socialist ownership of means of production in the beginning of Chapter two. The constitutional pronouncement on the subject of personal property is stated in article 13, which states that

3. Article 3, Constitutions (Fundamental Law) of the Russian Soviet Federative Socialist Republic, adopted by the Supreme Soviet of RSFSR on 12 April 1978. Selected from F.J.M. Feldbrugge (ed.), The Constitution of the USSR and the Union Republics, Netherlands, 1979, (Hereafter all reference to articles of 1978 RSFSR Constitution, are from this source).

earned income constitutes the basis of personal property of citizens of RSFSR. Article 14 deals with the role of labour in Soviet society. It provides a consistent expression to the provision that the source of growth of social wealth and of the well being of the people and each individual, is the labour, free from exploitation, of the Soviet people.

Of the two pillars of the Soviet economic system centralized planning and direction and Socialist ownership the Constitution's treatment of the former is noteworthy. It gives an elaborate description of economic activity listing not merely its supreme goal but also its principal method (article 15), and the definition of the economy as a component part of a single national economic complex embracing all links of social production, distribution and exchange.

It is clear that the Constitution has set higher goals. The constitutional provisions reflect the role of the economy in the Soviet state. In total, the primary concern is to provide material technical basis through the constitutional provisions.

Social Development and Culture

The programmatic features of the 1978 RSFSR Constitution are pronounced in Chapter three. This is also a new chapter without any analogous in the previous Soviet Constitution. Its inclusion is explained by the growing role of Soviet state's social policy.

It sketches the two principal goals of Soviet Social development. The first of them is the strengthening of social homogeneity of society, the eradication of class differences between town and country and intellectual and physical labour and the drawing together of all nationalities.⁴ The second goal is the alround development of individual, its innate appeal being further enhanced by the famous epigram from the Communist Manifesto.⁵ The remaining seven articles elaborate in very general term the above goals.⁶ They consist a programmatic declaration on social cultural

4. Article 19, in 1978 RSFSR Constitution.

5. Article 20 in 1978 RSFSR Constitution.

6. Article 21-7 in 1978 RSFSR Constitution.

policy, most of which are reiterated in somewhat more specific form in the form of socio-economic rights under the heading, "The fundamental rights and duties of citizens of the RSFSR contained in Chapter 6."⁷

Foreign Policy and Defence

For the first time in the RSFSR's constitutional history a separate chapter is devoted to foreign policy and the defence.⁷ It shows the measure of importance enjoyed by foreign policy and state security. Article 28 states that in "foreign policy activities the RSFSR is guided by the goals, tasks and principles of foreign policy defined by the Constitution of USSR." Article 29 and 30 deals with the security of the state. The RSFSR participates in ensuring the security and defence capability of the country and equipping the armed forces of the USSR with everything they require. The Constitution also provides for the universal military service and makes the Republic responsible for ensuring the security. The constitutional provisions are significant for the state's foreign policy is closely linked with its

7. Chapter 4, in 1978 RSFSR Constitution.

activities aimed at strengthening the country's defence capability and protecting the achievements.

State and Individual

The second part of the RSFSR Constitution is exclusively devoted to discuss the relationship between the State and individual. It consists of two chapters, the one deals with aspects relating to citizenship and equality, the other basic rights and duties of the RSFSR's citizen. In fact, part II is a new item in the 1978 RSFSR Constitution. The prominent placement of the section stems from the recognition that the citizens vis-a-vis the state is objectively rooted in the community's social and economic infrastructure. Without establishing the intimate connection between the status of the individual and its political environment one falls, according to Soviet scholars into a metaphysical trap when the individual rights and duties acquire a figuration and absolutist connotation.

It is for the first time that Soviet constitutional legislation treats citizenship matters of the individual. Every citizen of the RSFSR is also a citizen of the

USSR.⁸ Thus a uniform federal citizenship is established. In guaranteeing the equality of citizens of RSFSR before law regardless of origin social and property status, race or nationality, sex, education, language, attitude towards religion, the Constitution guarantees equal rights to all men and women in all fields of economic, political, social and cultural life.

In the RSFSR Constitution there is also a provision that grants foreign citizens and stateless persons the rights and freedom provided by law. The chapter concludes by stating that the RSFSR reserves the right to grant asylum to foreigners.

The rights, freedom and obligation of the citizens of the RSFSR are discussed in Chapter 6. It is one of the longest Chapters in the Constitution. It includes 31 articles. All socio-economic rights of the previous Constitutions reappear in the 1978 Constitution in somewhat more extended formulations. The right to work again comes first in the list and now supplemented by the right to choice of profession and occupation.⁹ The Constitution

8. Article 31, in 1978 RSFSR Constitution.

9. Article 38, Ibid.

also includes the right to rest and lesiure,¹⁰ the right to health protection¹¹ the right to material security¹² and the right to education.¹³

The extension of socio-economic rights concerning housing ensured amongst other things by the promotion of individual housing constructions.¹⁴ The list also include the use of cultural achievements (article 44) and freedom of scientific technical and artistic creativity (article 45), a new article providing for the protection of family by the state (article 51) may also be included in this category eventhough it is not listed alongside the other socio-economic rights.

Of all the political rights the freedom of speech, press, assembly and demonstration now described as political freedoms are formulated in a manner similar to those of the previous Constitution. They are in conformity with the interest of the people and in order to strengthen and develop the socialist system.

10. Article 39 in 1978 RSFSR Constitution.

11. Article 40

12. Article 41

13. Article 43

14. Article 42.

Moreover, two entirely new provisions relating to political participation¹⁵ emphasizes the citizens right to participate in the administration of state and social affairs. Article 47 grants the citizens the right to submit proposals including criticism to state agencies and social organizations. This right as such is not new, Soviet citizens as a rule are urged to make constructive proposals for policy implementation and to expose bureaucratic shortcomings at the local level.

The civil liberties too are framed in accordance with the previous Constitution. But, they include in innovations such as freedom of conscience, the separation of church and state, and church and school as a fact rather as a condition. The present constitutional provision not only provides for the right to perform religious worship but also for the right to profess any religion or none. The personal inviolability clause has been remained substantially unchanged.¹⁶ Inviolability of the home and secrecy of correspondence are now treated in two separate articles.¹⁷ The former has been somewhat strengthened by the express preposition of unauthorised entry and the

15. Article 46 in 1978 RSFSR Constitution.

16. Article 52, *ibid.*,

17. Article 53-54, *ibid.*

latter has been expanded to cover private life in general as well as telephone and telegraph communication.

Article 55 guarantees protection of citizens right by the state and declares that it is the duty of all state and social organizations and their officials to respect the individual and to protect his right and also to recognize the rights of citizens to judicial protection against attempts on their honour and dignity of life and health and personal freedom and property. More important is article 56, made up of three paragraphs acknowledging the rights of Soviet citizens to lodge complaints against state officials and organs and to administrative decision to a court and to claim compensation for damages. Two entirely new qualifications emerge from the constitutional bill of rights in its opening and closing articles. The first qualification is contained in article 39 which after declaring that Soviet citizens shall enjoy in full various rights, adds the following conditions: The exercise of citizens right and freedoms must not harm the interests of society and the state or the rights of other citizens. The second qualification appears in

article 57 which bridges the transition from the list of rights to the list of duties and links enjoyment of the former to fulfillment of the latter. The exercise of rights and freedoms shall be inseparable from the performance by a citizen of his duties.

The virtuous citizen is one who bears with dignity the title of citizen of RSFSR (article 57); who works conscientiously in his chosen socially useful field of activity (article 58) and raises his children to become worthy members of socialist society (article 64) who preserves the richness of nature (article 65) and culture and helps to promote friendship and co-operation and peace among nations (article 67). Above all he is an active citizen required by the Constitution not only to treat the peoples wealth with proper care but also to struggle against theft and waste (article 59); not only to respect the national dignity of other citizens but also the strengthening of nation and nationalities of Soviet multinational state (article 62); not only to respect the rights and legitimate interest of other persons but also to be intolerant of anti-social

acts and to promote the protection of public order in every way (article 63).

The National Structure of the RSFSR

The structure of the RSFSR is treated in a separate part which has three separate chapters (7, 8 & 9) with 16 articles. The opening article of this part defines RSFSR "as a sovereign Soviet socialist state". It adds further, giving the reasons for the joining the Union, "to successfully build a communist society, to strengthen economic and political unity and to ensure state security."¹⁸

The Constitution has preserved many rights of the RSFSR which the previous Constitution had given to it. The right to freely secede from the USSR stated without any change.¹⁹ It is also guaranteed that the territory of the RSFSR may not be altered without its consent,²⁰ and article 71 contain a list of autonomous Republics.

The most important part of the RSFSR Constitution is article 72. It specifies the scope of jurisdiction of

18. Article 68 in 1978 RSFSR Constitution.

19. Article 69, Ibid.

20. Article 70, Ibid.

RSFSR. It consists 16 sections, one of the lengthiest article of the Constitution. The range of RSFSR's jurisdiction includes adopting the Constitution of the RSFSR and introducing amendments to it ensuring conformity of the Constitution of the Autonomous Republics with RSFSR Constitution, legislation of RSFSR protecting the rights and freedoms of citizens; establishing procedures for the organization and operation of Republican and local organs, conducting unified socio-economic policy; and directing the economic system of RSFSR; representing the RSFSR in international relations and resolving other questions of republic importance.

As regards, the Autonomous Republic and Autonomous Province there are two separate chapters in the RSFSR Constitution. The fact that they are now allotted separate chapters may be taken as enhancing the rights of their constitutional status. Articles 78 and 82 respectively dealing with Autonomous Republic and Autonomous Province define them as part of RSFSR. The Constitution grants the right to the Autonomous Republics to have their own Constitution, which will take into account the special character of the Autonomous Republic. They are also given the right to participate in the

higher bodies of RSFSR. It is also guaranteed that the territory of the Autonomous Republics may not be altered without their consent. In case of conflict between the laws of RSFSR and those of Autonomous Republics the RSFSR laws will prevail.

The Soviets and the procedure for their Election

Part four of the RSFSR Constitution deals with the Soviets peoples deputies and the procedure for their election. The constitutional provisions establish that the Soviets constitute as a single system and the provisions apply uniformly at all level except Article 86 which specifies that the term of the Supreme Soviet of RSFSR and Autonomous Republic is five years. The Constitution provides a detailed treatment of the institution of government and convey the status of Soviets as the foundation of State power and all Soviets are in principle equal irrespective of their position in administrative territorial hierarchy except their jurisdiction.

The provisions that deal with electoral system are discussed in Chapter 13 of the RSFSR Constitution. This chapter parallels the identically headed Chapter XI

of the 1936 Constitution of the USSR, but contains several new provisions. It has fixed the age limit for the deputies i.e. 18 years. Another feature is the specific guarantee of free election campaign granted as additional fundamental right.²¹ Also there is a new provision which states that the citizens may not serve concurrently in more than two Soviets.²² This would facilitate the influx of fresh forces into state bodies and help to increase the number of people taking part in the administration of the affairs of the State. Mention must be made of Article 98 which deals with electoral mandates. None of the previous Constitutions mentioned electoral mandates, but these have been widely practiced and implicitly sanctioned in the long established constitutional right to recall the deputies.

Peoples Deputy

The Chapter which deals with the peoples Deputy²³ is also for the most part new. Only the deputy's duty to attend his own work and the right to recall were under the previous Constitution, a minor extension to this is the deputy's duty to report not only to the electorate but

21. Article 96, para 2, in 1978 RSFSR Constitution.

22. Article 97, Ibid.

23. Chapter 12 in 1978 RSFSR Constitution.

also to the collectives that nominated him as candidate.²⁴ The other articles of the chapter incorporate the main provisions of the law of the status of the deputy and they amount to considerable enhancement of the deputy's formal status.

Political Institutions of RSFSR

The powers and functions of State organs occupy the bulk of the 1978 RSFSR Constitution text, with 48 articles and 6 chapters. This has led to greater clarity and precision. Despite several minor changes in the competencies of RSFSR the basic political structure of the RSFSR has remained unaffected.

The RSFSR Constitution defines the Supreme Soviet of RSFSR as the highest organ of state power of the RSFSR. It is empowered to resolve all questions assigned to the jurisdiction of the RSFSR. The Supreme Soviet of the RSFSR Consists of 975 deputies elected on the basis of electoral districts with equal number of inhabitants. Sessions of the Supreme Soviet of the RSFSR are convened twice a year. Extra-ordinary sessions

24. Article 103 in 1978 RSFSR Constitution.

will be convened by the Presidium of the Supreme Soviet of the RSFSR at its own initiative or on the proposal of not less than one third of the deputies of the Supreme Soviet of the RSFSR.

The right of legislative initiatives in the Supreme Soviet of the RSFSR belongs to several organs viz. to the Presidium of the Supreme Soviet of the RSFSR, the Council of Ministers of the RSFSR, the Autonomous Republics through their organs of state power, the Standing Commission of the Supreme Soviet of the RSFSR, to deputies of the Supreme Soviet of the RSFSR, Supreme Court of the RSFSR and the procurator of the RSFSR.²⁵

Six separate provisions of the RSFSR Constitution exclusively deal with the matters relating to the Presidium of the Supreme Soviet of the RSFSR. The Presidium of the Supreme Soviet of the RSFSR is elected by the Supreme Soviet of RSFSR and it is the permanently functioning organ of the Supreme Soviet of the RSFSR. It is accountable to the Supreme Soviet of the RSFSR for

25. Article 108 in 1978 RSFSR Constitution.

all its activities and exercises its powers within the limits provided for in the RSFSR Constitution.

The powers of the Presidium has been defined in article 115. It is the lengthiest article consisting of 17 subsections. These powers include: the election of Supreme Soviet of RSFSR and local Soviets, convening of sessions of the Supreme Soviet of the RSFSR, Co-ordination of activities of the Standing Commissions of the Supreme Soviet of the RSFSR, Supervision for the observance of the Constitution of the RSFSR and exercise other powers established by the RSFSR Constitution and laws of the RSFSR.²⁶

The Council of Ministers

The Council of Ministers of the RSFSR is considered as the Supreme executive and administrative organ of state power of the RSFSR. The composition of the Council of Ministers is given in article 123. The Council of Ministers is set up by the Supreme Soviet of the RSFSR, composed of the Chairman of the Council of Ministers of RSFSR, first ^{deputy} Chairman, and the deputy Chairmen, the

26. Article 115, Ibid.,

ministers of the RSFSR and Chairman of State Committees of the RSFSR. There is also provision to include the heads of other organs and organisations of the RSFSR as members of the government of the RSFSR.

The constitutional provisions also make it clear that the Council of Ministers has to submit a report on its work, and is also responsible to the Supreme Soviet of the RSFSR. The powers of the Council of Ministers are enumerated in article 125, which states that the Council of Ministers of the RSFSR is empowered to resolve all questions of state administration within the jurisdiction of the RSFSR. The Presidium of the Council of Ministers is now given the official legal recognition. The Presidium of the Council of Ministers of the RSFSR consisting of the Chairman of the Council of Ministers. The Constitution charges it the responsibility for the direction of the national economy and other matters of state administration.

The RSFSR Constitution also deals with the Supreme organs of State power and administration of autonomous Republic in two separate chapters of part VI.

There are two articles in Chapter 15 which deals with the Supreme Soviet of an autonomous Republic. Chapter 16 deals with the Council of Ministers of an Autonomous Republic. The provisions cover more swiftly leaving most of the details for their own Constitutions.

Local Soviets

Part VII of the RSFSR Constitution deals with the local organs and administration. It can be noted that there are substantial changes when compared with the parallel chapters of the earlier constitutions. Most of the new provisions reflect the considerable expansion in the competence of local Soviets. Two provisions which were not found in the previous legislation, such as those on mass participation and accountability are included. There is a separate Chapter in the RSFSR Constitution which deals with the Executive Committees of local Soviets of Peoples Deputies.

Economic and Social Development of the RSFSR

The RSFSR Constitution by including a separate part, on the provision that deals with state plan of economic and social development,²⁷ assigns the responsibility for the integrated economic and social development of its territory to the Union Republic. The State plan of the economic and social development of the RSFSR is formulated by the Council of Ministers of the RSFSR and is submitted to the Supreme Soviet of the RSFSR for consideration. The constitution also assigns the Council of Ministers of the RSFSR to organize and to take measures for the fulfillment of the plan of economic and social development of the RSFSR.

This part of the RSFSR Constitution also includes the provisions that deal with the budget of the RSFSR.²⁸ The state budget of the RSFSR is defined as a component part of the unified state budget of USSR. The state budget of RSFSR embraces the budgets of autonomous Republics and local budgets.

27. Chapter 19 in the 1978 RSFSR Constitution.

28. Chapter 20, Ibid.

The Judiciary and the Procuracy in RSFSR

The ninth part of the Constitution deals with justice, arbitration and procuracy; and it makes fewer changes in the material law of RSFSR. All its new provisions nearly incorporate norms hitherto contained in ordinary law. The opening article of Chapter 21 stipulates that justice in the RSFSR is to administered only by the courts and gives a list of courts whose organization is governed by the laws of the USSR and RSFSR. It also guarantees a due process in line with existing procedural laws, which is constitutionally strengthened in several ways. The principle of equality clearly asserted in three separate articles of Chapter 5 is specifically reaffirmed with regard to the equality of citizens before the court and law.²⁹

Open trials and the right of the accused to defense, which in the previous constitution were included in single article, are now separated and the clause covering exception to open trials is

29. Article 168, in 1978 RSFSR Constitution.

formulated rather more stringently stipulating observance of all the rules of procedure rather than merely the right to defence.³⁰ The provision concerning the language of court proceedings has been extended to allow the language of the Autonomous Republic, the Autonomous Province, the Autonomous Area or in the language of the majority of the population of the given locality.³¹ The Constitution also articulates a basic principle of the law. It is guaranteed that no one will be considered guilty of committing a crime and subjected to criminal punishment other than by the judgement of a court and in accordance with the law.

The Constitution also clarifies the position of the peoples assessors. It is now established that they enjoy all the rights of judges,³² and like them are independent and subordinate only to the law; that they participate in the hearing of civil and criminal cases in all courts of first instance, The assessors of all courts are elected and that those meetings of election will be conducted in open.³³ The Constitution

30. Articles 169, 170, Ibid.

31. Article 171, Ibid.

32. Article 166, Ibid.

33. Article 164, Ibid.

also makes the assessors, responsible to their electorate. It is also provided for participation of representatives of social organization and labour in civil and criminal cases.³⁴ The Constitution also strengthened the position of Soviet bar by introducing a separate provision³⁵ for the proper functioning of the legal system. The RSFSR Constitution acknowledges the existence as well as the possibility of free legal aid. The Constitution reinforces the right to defence in a separate provision. Finally the chapter concludes by referring to economic disputes between enterprises, institutions and organizations which will be resolved by the organs of state arbitration within the limits of their competence.³⁶

The Procuracy

The Procuracy is given a separate chapter and enhances its standing as an independent component of the Soviet legal system. Its Supervisory jurisdiction is defined comprehensively.³⁷ The tenure of the Procurator General of the RSFSR has been fixed for

34. Article 174, in 1978 RSFSR Constitution.
35. Article 173, Ibid.
36. Article 175, Ibid.
37. Article 176, Ibid.

five years and is the same as that of lower ranking procurators. The Procurator of RSFSR appoints Procurators of the Autonomous Republics, territories and provinces. The organs of procuracy exercise their power independently of any local organs whatsoever and are subordinate only to the Procurator General of the USSR.³⁸

The arms, flag, anthem and capital of the RSFSR are mentioned in part X of the Constitution. There are in total four articles, and deal with them in separate provisions.

The concluding part of the Constitution deals with the supremacy of the Constitution and the procedure for its amendment. In article 184 the principle of constitutional supremacy over all other laws of RSFSR is established. It is stated that all laws and other acts of state organs shall be issued on the basis of and in conformity with the RSFSR Constitution. The concluding article of the RSFSR Constitution deals with its amendment procedure.³⁹

38. Article 179, Ibid.

39. Article 185, Ibid.

It is stated that the Constitution of the RSFSR can be amended by a decision of the Supreme Soviet of the RSFSR adopted by a majority of not less than two-thirds of the total number of deputies of the Supreme Soviet of the RSFSR.

In total the above discussion in this chapter shows that eventhough RSFSR constitutes as a constituent part of the USSR it has a fulfilled Constitution. The provisions of the 1978 RSFSR Constitution clearly deals with the political system, economic system, relationship between state and individual, jurisdiction of RSFSR, its political institutions, their powers and functions, etc. In fact, the 1978 RSFSR Constitution also deals with such minor matters as question of flags, administrative duties, honorary titles and family legislation. Moreover, a point needs to be noted that the 1978 RSFSR Constitution combines the unitary as well as federal features. We will discuss this aspect of the RSFSR Constitution separately in the next chapter.

CHAPTER - THREE

UNITARY AND FEDERAL FEATURES OF THE
1978 RSFSR CONSTITUTION

In the previous chapter we have outlined the provisions of 1978 RSFSR Constitution. However, a close look at the 1978 RSFSR Constitution provides better insights. It has 185 articles, or 11 more than the Constitution of the USSR. For convenience, the Constitution of the RSFSR is divided into sections. There are eleven sections in all divided into twenty two chapters. The structure of the RSFSR Constitution also differs from that of previous Soviet Constitutions. In fact, the 1978 RSFSR Constitution is having unitary as well as federal features. In this chapter, it is proposed to examine closely the provisions of the 1978 RSFSR Constitution with a view to determine the nature of Soviet federalism.

The fact that the RSFSR is a constituent Republic of USSR will be taken into consideration. It should be also noted that the common political and socio-economic system provides strong linkages in the entire structure of the Union. This is more relevant in case of RSFSR which, unlike other Union Republics, does not have a separate Republican Party organisation of its own. Moreover, the federal features shall be viewed against the background of above stated facts.

Our purpose will be best served if we examine the common features of the Constitutions of the RSFSR and the USSR as well as the divergences between them. In the following pages, it is proposed to find out the common provisions as well as the specific provisions of the 1978 RSFSR Constitution¹ and 1977 USSR Constitution.²

Preamble

The RSFSR Constitution has a much briefer preamble. Only the opening paragraph is identical and there is a little identical substance in other paragraphs.

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1. "Constitution (Fundamental Law) of the Russian Soviet Federative Socialist Republic, adopted by the Supreme Soviet of the RSFSR, on 12th April 1978". English text of the Constitution used in our study is taken from Feldbrugge F.J.M. (ed.), The Constitution of the USSR and the Union Republic, Netherlands, 1979. (Hereafter all references to 1978 RSFSR Constitution in our study is from this source), pp. 263-342.
 2. Constitution (Fundamental Law) of the Union of Soviet Socialist Republics, (adopted at the Seventh (Special) session of the Supreme Soviet of the USSR, (Ninth Convocation on October 7, 1977), Novosti Press Agency Publishing House, Moscow, 1982.

Chapter I : Political System

All provisions, except for editorial modifications, are identical.

Chapter II : Economic System

Except article 16 para 1, all other provisions are identical.

Chapter III : Social Development and Culture

All provisions, except for editorial changes, are identical.

Chapter IV : Foreign Policy and Defence of Socialist Motherland

There are two separate Chapters in 1977 USSR Constitution, Chapter 4 deals with foreign policy and Chapter 5 deals with defence of Socialist Motherland. The identical provisions are 29 and 30 of the RSFSR Constitution with provisions 31 and 32 of the USSR Constitution.

Chapter V : RSFSR Citizenship - The Equality
of Citizens

Except article 31, all other provisions are identical with the provisions of Chapter 6 of the USSR Constitution.

Chapter VI : The Basic Rights Freedoms and
Obligations of Citizens of the RSFSR

Except for editorial changes, all the provisions are identical with the provisions of Chapter 7 of the USSR Constitution.

Chapter VII : The RSFSR - A Union Republic as
part of the USSR

The following provisions of the RSFSR Constitution 69, 70, 73 and 77 find identical provisions in the USSR Constitution. The identical provisions of the USSR Constitution are 72 (Chapter 8), 78 (Chapter 9), 79, 77 and 81 (Chapter 9) respectively.

Chapter VIII : Autonomous Soviet Socialist Republic

Except for article 81, all other provisions are identical with the provisions of Chapter 10 of the USSR Constitution.

Chapter IX : Autonomous Province and the
Autonomous Area

Article 82 and 84 of the RSFSR Constitution are identical with article 86 and 88 of the USSR Constitution respectively.

Chapter X : The System and Principles of Operation
of the Soviet of Peoples Republic

All provisions except editorial changes are identical with the provisions of Chapter 12 of the USSR Constitution.

Chapter XI : The Electoral System

All provisions are identical with the provisions of Chapter 13 of the USSR Constitution. But, in the USSR Constitution Article 96 para 2 the eligibility for election to the Supreme Soviet of the USSR is fixed as 21 years.

Chapter XII : The Peoples Deputy :

All provisions except for editorial modifications are identical with the provisions of Chapter

14 of the USSR Constitution.

Chapter XIII : The Supreme Soviet of the RSFSR

There is no separate chapter in the USSR Constitution. But article 104 and 113 of the RSFSR Constitution are identical in substance with Articles 137 and 138 of Chapter 17 of the USSR Constitution.

Chapter XIV : The Council of Ministers of the RSFSR

There is no similar chapter in the USSR Constitution. Strictly there are no identical provisions. But some parts of article 123 with article 139, some parts of article 127 with article 141, and also some parts of article 129 with article 142 (Chapter 17) of the USSR Constitution are identical respectively.

Chapter XV : The Supreme Soviet of an Autonomous Republic

There is no similar chapter in the USSR Constitution. Except some editorial changes article 131 is identical with article 143 (Chapter 18) and

also some parts of article 132 with article 144 of the USSR Constitution.

Chapter XVI : The Council of Ministers of an Autonomous Republic

The chapter does not exist in the USSR Constitution.

Chapter XVII : Local Soviets of Peoples Deputies

Except for some editorial changes the following Articles of the RSFSR Constitution, 137, 138, 139 and 140 are identical with article 145, 146, 147 and 148 (Chapter 19) of the USSR Constitution respectively.

Chapter XVIII : Executive Committees of Local Soviets of Peoples Deputies

There is no identical chapter in the USSR Constitution. However, Articles 145 and 146 of the RSFSR Constitution are identical with Articles 149 and 150 (Chapter 19) of the USSR Constitution.

Chapter XIX : The State Plan of the Economic and Social Development of the RSFSR

A similar chapter does not exist in the USSR Constitution.

Chapter XX : The State Budget of the RSFSR

This chapter does not exist in the USSR Constitution.

Chapter XXI : Courts and Arbitration

Except article 165 of the RSFSR Constitution and article 153 of the USSR Constitution, all other provisions are identical in substance with the provisions of Chapter 20 of the USSR Constitution.

Chapter XXII : The Procuracy

All provisions of this chapter have identical provisions in the USSR Constitution in Chapter 21. However, article 165 of the USSR Constitution is not identical.

The Arms, Flag, Anthem and Capital

There are no identical provisions except article 183 which deals with the capital.

The Operation of the Constitution of the
RSFSR and the Procedure for its Amendment

There are no identical provisions.

From the above comparison of the 1978 RSFSR Constitution and 1977 USSR Constitution we can note that there are common as well as specific provisions in the 1978 RSFSR Constitution. In fact, the common provisions signify the unitary features and as well the specific provisions signify the federal features of the RSFSR Constitution. In the following pages we will make an attempt to examine critically the common as well as specific provisions of the RSFSR Constitution separately.

Unitary Features

From the comparison point of view of between the two constitutions, the provisions that deal with the following aspects of the RSFSR Constitution are common.

(1) The provisions that deal with political and socio-economic system.

(2) The provisions that deal with the relationship between state and individual.

(3) The provisions that deal with Soviets of Peoples' Deputies and the Electoral procedure.

(4) The provisions that deal with judiciary and procuracy.

With a view to determine the significance of the unitary features in the Soviet system, we will discuss the common provisions of RSFSR Constitution briefly in the following pages.

(1) The Social System of RSFSR

The first part of the RSFSR Constitution deals with the foundations of the social systems and the policies of the RSFSR. It consists of four chapters and most of the provisions except for some editorial changes are identical by way of comparison with 1977 USSR Constitution. The first chapter deals with the political system. It has nine provisions. All the provisions are common.

This shows that the RSFSR shares a common political system with the USSR. This is natural in a federal system. However, in the case of Soviet Union it is more so because of the commonality of the socialist essence. Secondly, the most important aspect of Soviet System is the Communist Party. The 1978 RSFSR Constitution mentions about the party in the first chapter itself. The constitutional provisions clearly bringout the unifying role of the Communist Party in the Soviet Union. It is stated that the "Communist Party of the Soviet Union is the leading and guiding force of Soviet society and the nucleus of its political system and of state and social organization."³ This is more relevant in case of RSFSR which does not have unlike other Republics a separate Republican party organisation of its own. This has provided strong linkages in the entire structure of the Union.

The second chapter deals with the Economic system. Most of the Constitutional provisions are common. This is consistent with the aim of building

3. Article 6 in 1978 RSFSR Constitution.

a unified socialist economy. In fact one of the primary reasons which forced the Union Republics to form the USSR in 1922 was the economic co-operation between them. Since then the Soviet economic policy has consistently aimed at integrating the economies of the Union Republics. This has been successfully done in the Soviet Union due to two important reasons: (i) the socialist ownership of the means of production⁴ in the form of state and collective farm ownership and the role of the labour in Soviet economy which is free from exploitation (ii) the centralized planning system.

However, the economies of the constituent units enjoy autonomy within their own territory. The economy of the RSFSR is defined as a component part of the single economic complex embracing all units of social production, distribution and exchange within the territory of the USSR.⁵

The provisions that deal with social development and culture are also common to both the Constitutions.

4. Article 10, in 1978 RSFSR Constitution.

5. Article 16, *ibid.*

Soviet Union is a multinational state. The common provisions of social policy aims at the unity of the various nationalities. This has been stated in the preamble: "The Russian Soviet Federative Socialist Republic is an equal republic in the Union of Soviet Socialist Republics which reflects the State unity of the Soviet people and brings together all nations and nationalities." The Constitution suggests concrete steps to achieve this goal. For example, a single uniform system of public education is followed throughout the Soviet Union.⁶

There are two common provisions in the RSFSR Constitution which deals with the defense of Socialist Motherland. Both the articles deals with the participation of the RSFSR in State security and defence capability of the USSR.

In fact, the common goal of defending the socialist achievements has provided a strong link in organising the defence forces.

6. Article 25, *ibid.*

(2) The State And Individual

The second part of the 1978 RSFSR Constitution consists of two chapters. The one deals with "RSFSR citizenship, the equality of citizens" and the other deals with the basic rights, freedoms and obligations of citizens of the RSFSR. Most of the provisions except for some editorial changes are common. This part also consists of core provisions that establish the position of Soviet citizen in the Soviet system.

As a result of common political and socio-economic system the provisions that deal with the citizenship and rights and duties are common to all constituent Republics. This is consistent with the aim of building a unified harmonious Soviet society. However, the citizens enjoy special rights in their respective Republics. For example, the use of the national language is guaranteed. It should also be noted that in accordance with the single citizenship established in the USSR every citizen of the RSFSR

is a citizen of the USSR.⁷ The Constitution gives the power to admit persons to citizenship of RSFSR to the Presidium of the Supreme Soviet of the RSFSR.⁸ In view of the fact that the citizen of the Republic is also a citizen of the USSR which means that admitting a person to citizenship of RSFSR also decides on admission of Union citizenship.

(3) Soviets of Peoples Deputies and Electoral Procedure

Part four of the RSFSR Constitution deals with the Soviets of peoples Deputies and Electoral procedure, and it consists of three separate chapters. In comparison with the 1977 USSR Constitution, the provisions of this part except editorial changes are identical. This shows that the system of Soviets is built on the principle of organisational unity, a common feature in all previous Soviet Constitutions.

7. Article 31 in 1978 RSFSR Constitution

8. Article 115 section (12), Ibid.

The single system of government bodies in Soviet federal system has indispensable advantages. First of all it makes it possible to achieve unity in the drafting and implementing of national policy and to join efforts at the centre and locally, by combining their interests as well as by ensuring the interaction and ~~syn~~chronous functioning of the state apparatus at all territorial levels.⁹

The Constitution employs two general notions: (i) Supreme Soviet and (ii) Local Soviets. These are the two major subsystems comprising the single system of Soviets. Local Soviets of Peoples Deputies are formed in territories, while Supreme Soviets are formed in the Soviet Union as a whole and in Union and Autonomous Republics. Each is having a link in the system of Soviets, and is distinct in its competence, and structure.

(4) Judiciary and the Procuracy

The provisions that deal with courts, arbitration and procurators supervision are found in a separate section. In comparison with the Union

9. Boris Topornin, The New Constitution of the USSR, (Moscow; 1980) Progress Publishers, p. 186.

Constitution, most of the provisions of this section are identical. This is logical with the Soviet Constitutional theory and practice as RSFSR and USSR share a common political and socio-economic systems. This is also natural as result of equal rights and duties of citizens as established by the Constitution. This has been observed in the previous Soviet Constitutions consistently.

However, the RSFSR Constitution makes a specific provision for its Supreme Court. It is defined as the Supreme judicial organ of RSFSR. Moreover, it is empowered to supervise all the judicial activities of the courts within the territory of the RSFSR. The Constitution also mentions its composition. It is elected by the Supreme Soviet of the RSFSR and is composed of the Chairman, his deputies, members and Peoples Assessors.

The above discussion of the common provisions of 1978 RSFSR Constitution signify the unitary features of Soviet constitutional framework. However, it should be noted that the socialist essence of Soviet system predetermines the commonality of political and socio-

economic system. As a result the RSFSR as well as the USSR shares common goals and aims. Moreover, under the national feature of the federative organisation of a multinational union State, the Constitution of a union republic must conform to that of the USSR Constitution. The conformity of republican constitutional legislation to Union legislation further reflects the unity of the Soviet multinational society in the common, political and socio-economic structure.

Federal Features of 1978 RSFSR Constitution

On the basis of the comparison of RSFSR and USSR Constitutions, the specific provisions of the 1978 RSFSR Constitution can be broadly classified as follows:-

(i) provisions dealing with the "National State and Administrative-Territorial structure of the RSFSR.

(ii) the Supreme Organs of State Power and Administration of the RSFSR.

(iii) the Supreme Organs of State Power and Administration of an Autonomous Republic.

(iv) Local Soviets

(v) State plan of the economic and social development of the RSFSR and the State budget of the RSFSR.

(vi) The Arms, Flag, Anthem and Capital of the RSFSR.

(vii) The operation of the Constitution of the RSFSR, and the procedure for its amendments.

With the specific nature of our study, we will make an attempt to examine critically the above said specific features of 1978 RSFSR Constitution with a view to determine the nature of Soviet federalism. However, it should be noted that the specific features are directly related to the common features. The federal features can not be viewed in isolation rather a integrated approach is adopted.

(i) The National Structure of the RSFSR

The national structure of RSFSR is an important section of the RSFSR Constitution. In fact, it contains some of the prominent provisions which define the RSFSR and its jurisdiction, the Autonomous Republic and regions. Moreover, most of the specific provisions which deal with Soviet federal framework are found in this section. Article 68 defines that "the Russian Soviet Federative Socialist Republic is a Sovereign Soviet Socialist State. In order to successfully build a communist society, to strengthen economic and political unity and ensure the security and defense of the country the RSFSR has united as a result of the free self determination of nations and on a voluntary and equal basis together with the Soviet socialist Republics a unitary, federal multinational state."

From the above fact, it should be noted that the RSFSR is defined as a sovereign socialist state. In fact all the previous Constitutions also define the RSFSR on similar lines. However, traditionally statehood requires three elements, defined territory;

distinct population and independent supreme power. It is necessary to look into these aspects in order to justify the claim made by the RSFSR which is simultaneously a constituent Republic of USSR. Firstly, the RSFSR has a defined territory. It can be legally determined. The provisions of the Constitution also guarantee that the territory of the RSFSR may not be altered without its consent.¹⁰ Secondly, the RSFSR is inhabited by a distinct population. The legal link of a person to an entity claiming to be state is the citizenship. Such a citizenship is mentioned in the Constitution¹¹ and the power to grant citizenship¹² is also provided in the Constitution. As regards, the third pre-requisite of statehood namely government, the Constitution clearly states its jurisdiction and political institutions to exercise authority within its territory independently.¹³ Moreover, the Constitution does not delink the RSFSR from the Union by stating it as a sovereign state. The same article states that "In order to successfully build a communist society to

10. Article 70 in 1978 RSFSR Constitution.

11. Article 31, Ibid.

12. Article 115 (13), Ibid.

13. Part IV, The Supreme organs of State power and Administration, in 1978 RSFSR Constitution.

strengthen economic and political unity and to ensure the defense of the RSFSR, it has united in the USSR."¹⁴ Further, it should be noted that article 68 also states that "... the RSFSR has united as result of the free self-determination of nations and on the voluntary and equal basis together with the Soviet Socialist Republics" A deeper analysis of the above suggests that the specific features of Soviet federalism are voluntariness, equality, national territorial composition and Democratic Centralism. We will outline these features of Soviet socialist federalism on the basis of 1978 RSFSR Constitution.

(a) Voluntariness:

The principle of voluntariness, in fact, is connected as a rule with the treaty of 1922 on the formation of Soviet Union. It states that "Each of the Union Republic shall retain freedom of succession from the Union."¹⁵ On the basis of this, "the right

14. Article 68 in 1978 RSFSR Constitution

15. Section 26 in the Treaty on the formation of the USSR, Selected from USSR: Sixty Years of the Union (Moscow, 1982).

to secede freely from the Union" has been consistently preserved in all the previous Constitutions. The 1978 RSFSR Constitution repeats it in similar terms.¹⁶ This right also has been cited as a guarantee of the sovereignty, independence of the statehood of the constituent Republic.

(b) The Principle of Equality

The legal equality of the Union Republics within the Union is one of the basic principles of Soviet federalism. During the formative period of USSR, Lenin suggested, USSR as a voluntary alliance of equal sovereign nations rather than admitting the Soviet republics to the RSFSR. He wrote "we consider ourselves the Ukrainian SSR and others equal and enter with them on an equal basis into a new union, a new federation."¹⁷

A look into 1977 Soviet Constitution provides more evidence to prove the legal equality of the constituent Republics in the Union. Regardless of

16. Article 68 in 1978 RSFSR Constitution

17. Lenin V.I., "On the Establishment of the USSR", in Collected works, vol. 42, pp. 421-22.

size of territory and population or economic political and cultural level, all the constituent Republics are equally represented in the Soviet of Nationalities¹⁸ which is one of the chambers of Supreme Soviet of the USSR. It shares equal powers in all respects with the Soviet of Union. Further, evidence of equality of constituent Republics is provided by the fact that the President of the Presidium of the Supreme Soviet of each Union Republic is a vice-president of the Supreme Soviet of the USSR.¹⁹ The Chairman of the Council of Ministers of each Union Republic is a member of the Council of Ministers of the USSR,²⁰ and Chief Justice of the Supreme Court of the Union Republic is a member of the Supreme Court of the USSR.²¹ From this, it can be observed that the Soviet constitutional framework provides adequate evidence to prove that the constituent units are equally represented and treated in the federal institutions.

(c) National Territorial Composition

The Soviet federation is formed on national lines. The 1978 RSFSR Constitution specifically makes

18. Article 110 in 1977 USSR Constitution.

19. Article 120, Ibid.

20. Article 129, Ibid.

21. Article 153, Ibid.

a reference to the National territorial composition of the Soviet state by stating that the USSR as a federal multinational state. The Constitution also makes a reference to right to self-determination of nations. In fact, "the Declaration of rights of peoples of Russia in 1917 gave the right to the Peoples of Russia to free self-determination up to succession and the formation of an independent state and free development of national minorities and ethnographic groups residing in the territory of Russia."²² This has been consistently preserved in the Soviet Constitutions. Within the RSFSR there exists different forms of national states. The Constitution mentions 16 Autonomous Republics and five Autonomous Regions, which have their own culture, language and way of life. They are organised on federal lines within the RSFSR and they constitute as component parts of the RSFSR. They have their own Constitutions.

(d) Democratic Centralism

Even though article 68 of RSFSR Constitution does not make any reference to Democratic Centralism,

22. "Declaration of the Rights of the peoples of Russia no. 15, 1917", in USSR: Sixty Years of the Union 1922-1982 (Moscow, 1982).

it is more or less implied. In fact, Democratic Centralism is mentioned in the first chapter along with the provisions that deal with the political system of RSFSR. However, Democratic Centralism constitutes as one of the most important organisational principle of Soviet federalism. It is defined as the electiveness of all bodies of state authority from the lowest to the highest and accountability to the people.

Moreover, within the framework of federation, Democratic Centralism ensures centralised planned development of the federation economy with an eye to specific national interest. In fact, the principle of Democratic Centralism is at the basis of the whole system of relations between the Union of Soviet Socialist Republics and its constituent units. The national states are not just ranged together through the organizational principle but they are wedded together to form Soviet federation.

The Jurisdiction of the RSFSR

The next prominent article in this part of the RSFSR Constitution is its jurisdiction. The

USSR Constitution does not give any details about the jurisdiction of RSFSR. Whereas the RSFSR Constitution treats the subject of its jurisdiction in a detailed provision. This is one of the lengthiest provision in the whole Constitution consisting of sixteen subsections. The RSFSR Constitution defines the competence of the Republic relating to different spheres. Broadly speaking it covers state development, economic and social and cultural development.

In the area of State development the jurisdiction of RSFSR as represented by its highest bodies of state authority covers: the adoption, amendment and control over the observance of the Constitution of RSFSR; ensurance of conformity of the Constitution of Autonomous Republics and Autonomous Regions, decision making in matters concerning administrative, territorial structure, approval of changes in the boundaries of Autonomous Regions and Autonomous Areas; determination of the legislation of the republic on matters coming within its jurisdiction; ensurance of uniformity of

legislative regulation throughout the territory of the RSFSR; maintenance of public order and protection of citizens right and freedoms; definition of the procedure of organisation and activity of republican and local bodies of state authority and administration, granting citizenship of the republic, amnesty and granting pardons to citizens sentenced by the courts of the republic and representation of the republic in international relations.

In the sphere of economic, social and cultural development the jurisdiction of the RSFSR covers, pursuance of a uniform social and economic policy, direction of the republics economy, ensurance of scientific and technical progress and implementation of measures for the national use and conservation of national resources, the drafting and approval of state plans for the economic and social development of the republic, and endorsement of reports on their fulfillment, co-ordination and control in matters that come within its jurisdiction of the activity of enterprises, institutions and organisations subordinate to the Union; the drafting and approval of the budget of the RSFSR, and endorsement of the report on its

execution; determination in conformity with the laws of USSR of the revenues forming the budget of the RSFSR; direction of the execution of the budgets of the Autonomous Republics and Autonomous Regions, territories and cities subordinate to the economy and of associations and enterprises under union republics and RSFSR jurisdiction; establishment of the rules of the use of land, minerals, forests and waters, environmental protection, direction of housing management and the municipal economy, trade and other matters of republican significance.²³

Moreover, the Constitution also mentions the right of RSFSR to participate in the resolution of questions within the jurisdiction of the USSR. The participatory institutions are specifically named in the RSFSR Constitution. It includes the Supreme Soviet of the USSR, the Presidium of the Supreme Soviet of the USSR and other organs of the USSR.²⁴

23. Article 72, in the 1978 RSFSR Constitution.

24. Article 74, Ibid.

Autonomous Republics and Autonomous Regions

There are two chapters that specifically deals with Autonomous Republic and Autonomous Regions in the RSFSR Constitution. The RSFSR is having 16 Autonomous Republics. These are organised within the RSFSR as constituent parts on federal lines. An Autonomous Republic is defined as a Soviet Socialist state a part of the RSFSR. Outside the limits of the rights of the USSR and RSFSR an Autonomous Republic independently resolves questions within its jurisdiction. An Autonomous Republic will have its own Constitution and the RSFSR Constitution leaves most of the matters to the Constitution of the respective Autonomous Republic. It will also take into consideration its specific features.

In a separate Chapter, the RSFSR Constitution deals with Autonomous Province and Autonomous Area.²⁵ The Constitution defines their organs of State power and administration. They are ensured the right to deal with organs of State power and administration of RSFSR. This separate clause in the Constitution has enhanced their status.

25. Chapter 9 in the 1978 RSFSR Constitution.

(ii) The Supreme Organs of State Power and Administration of the RSFSR

Section five of the RSFSR Constitution specifically deals with its political institutions. This part occupies bulk of the specific provisions, comprising 28 articles, running into two chapters. Moreover, the RSFSR Constitution enjoys full freedom in defining the composition and the process of its political institutions in conformity with the Union Constitution. It should be noted that the higher organs of State power of RSFSR are organised roughly on the same principles of the Union.

The Supreme Soviet of the RSFSR

The Constitution characterises the Supreme Soviet of the RSFSR as the highest organ of state power. In general, it is stated that the Supreme Soviet of RSFSR is empowered to resolve all questions assigned to the jurisdiction of the RSFSR. The other parts of this section single out the exclusive competencies of the Presidium of the Supreme Soviet of the RSFSR and Council of Ministers of the RSFSR.

The provisions dealing with the composition, organisation and powers of the Supreme Soviet of RSFSR are discussed in a separate chapter. It has 18 provisions. Out of these only two provisions are identical²⁶ in comparison with the Union Constitution and all the remaining provisions are found only in the RSFSR Constitution. The Supreme Soviet of the RSFSR is unicameral. It consists of 975 deputies elected on the basis of electoral districts with an equal number of inhabitants.²⁷ The exclusive powers of the Supreme Soviet of the RSFSR include the adoption and amendment of the RSFSR Constitution, the submission for confirmation to the Supreme Soviet of the USSR of the formation of new Autonomous Republics and Autonomous Provinces of the RSFSR, the confirmation of the state plans of economic and social development of the RSFSR and of the state budget of the RSFSR, and reports on their fulfillment and the formation of organs accountable to the Supreme Soviet of the RSFSR. The Constitution also states that the laws of RSFSR should be adopted by the Supreme Soviet

26. Article 104, 103 in the 1978 RSFSR Constitution.

27. Article 105, Ibid.

of RSFSR or by a nationwide vote (referendum) conducted on the basis of the Supreme Soviet of the RSFSR.

There are two separate provisions which deal with the status and dignity of a deputy of the Supreme Soviet of the RSFSR.²⁸ A deputy of the RSFSR Supreme Soviet is empowered to ask enquiries concerning any question within the jurisdiction of the RSFSR. The Constitution also makes it obligatory on the part of the concerned official to give an oral or written reply at the given session.

Presidium of the Supreme Soviet of the RSFSR

The RSFSR Constitution on the model of the USSR Constitution makes separate provisions for the Presidium of the Supreme Soviet of the RSFSR. It is defined as a permanently functioning organ of RSFSR. The Constitution clearly states its accountability to the Supreme Soviet of the RSFSR

28. Article 111, 112 in the 1978 RSFSR Constitution.

in all its activities and it has to exercise within the limits provided by the RSFSR Constitution. The composition and powers of the Presidium are mentioned in separate provisions.

The Presidium of the Supreme Soviet of RSFSR is empowered to exercise its power during the time between sessions. The Constitution clearly states that it is obligatory on the part of the Presidium to confirm all its actions at the next session of the Supreme Soviet. And upon the expiry of the term of office of the Supreme Soviet of the RSFSR the Presidium retains its powers until the formation of a new Presidium by the newly elected Supreme Soviet of the RSFSR.

The Council of Ministers of the RSFSR

The powers and functions of the Council of Ministers of the RSFSR are discussed in a separate chapter. It contains nine provisions most of which are specific. The Constitution defines the Council of Ministers of the RSFSR as the government of the RSFSR, i.e. "as Supreme executive and administrative

organ of state power of the RSFSR."²⁹ It is set up by the Supreme Soviet of the RSFSR.

The Council of Ministers of the RSFSR is empowered to resolve all questions of state administration within the jurisdiction of the RSFSR in so far as they do not, according to the Constitution, come within the competence of the Presidium of the Supreme Soviet of the RSFSR.³⁰ Some of the other notable powers of the Council of Ministers of the RSFSR are: it ensures the management of the national economy and socio-cultural construction; formulation and submission to the Supreme Soviet of the RSFSR current and long term state plans of economic and social development; takes measures to defend the interests of state, to safeguard and defend the rights and freedoms of citizens. It takes measures within the limits defined by the Constitution of the USSR to ensure state security and defense capability of the USSR, directs and verifies the works of Council of

29. Article 122 in the 1978 RSFSR Constitution.

30. Section VI in 1978 RSFSR Constitution.

Ministers of the Autonomous Republics and exercises leadership activities of executive committees of Local Soviets of People's Deputies.

Supreme Bodies of an Autonomous Republic

Unlike the USSR Constitution, in the RSFSR Constitution there is a separate section that deals with the organs of state power and administration of an Autonomous Republic. It consists of two chapters running into six provisions. In fact both the chapters are found only in the RSFSR Constitution. Chapter 15 deals with the Supreme Soviet of an Autonomous Republic. The Supreme Soviet of an Autonomous Republic is empowered to adopt its own Constitution and amend it. The composition, powers and functions of the Supreme Organs of state power of an Autonomous Republic will be defined by the Constitution of the respective Autonomous Republic independently. The Council of Ministers of an Autonomous Republic is mentioned in Chapter 16. It is organised and functions on the similar lines as the Council of Ministers of the RSFSR.

(iv) Local Soviets

In comparison with the USSR Constitution, the provisions of the RSFSR Constitution provides a detailed picture of the working of Local Soviets. In fact, the Constitution allots a separate section and the provisions are spread in two chapters. Local Soviets of People's Deputies are formed in territories, regions, autonomous regions, autonomous areas, districts cities, wards, settlement and villages. Local Soviets in fact, represent administrative units.

The RSFSR Constitution through its specific provisions brings out the prominent place of the local Soviets in the Republic, and gives more details regarding the sessions of Local Soviets (Article 141), appointment of Standing Commissions (article 142), local leadership activity (article 143), and also activities of Local Soviets in relation to social organizations and labour collectives (article 144). There is a separate chapter in the RSFSR Constitution which exclusively deals with the executive committees of Local Soviets.³¹

31. Chapter 18 in the 1978 RSFSR Constitution.

It has seven provisions. These provisions mention the powers and functions of the executive committees elected by the local Soviets from among the deputies.

The jurisdiction of the local Soviets is defined in the Constitution. It stated that within the territory of the corresponding Soviet, executive committees of local Soviets direct, state economic and socio-cultural organization on the basis of the decision of Soviets which elected them. An interesting point is that the Local Soviets have the right to supervise the observance of legislation by enterprises, institutions and organizations subordinate to higher authorities and located in their territory. In this direction, the constitution provides legal powers to the local Soviets enabling them to deal with matters within the powers accorded to them so that their decisions are binding on all enterprises, institutions and organizations located in their area.

(v) State Plan of the Economic and Social Development of the RSFSR and the State Budget of RSFSR

The 1978 RSFSR Constitution contains provisions that deal with economic and social planning, and the

budget of the RSFSR. These provisions are specific to the RSFSR Constitution and are not contained in the Constitution of the USSR. Among the specific provisions of the RSFSR Constitution this section occupies a prominent place for two reasons. These provisions gives substantial powers to the RSFSR to formulate current and long term social and economic plans. And secondly, the budgetary provisions give financial powers to the RSFSR.

The constitutional provisions assigns the right to the Council of Ministers of RSFSR to formulate state plans for integrated development of the RSFSR. The Constitution also makes it obligatory, to take account the proposals of collectives of enterprises institutions and organizations as well as social organizations.³² However, the State plans has to be submitted to the Supreme Soviet of the RSFSR for its consideration. Moreover, the constitutional provisions makes it very clear that the Council of Ministers of RSFSR shall be responsible for the fulfilment of the plan. It has to take measures to strengthen the plan discipline. The reports of plan

32, Article 154 in the 1978 RSFSR Constitution.

fulfillment of RSFSR should be considered and confirmed by the Supreme Soviet of the RSFSR, and shall be published for general information.

The Budget of the RSFSR

The budget of the RSFSR is discussed in Chapter 20 of the RSFSR Constitution. It has five provisions. By way of comparison it can be noted that in the Union Constitution there is no provision for the budget. The Constitution defines the budget of the RSFSR as a component part of the unified State budget of the USSR. The budget of the RSFSR shall be formulated by the Council of Ministers of the RSFSR and should be confirmed by the Supreme Soviet of the RSFSR.

(vi) The Emblem, Flag, Anthem and Capital of RSFSR

The RSFSR Constitution establishes its Arms, Flag, Anthem and Capital. These are mentioned in a separate section which has four specific provisions. The state arms is similar to that of the USSR. It consists of a representation of a sickle and a hammer against a red background in the rays of the sun and

teamed by ears of grain with an inscription of RSFSR and "proletarians of all countries unite". There is a five pointed star in the upper part of the arms.³³ The State Anthem of the RSFSR is confirmed by the Presidium of the Supreme Soviet of the RSFSR.

The RSFSR is having its own flag. It is made of a rectangle red cloth with a light blue band near staff, the entire width of the flag comprises one-eighth of the length of the flag. On the left corner of the red cloth are represented a golden sickle and hammer and over them a red five pointed star edged in gold. The ratio of the width of the flag to its length is 1:2. The last provision of this part mention Moscow as the Capital of RSFSR. It is the permanent seat of the Supreme organs of State power and government of RSFSR.

(vii) The Legality and the Procedure for Amendment of the RSFSR Constitution

The concluding part of the Constitution consists of two articles. In fact, both the articles deal with

33. Article 180 in the 1978 RSFSR Constitution.

the operative aspect of the RSFSR Constitution. In a specific article the Constitution establishes the supremacy of RSFSR Constitution, over all laws and other acts of state organs of RSFSR.³⁴ The concluding article deals with the amendment procedure of the RSFSR Constitution.³⁵ The RSFSR Constitution can be amended by a decision of the Supreme Soviet of the RSFSR, adopted by a majority of not less than two-thirds of the total number of deputies of the Supreme Soviet of the RSFSR.

From the above analysis, it can be noted that the 1978 RSFSR Constitution is having significant specific features, which signify the Soviet federal framework. The most important specific features deal with the National territorial structure of the RSFSR, its jurisdictions, the organisation of autonomous republics, the political institutions, and state plans for social and economic development of RSFSR. However, it should also be noted that the specific features are directly related^{to} the common political and socio-economic system of Soviet Union. As a result the unitary as well as federal features are interlocked with each other in the 1978 RSFSR Constitution.

CHAPTER - FOUR

A CRITICAL OVERVIEW OF THE 1978 RSFSR CONSTITUTION

In the previous chapters we have made an attempt to study the 1978 RSFSR Constitution from different angles. As a result we have noted that the RSFSR Constitution in comparison with the 1977 USSR Constitution consists of common as well as specific provisions. Moreover, the common provisions signify the unitary nature whereas the specific provisions signify the federal framework. In this chapter it is proposed to make a critical general survey of the 1978 RSFSR Constitution.

The RSFSR occupies a prominent place in the constitutional history of Soviet Union. In fact, the 1918 Constitution of the RSFSR was the first Soviet type of Constitution, whose basic ideas and principles are preserved in the present Constitution. Besides, the RSFSR played an important role in unifying the other republics which finally resulted in the formation of the USSR. Even after joining the Union, the RSFSR retained its federal nature as its name suggests. At present the RSFSR is having 16 Autonomous Republics and other national units. These are organised within the RSFSR on federal lines.

Moreover, RSFSR was the first constituent Republic to adopt a new constitution on the basis of 1977 USSR Constitution.

The 1978 RSFSR Constitution has retained the basic principles of the previous Constitutions. But it differs from them in several respects. The structure of the RSFSR Constitution significantly differs in comparison with the previous Constitution. It has a preamble and the section on the individual stands at the head of the text. The present RSFSR Constitution also reflects the considerable legislative work that has been carried out in the RSFSR in the past years. Many norms of renovated current legislation became part of the constitutional text. For example, the present Constitution includes the status of deputies and other legislation.

The preamble of the 1978 RSFSR Constitution is an important part. It contains no specific norms similar to those of other sections. It functions as a kind of theoretical key to the Constitution. At the same time, it provides legal foundation for interpreting

and applying the Constitution. The preamble gives a brief description of the nature of the present society and future goal of Soviet society. A significant aspect of the preamble is that it makes a direct reference to continuity of the ideas and principles of three previous Constitutions of RSFSR. This is what in fact Brezhnev himself admitted in the May 1977 Central Committee Plenum. He said "in preparing the draft we stood firmly on the ground of continuity."

The continuity of ideas and principles which constitute as the basic principle of Soviet Constitution can be stated as follows: (i) the sovereignty of the working people, headed by the working class; the ideological content; the leading role played by the CPSU in the state and society; (ii) the undivided socialist property based on the basic principles of socialism, from each according to his ability, to each according to his work; (iii) the exercise of state authority by the people through the Soviets, the accountability and subordination of other state agencies to Soviets; (iv) the broad guaranteed nature of basic rights and

freedoms and duties; (v) the federal framework though sometimes subjected to centralist stress has basically remained unchanged, the 1918 Constitution of RSFSR contained no operative provision in this regard, the actual arrangement had been made in the 1924 Constitution of USSR, that the federation is a voluntary union of sovereign republics, that the borders of the republics can not be changed without their consent, that each union republic retains the right to secession that the powers not specifically assigned to the Union government are reserved for the government of the republic. The above principles and ideas that existed in the previous Constitutions of RSFSR have been enriched, supplemented and elaborated thoroughly in the 1978 RSFSR Constitution.

The first part of the RSFSR Constitution in four chapters deals with the foundation of the social system and the policies of the RSFSR. Unlike the previous Constitution it addresses itself to the political-social life of the Soviet community as a whole. As a result these provisions are common to all Constitutions of the constituent Republics.

The provisions dealing with the political system ranges far beyond the formal state structure. It includes public organisation and work collectives and the position and the role of the CPSU. The economic system is defined as a component part of the USSR economy. This in fact integrates the economy of the RSFSR alongwith economies of other constituent Republics. A chapter entitled social development and culture has been incorporated for the first time, a recognition of diverse aspects of social development. The constitutional provisions aims at the harmonious development of various nationalities. In fact, the Constitution orients society's development with a long range perspective.

The provisions dealing with the relationship between 'State and Individual' gets a very prominent place in the 1978 RSFSR Constitution. The second part of the RSFSR Constitution exclusively deals with the citizenship, equality and rights and duties. The previous Constitution placed the civil rights and duties in one of its last chapters. Another point which needs to be considered is that the provisions dealing with rights and freedoms and

duties are placed before those that give statutory force to the principles of state organisation. The idea behind this arrangement may be to emphasise that "man is the focus of the social attention, while the entire state system is structured and functions in such a way as to secure the allround development of the individual and the satisfaction of his growing needs and interests.¹

Moreover, the provisions are common to all Constitutions of the constituent Republic. This is logical because every citizen of the RSFSR is also a citizen of the USSR. All the socio-economic rights of the previous constitutions have been retained in somewhat more extended formulations. However, entirely new socio-economic rights concerning housing, the protection of family by the state, the use of cultural development have been incorporated for the first time. It should be noted that the Constitution provides concrete guarantees for the exercise of each rights. But the exercise of rights and freedoms are linked to performance of duties by a citizen.

1. Boris Topornin, The New Constitution of the USSR, (Moscow, 1980), pp. 20-21.

"The National State and Administrative Territorial Structure" is the most significant part of the RSFSR Constitution. No constituent Republic of the Union is having such a complex national structure. The RSFSR consists of 16 Autonomous Republics. The Constitution gives a clear picture of the organisation and functioning of Autonomous Republics. Moreover, the provisions define the status and position of RSFSR in the Soviet system and also covers its jurisdiction. It should be noted that in place of the single chapter of the previous Constitution the present Constitution treats the structure of the RSFSR in three separate chapters.

The Constitution defines the jurisdiction of RSFSR comprehensively. It does not include matters subject to frequent changes. Like the previous Constitution it does not stipulate the specific composition of ministries. The solution of questions relating administrative and territorial division including formation of regions districts and towns now falls within the competence of the

RSFSR. Moreover, the present Constitution grants some new powers. Among the notable are the right of the RSFSR to participate in decision-making about all-union matters in the federal institutions. The RSFSR is also empowered to co-ordinate and control all-union enterprises, institutions and organizations in matters that come within its jurisdiction.

However, the federal framework has been retained on the lines of the previous Constitution. It is worth noting that the issue of Soviet federalism developed a kind of debate when the draft of the 1977 USSR Constitution was submitted for nationwide debate. The antifederalists argued that the federal structure had outlived its usefulness and should be replaced by more rational territorial divisions based on economic principles. On the other hand, the pro-federalists called for an unequivocal affirmation of the principle of self-determination, and accordingly sought to limit the powers of the central organs vis-a-vis those of the Constituent Republic.²

2. See A.L. Unger, Constitutional Development in the USSR (London, 1981), p. 223.

Commenting on the above debate Brezhnev said, "the social-political unity does not at all signify the disappearance of national difference."³ In some other context he further added, "experience has shown that the basic features of the federal organization of the USSR have fully justified. There is no need, therefore, to introduce any essential change into the forms of Soviet Socialist federation."⁴ This in fact further justifies that, inspite of growing integration through common political and socio-economic system, the federal framework is indispensable in the Soviet system.

The provisions dealing with the organisational aspects of Soviets and electoral procedure in the RSFSR Constitution comes before the political institutions. Most of the provisions of this part are new. But so far they were the part of ordinary legislation. A thorough examination of these provisions

3. L.I. Brezhnev, "Report at the Session of the Supreme Soviet 4 October 1977", selected from F.J.M. Feldbrugge, The Constitutions of the USSR and Union Republics: Analysis, Text, Reports (New York, 1979).

4. L.I. Brezhnev, "Report at the Plenum of the Central Committee of the CPSU, May 24, 1977". Selected from Ibid.

makes it clear that the Constitution envisages a uniform system of Soviets. Moreover, the principles governing the Soviets apply uniformly at all levels. This in fact has helped to achieve unity and interaction at all levels.

A large number of provisions of the Constitution deals with the political institutions. This in fact gives greater clarity and precision. Several shifts in competencies can be observed. However the basic structure of the RSFSR government has remained unaffected. The Constitution elaborately mentions the powers and functions of the higher bodies of RSFSR. It also covers political institutions of Autonomous Republics. At each level, the Constitution defines the political structure, its powers and functions. A close analysis of constitutional provisions makes it clear that the present Constitution aims at upgrading the representative institutions. The Constitutional provisions significantly expand the jurisdiction of Local Soviets. Under the present Constitution they not only solve problems of local significance but also supervise and co-ordinate within the limits of their rights the activities of other

organizations on their territory.

The provisions dealing with "the State plan of the economic and social development of the RSFSR" occupies a prominent place among the specific provisions of the 1978 RSFSR Constitution. These provisions gives substantial powers to the RSFSR to plan its allround development by taking into consideration its specific economic features. The Council of Ministers of RSFSR is empowered to formulate current and long term plans. However, it is obligatory on the part of the Council of Ministers of RSFSR to fulfill the plan targets by taking proper measures. This in fact makes the constituent Republic responsible for its economic and social development.

The judiciary and the procuracy are dealt with in the ninth part of the RSFSR Constitution. The courts are organised on the principle of hierarchy and unified within a single judicial system. Many new provisions are incorporated. However, all its new provisions incorporate norms hitherto contained in ordinary law. Finally, it is significant to note

that the RSFSR has its own flag, anthem, arms and capital. The RSFSR Constitution in the concluding section establishes its supremacy over all other laws within the RSFSR and also mentions the procedure for the amendment of the Constitution. This in fact gives the picture that the RSFSR has a full fledged Constitution, which covers all aspects of a sovereign state.

From the above discussion, we can note that the 1978 RSFSR Constitution is significant in several respects. It has retained several basic principles of the previous Constitutions as well as added new provisions in accordance with the hitherto attained socio-economic development. The RSFSR continues as a federation within the USSR. Moreover, it can be noted that in spite of a common political and socio-economic system the federal framework continues as a useful device to organise various national units within the RSFSR.

CHAPTER - FIVE

THE CONCLUSION

We began our study by noting that the Western thinking on federalism and Marxist-Leninist approach to federalism as a form of State construction are widely different. Whereas in Western thinking the main principle for federal state construction is the territorial-administration, in Soviet Constitutional framework, federalism is inseparably linked with the right of nations to self-determination, a basis on which various nationalities are deemed to unite into a union-state, the USSR. The very framework of Soviet Constitutional theory and practice is thus relevant for our study.

Lenin developed the concept of federalism in accordance with the Marxist theory, while defending a single large state controlled by the proletariat and their allies. He also came to the conclusion that in a specific situation of a multinational state like Russia federation was the most desirable form of State structure. He believed that such a political system could also develop the fraternal relations among various nationalities and unite them, for a common goal of construction of socialism in the USSR. In Lenin's view the concrete

historical conditions prevailing at that time of the formative phase (1917-1922) of the Soviet state played the most important role.

The first Soviet Constitution adopted in 1918 was known as the Constitution of the RSFSR, as Soviet Russia was known at that time. It was a federal Constitution. But it lacked a formal institutional framework. In 1922, the Soviet Republics signed a treaty on the basis of which 'Union of Soviet Socialist Republics' was formed. The USSR adopted its first Constitution in 1924. It gave a formal institutional framework for the working of Soviet federalism.

The 1924 Constitution had several novel federal features. It defined federation as the voluntary association of equal sovereign socialist republics. It gave the right to the constituent Republics to secede freely from the Union. It also gave them the right to have their own Constitution. A federal legislative second chamber was created in which the constituent units were equally represented.

The sovereign right of the republics were guaranteed by the USSR.

The 1924 Constitution was replaced by 1936 Constitution of the USSR. It retained all the federal features eventhough it brought some changes. More powers were granted to constituent republics. For example, they were empowered to conduct direct relationship with other nations, they also enjoyed their own defence forces. However, in some concrete historical conditions specially during the course of Second World War and during the period of economic reconstruction a tendency towards excessive centralism developed. It was corrected by the party at different times.

The present USSR Constitution was adopted in 1977. As a constitutional obligation, the constituent Republics adopted their new Constitutions in 1978. Our study based primarily on 1978 RSFSR Constitution has tried to review and determine its federal characteristics in detail.

The RSFSR Constitution follows a model of the 1977 USSR Constitution. There are some common provisions. But this does not mean that the RSFSR Constitution is an exact replica of the Union Constitution. The common provisions must be viewed in broader perspective viz. RSFSR constitutes as a component part of the USSR. As a result, it shares a common political and socio-economic system. This is reflected in the RSFSR Constitution. The provisions that deal with political system, economic system and social development and the relationship between the state and individual are common to both the Constitutions. There are also identical provisions in other parts of the Constitution.

The common provisions are also found because of other reasons. The 1918 RSFSR Constitution was the first Soviet Constitution. The 1977 USSR as well as RSFSR Constitution acknowledges in their preambles that the ideas and principles of the first Constitution were preserved. Secondly, the Constitution of a constituent Republic must confirm

to the Constitution of the Union. This is a natural phenomenon of Soviet federalism. This has been observed since 1924. Thirdly, the RSFSR follows a similar type of political institutions. This in fact resulted in uniform system of Soviets and common electoral procedure.

The study also brings out the specific features of the 1978 RSFSR Constitution. The important specific features of the RSFSR Constitution are as follows:- (i) The RSFSR Constitution specifically defines the domestic jurisdiction of RSFSR, as a sovereign socialist state within its territory, (ii) The provisions of the RSFSR Constitution specifically deals with the national territorial structure; the RSFSR is a federation within the USSR, it consists of 16 Autonomous Republics and other lower national units, (iii) The RSFSR Constitution contains specific provisions that clearly define powers and functions of political institutions at three different levels, viz. Republican, Autonomous Republican and at local level, (iv) The RSFSR Constitution contains provisions that cover

state plans for social and economic development, and (v) finally, there are two separate sections that deal with sovereign symbols of RSFSR and operative procedure of the RSFSR Constitution. There are also more provisions in other parts of the Constitution which can be found only in the RSFSR Constitution.

From the above, we can state that the RSFSR Constitution is not an exact replica of the USSR Constitution. It has also specific features and provisions. These signify a distinct role of the RSFSR in the Soviet political system. Such a role surely indicates that the Soviet constitutional framework is more federal than unitary. The RSFSR Constitution is moreover a useful guide to understand the Constitutions of other constituent Republics. The divergences among them signify further the novelty of Soviet Federal State structure.

In the working of Soviet constitutional framework, the federal as well as the unitary features are however, interlocked; these are not

counterpoised or counter-balanced. There is a continuous interaction between the federal as well as unitary features which has resulted in a harmonious working relationship between the Union and constituent Republics including the RSFSR. There is no doubt that primacy of Communist Party (CPSU) with its own all-embracing role and network is crucial here. We may thus conclude that the 1978 RSFSR Constitution ensures the functioning of harmonious and multilevel development of the RSFSR.

B I B L I O G R A P H Y

A. PRIMARY SOURCES (PUBLISHED)

Akhapkin, Yuri, (ed.), First Decrees of Soviet Power, A collection of First Major Acts of Legislation, adopted by the Soviet Government, November 1917-July 1918, London, 1970.

Brezhnev, L.I., On the Draft Constitution of the USSR, Moscow, 1977.

Constitution (Fundamental Law) of the Russian Soviet Federative Socialist Republic (RSFSR), adopted by the Fifth All Russian Congress of Soviets, July 10, 1918, Selected from USSR: Sixty Years of the Union 1922-1982, Progress Publishers, Moscow, 1982.

Constitution (Fundamental Law) of the Russian Socialist Federative Soviet Republic (Excerpt), Approved on 11 May 1925, Selected from USSR: Sixty Years of the Union 1922-1982, Moscow, 1982.

Constitution (Fundamental Law) of the Russian Soviet Federative Socialist Republic (Excerpt), Adopted by the Extraordinary 17th All Russian Congress of Soviets on 21 January 1937, Selected from USSR: Sixty Years of the Union 1922-1982, Moscow, 1982.

Constitution (Fundamental Law) of the Russian Soviet Federative Socialist Republic, Adopted by the extraordinary 7th session of the Supreme Soviet of RSFSR (9th convocation) on 12 April 1978, selected from Fledbrugge, F.J.M., (ed.), The Constitution of the USSR and the Union Republics, Analysis Texts Reports, Netherlands, 1979.

Constitution (Fundamental Law) of the Union of Soviet Socialist Republics, Approved by the Second Congress of Soviets of the USSR on 31 January 1924, selected from USSR: Sixty Years of the Union 1922-1982, Moscow, 1982.

Constitution (Fundamental Law) of the Union of Soviet Socialist Republics, Adopted by the extraordinary 8th Congress of Soviets of the USSR on 5 December 1936, Selected from USSR: Sixty Years of the Union 1922-1982, Moscow, 1982.

Constitution (Fundamental Law) of the Union of Soviet Socialist Republics, adopted at the Seventh (Special) Session of the Supreme Soviet of the USSR, Ninth Convocation on October 7, 1977, Novosti Press Agency Publishing House, Moscow, 1982.

CPSU: CC Report to 25 Congress, Moscow 1976.

CPSU: CC Report to 26 Congress, Moscow 1981.

CPSU: CC Report to 27 Congress, Moscow, 1986.

Lenin, V.I., Critical Remarks on the National Question, the Right of Nations to Self-Determination, Moscow, 1975.

_____, On Soviet Socialist Democracy, Moscow, 1972.

_____, State and Revolution, Moscow, 1975.

Marx, K. and Engles, F., Manifesto of the Communist Party, Moscow, 1976.

_____, Selected Works, vol. 1, 2, 3, Moscow, 1965.

B. SECONDARY SOURCES

(i) Books :

Andrew William, G., Constitution and Constitutionalism, New Delhi, (n.d.).

Andrew William, G., (ed.), Soviet Political Institutions and Policies: Inside views, Von Nostrand, 1965.

✓ Armstrong, John A., Ideology Politics and Government in the Soviet Union, An Introduction, Prager, 1967.

Aspaturian, V.V., The Union Republics in Soviet Diplomacy, Dorigneva, 1960.

Brezhnev, L.I., Following Lenin's Course Speeches and Articles, Progress Publishers, Moscow, 1972.

Brezezinski, Zabegniev, Ideology and Power in Soviet Politics, Prager, 1967.

_____, (ed.), Dilemmas of change in Soviet Politics, Columbia University Press, 1969.

Bezuglov, A., Soviet Deputy, Progress Publishers, Moscow, 1973.

Bhatia, R.L., Constitution of the USSR, Delhi, Atma Ram, 1971.

Buralatsky, Fyoder, The Modern State and politics, Moscow, 1978.

Carr E.H., History of Soviet Russia, vol. 1-2, Penguin, 1965-68.

Chkhvadze, V.M., The State Democracy and Legality in the USSR, Moscow, 1972.

_____, (ed.), The Soviet State and Law, Moscow, 1969.

Chekharin E.G., The Soviet Political System under Developed Socialism, Moscow, 1977.

Chirkin, V., Constitutional Law and Political Institutions, Moscow, 1985.

Churchward L.G., Contemporary Soviet Government, London, 1975 (2nd edition).

Conquest Robert, (ed.), The Soviet Political System, London, 1968.

_____, (ed.), Soviet Nationalities Policies in Practice, New York, 1967. *w*

Constitutional System of the Soviet Union, Research Publishers in Social Science, Delhi, 1972.

Danisore, The Soviet State: Its Origins Development Essence and Functions, Moscow, 1967.

Dicy, A.V., Introduction to the Study of the Law of the Constitution, London, 1959.

Dobb, Maurice, Soviet Economic Development Since 1917, London, Routledge and Kegan Paul, 1972.

Engle E.A., Principles of the Soviet Constitution, Moscow, 1923.

Fainsod, M., How Russia is Ruled, Cambridge Mass, 1965.

Fedrich Carl C.J., Constitutional Government and Democracy, Waltham Mass, 1968.

Feldbrugge, F.J.M., The Constitutions of the USSR and the Union Republics Analysis, Texts Reports, Netherlands, 1979.

Finer, H., Theory and Practice of Modern Government and Democracy, New York, 1966.

Formation of the Union of Soviet Socialist Republics,
Collection of documents, Moscow, 1972.

Fundamentals of Legislation of the USSR and the Union Republics, Moscow, 1976.

Fundamentals of Soviet State Law, Moscow, 1976.

Goldhagen, E., (ed.), Ethnic Minorities in the Soviet Union, New York, 1968.

Graham Jr., New Government of Eastern Europe,
New York, 1969. ✓

Grigoryan, L., and Dolgopolov, Y., Fundamentals of Soviet Law, Moscow, 1971.

Hazard J.N., The Soviet System of Government,
New Delhi 1971.

Hough, J. and Fainsod, How Russia is Governed, London
1982.

Jacob Evertt M., Soviet Local Politics and Government,
London, 1981.

Kering, C.D., Marxism Communism and Western Society: A Comparative Encyclopedia, vol. 2, New York,
1972.

Khrushchev, N.S., "On the Communist Programme", Report
on the Programme of the CPSU to the 22nd
Party October 18, 1961, Moscow, 1961.

Kim, M., The Soviet People: A New Historical Community of Peoples, Moscow, 1972.

- Kohn, Hans, Nationalism in Soviet Union, New York, 1964.
- Lamont, C., The Peoples of Soviet Union, New York, 1944.
- Law, David, Politics and Society in the USSR, London, 1978 (2nd edition).
- Lashin, A., Socialism and the State, Moscow, 1977.
- Leproskin, A.Z., Sovitskii Federalizam - Theory and Practice, Moscow, 1977. ✓
- Low, A.D., Lenin on the Question of Nationality, New York, 1958.
- Lukas George, Lenin A Study on the Unity of his Thought, London, 1970.
- Makhenko, A.K., The State Law of the Socialist Countries, Moscow, 1976.
- Meyer, A.G., The Soviet Political System, Random House, New York, 1965.
- McAuly M., Politics and the Soviet Union, Penguin, 1977.
- Nandi, A., Constitution of the Soviet Union, Calcutta, 1970.
- Page, S.W., The Formation of the Political States in Soviet Union, Harvard University Press, 1959.
- Piper, Richard, The Formation of the Soviet Union, Communism and Nationalism 1917-1923, (2nd edn.), Cambridge, 1964.
- Politichesky Slovar, (2nd edition), Moscow, 1958.

Quingly, Jr. and Berman, H.J., Basic Laws of the Soviet State, Cambridge, 1969.

Robert Sharlet, New Constitution of 1977 Analysis and Text, New York, 1979.

Rothstein Andrew, (ed.), The Soviet Constitution, London, (n.d.).

Schapiro, Leonard, The Government and Politics of Soviet Union, Hutchison, London, 1965.

_____, The Communist Party of the Soviet Union, London, 1970.

Shevtsov, V.S., National Sovereignty of the Soviet State, Cambridge Mass, 1966.

_____, The State and Nations in the USSR, Moscow, 1982.

Stalin, J.V., Problems of Leninism, Moscow, 1954.

Strong, C.F., Modern Political Institutions, (edited with a new introduction by M.G., Clarke), London, 1973.

Topornin, Boris, The New Constitution of the USSR, Moscow, 1980.

Towester Julian, Political Power in the USSR 1917-1947, Oxford University Press, 1948.

The Fundamental Law of the USSR, Moscow, 1980.

Triska, J.F., (ed.), Constitutions of the Communist Party States, Hoover Institution Publication, 1970.

Unger A.L., Constitutional Development in the Soviet Union, London, 1981.

Uibopuu, H.J., International Legal Personality of Union Republics of the USSR, New York, 1975.

USSR: Sixty Years of the Union 1922-1982, Moscow, 1982.

Vyshinsky, A.K., The Law of the Soviet State, New York, Macmillan, 1948.

Wheare K.C., Federal Government, London, 1946.

_____, Modern Constitutions, Oxford, London, 1966.

Wormth, R.D., The Origins of Modern Constitutionalism, New York, 1949.

Zafar Imam, (ed.), The USSR Sixty Years: Economic Social and Political Development, New Delhi, 1981.

(ii) Articles

Azovkin, Z.A., "The Democratic Character of State Power in the USSR and the Mechanism of its exercise", Soviet State and Law, no. 9, 1968.

Bagranov, E., "The Development of Soviet Nationalities' The Current Digest of Soviet Press, vol. XXIV, no. 25, July 17, 1972.

Brezhnev, L.I., "Draft Constitution of the USSR, Report by L.I. Brezhnev, Text of the Draft Constitution", Soviet Review, vol. XIV no. 28-29, Moscow, 1977.

- Brunner, G., "The functions of Communist Constitutions, An Analysis of Recent Constitutional Development", Review of Socialist Law, no. 2, 1977.
- Chekivadze, V., "Historical Significance of the formation of Socialist Federal State", Social Sciences, no. 4, (10), Moscow, 1972.
- Denesov, A.I., "Communism and Democracy", Soviet State and Law, no. 12, 1969.
- Eudin, S., "Soviet National Minority Policies, 1918-21", The Slavonic and East European Review, XXI, 1943.
- Gilison J., "Khrushchev, Brezhnev and Constitutional Reform", Problems of Communism, no. 5, 1972.
- Grover, D.C., "A Marxist Analysis of Lenin's Theory of Nationality", Kurukshehra University Research Journal, vol. 5, no. 1, April, 1971.
- Hazard, J.N., "Soviet Public Administration and Federalism" Political Quarterly (London), vol. 23, 1952.
- Inkles, A., "Soviet Nationalities Policy in Perspective", Problems of Communism, vol. IX, no. 3, 1960.
- Jackson, I., "A Mighty Union of Nations", Political Affairs, December, 1972.
- Kaltakechyan, S., "The Soviet People - A New Historical Community of People", Social Science, no. 4, (10), Moscow 1972.
- Lightfoot, C., "USSR and USA : A Contrast", Political Affairs, December 1972.

- Masherov, P., "On Certain Features of Nationality Relations in the conditions of Developed Socialisms", The Current Digest of Soviet Press, vol. XXIV, no. 25, July 17, 1972.
- Mikoyan, A.I., "How the USSR was born", Political Affairs, (New York), December, 1972.
- Pasker, R., "A Great Union of Peoples", New World Review, November, 1952.
- Sidelsky, E., Formation and Development of the USSR, A Triumph of Leninism", International Affairs, Moscow, January 1, 1973.
- Tamerbek, Dambtzerin, "The Federal Principles in the Soviet Union", Studies in Soviet Union (Institute for Study of USSR Munich), vol. VI, no. 3, 1966-67.
- Tewatia, T.C., "Soviet Theory of Federalism", Indian Journal of Political Science, vol. 36, no. 2, April-June, 1975.
- Uibpouu H.J., "Soviet Federalism under the New Soviet Constitution", Review of Socialist Law, no. 2, 1979.
- Vekatasan, C., "The Status of the constituent Republics of the USSR and States of USA - A Comparative Study", Modern Review, vol. 125-21, no. 3, March 1970.
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APPENDIX

CONSTITUTION (FUNDAMENTAL LAW) OF THE
RUSSIAN SOVIET FEDERATIVE SOCIALIST REPUBLIC

**CONSTITUTION (FUNDAMENTAL LAW) OF THE RUSSIAN SOVIET
FEDERATIVE SOCIALIST REPUBLIC***

Sovetskaia Rossia, 13 April 1978, 1-4.

The Great Socialist October Revolution, carried out by the workers and peasants of Russia under the leadership of the Communist Party, headed by V. I. Lenin, overturned the power of the capitalists and landowners, established the dictatorship of the proletariat, and created the Soviet state—the basic instrument to defend the revolutionary achievements and to build socialism and communism.

Soviet power has guaranteed equality and free self-determination for all the peoples of Russia, and has provided genuine democratic rights and freedoms for the working people. The formation of the RSFSR has provided the Russian people, and all nations and nationalities of the Russian Federation, favorable conditions for the all-round economic, social, and cultural development, taking into account their national character in the fraternal family of Soviet peoples. The association of the RSFSR with other Soviet republics in the Union of Soviet Socialist Republics enhanced the forces and possibilities of the people of the country for the realization of basic socio-economic reforms.

As a result of the creative activity of the Soviet people under the leadership of the Communist Party, a developed socialist society has been built in the USSR—a society of genuine freedom of people and labor in which powerful productive forces have been created, the well-being and culture of the people is continuously increasing, and the indestructible union of the working class, the collective farm peasantry, and the people's intelligentsia is being strengthened. The Russian Soviet Federative Socialist Republic—an equal republic in the Union of Soviet Socialist Republics, which reflects the state unity of the Soviet people and brings together all nations and nationalities for the combined construction of communism.

The people of the Russian Soviet Federative Socialist Republic, guided by the ideas of scientific communism, recognizing themselves as an integral part of the whole Soviet people, preserving the continuity of the ideas and principles of the Constitution of the RSFSR of 1918, the Constitution of the RSFSR of 1925, and the Constitution of the RSFSR of 1937, and in accordance with the Constitution (Fundamental Law) of the USSR, which has affirmed the foundations of the social system and the policies of the USSR, and established the rights, freedoms, and obligations of citizens, and the principles of organization and the aims of the socialist all-people's state, adopt and proclaim the present Constitution.

* Translated by William B. Simons and based upon the translation of the 1977 USSR Constitution by F. J. M. Feldbrugge and William B. Simons, in *Review of Socialist*

Law, Vol. 4, No. 3, 1978, pp. 259-286.

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I. THE FOUNDATIONS OF THE SOCIAL SYSTEM AND THE POLICIES OF THE RSFSR

Chapter 1. The Political System

Article 1. The Russian Soviet Federative Socialist Republic is a socialist all-people's state expressing the will and the interests of the workers, the peasants, and the intelligentsia, and of the working people of all the nations and nationalities of the republic.

Article 2. All power in the RSFSR belongs to the people.

The people exercise state power through the Soviets of People's Deputies, which constitute the political foundation of the RSFSR.

All other state organs are under the control of and accountable to the Soviets of People's Deputies.

Article 3. The Soviet state is organized and functions in accordance with the principle of democratic centralism: all organs of state power are elected from the lowest to the highest, they are accountable to the people, and the decisions of higher organs are binding for lower organs. Democratic centralism combines unified leadership with local initiative, creative activity, and with the responsibility of every state organ and official for the tasks entrusted to them.

Article 4. The Soviet state and all its organs function on the basis of socialist legality and ensure the protection of the legal order, the interests of society, and the rights and freedoms of citizens.

State and social organizations and officials are bound to observe the Constitution of the USSR, the Constitution of the RSFSR, and Soviet laws.

Article 5. The most important questions of the life of the state are submitted for nationwide discussion and are also put to a nationwide vote (referendum).

Article 6. The Communist Party of the Soviet Union is the leading and guiding force of Soviet society and the nucleus of its political system and of state and social organizations. The CPSU exists for the people and serves the people.

Armed with Marxist-Leninist doctrine, the Communist Party determines the general perspective of the development of society and the course of the domestic and foreign policy of the USSR, directs the great creative activity of the Soviet people, and imparts a planned and scientifically-sound character to their struggle for the victory of communism.

All party organizations function within the framework of the Constitution of the USSR.

Article 7. In accordance with their statutory functions, trade unions, the All-Union Leninist Communist Youth League, cooperative and other social organizations participate in the administration of state and public affairs and in the resolution of political, economic, and socio-cultural problems.

Article 8. Labor collectives participate in the discussion and resolution of state and public affairs; in the planning of production and social development; in the training and placement of personnel; in the discussion and resolution of questions of the administration of enterprises and institutions, of the improvement of the conditions of labor and everyday life, and of the utilization of resources allocated for the development of production as well as for socio-cultural measures and material incentives.

Labor collectives develop socialist competition; promote the dissemination of progressive work-methods, and the strengthening of labor discipline; educate

their members in the spirit of communist morality; and concern themselves with raising their political awareness, culture, and professional qualifications.

Article 9. The basic direction of the development of the political system of Soviet society is the further unfolding of socialist democracy: the ever-widening participation of citizens in the administration of the affairs of the state and of society, the perfection of the state apparatus, the growth of the activity of social organizations, the strengthening of people's control, the reinforcement of the legal basis of the life of the state and of society, the extension of publicity, and permanent consideration of public opinion.

Chapter 2. The Economic System

Article 10. The foundation of the economic system of the RSFSR is socialist ownership of the means of production in the form of state (all-people's) and collective-farm cooperative ownership.

Property of trade unions and other social organizations, necessary for the realization of their statutory functions, is also socialist property.

The state protects socialist ownership and creates conditions for its increase.

No one has the right to use socialist property for purposes of personal gain and other selfish purposes.

Article 11. State ownership, the common heritage of the entire Soviet people, is the basic form of socialist ownership.

The land, its mineral wealth, the waters, and the forests are within the exclusive ownership of the state. The state owns the basic means of production in industry, construction, and agriculture, the means of transportation and communication, the banks, the property of commercial, municipal, and other enterprises organized by the state, the basic municipal housing fund, as well as other property necessary for the realization of the functions of the state.

Article 12. The property of collective farms, and other cooperative organizations and their associations, consists of the means of production and other property necessary for the realization of their statutory functions.

The land occupied by collective farms is allocated to them for their free use and for an unlimited time.

The state promotes the development of collective-farm cooperative ownership and its drawing together with state ownership.

Collective farms, as well as other land users, are bound to utilize land efficiently, to treat it with care, and to increase its productiveness.

Article 13. Earned income constitutes the basis of personal property of citizens of the RSFSR. Articles of everyday use, of personal consumption and comfort, and of the subsidiary household, a dwelling, and savings from labor may be held in personal ownership. Personal ownership of citizens and the right to its inheritance are protected by the state.

Citizens may have the use of plots of land, made available in the manner provided by law, in order to run a subsidiary household (including the keeping of livestock and fowl), to engage in fruit and vegetable gardening, and also for individual housing construction. Citizens are bound to rationally utilize the plots of land made available to them. The state and the collective farm render aid to citizens in running the subsidiary household.

Property in the personal ownership or use of citizens must not serve for the derivation of unearned income or be used to the detriment of the interests of society.

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Article 14. The labor of Soviet people, free from exploitation, is the source of the growth of public wealth and of the well-being of the people and of every Soviet citizen.

In accordance with the principle of socialism: "From each according to his abilities, to each according to his work", the state supervises performance and consumption. It determines the rate of tax on income subject to taxation.

Socially useful labor and its results determine the position of man in society. The state, combining material and moral incentives, and encouraging inventiveness and a creative attitude to work, furthers the transformation of labor into the prime necessity of life of every Soviet man and woman.

Article 15. The highest goal of social production under socialism is the fullest possible satisfaction of the growing material and spiritual needs of the people. Relying on the creative activity of working people and socialist competition, and on the achievements of scientific-technical progress, and perfecting the forms and methods of economic management, the state ensures the growth of labor productivity, the increased efficiency of production and quality of work, and a dynamic, planned, and balanced development of the national economy.

Article 16. The economic system of the RSFSR constitutes a component part of the single economic complex embracing all units of social production, distribution, and exchange within the territory of the USSR.

The economic system is managed on the basis of state plans of economic and social development, taking into account the branch and territorial principles, and combining centralized leadership with the economic independence and initiative of enterprises, associations, and other organizations. At the same time, economic accountability, profit, production costs, and other economic levers and stimuli are actively utilized.

Article 17. Individual labor activity in the sphere of trades and crafts, agriculture, serving the everyday needs of the population, as well as other forms of activity based exclusively on the individual labor of citizens and the members of their families, are permitted in the RSFSR in accordance with the law. The state regulates individual labor activity, ensuring its utilization in the interests of society.

Article 18. In the interests of present and future generations, the necessary measures are taken in the RSFSR for the protection and the scientifically-sound and rational utilization of the land and its mineral wealth, water resources, the plant and animal world, for the preservation of the purity of air and water, for safeguarding the reproduction of natural resources, and for the improvement of the human environment.

Chapter 3. Social Development and Culture

Article 19. The indestructible union of workers, peasants, and the intelligentsia constitutes the social foundation of the RSFSR.

The state promotes the strengthening of the social homogeneousness of society, the effacement of class differences and of the essential differences between town and country and between mental and physical labor, and the all-round development and rapprochement of the nations and nationalities of the USSR.

Article 20. In accordance with the communist ideal: "The free development of each is the condition for the free development of all", the state has as its goal the expansion of the actual possibilities for citizens to apply their creative forces,

abilities, and talents, and for the all-round development of the individual.

Article 21. The state concerns itself with the improvement of working conditions and labor safety and the scientific organization of labor, and with the reduction and, ultimately, with the complete elimination of heavy physical labor on the basis of the comprehensive mechanization and automation of production processes in all branches of the national economy.

Article 22. A program of transforming agricultural labor into a variety of industrial labor; of widening in rural areas the network of institutions for public education, culture, health care, trade and public catering, services for everyday needs, and public utilities; and of transforming villages into well-appointed settlements is consistently implemented in the RSFSR.

Article 23. On the basis of the growth of labor productivity, the state follows an unswerving course for raising the level of wages and the real income of working people.

Public funds for consumption are created in order to more fully satisfy the needs of Soviet people. The state, with the broad participation of social organizations and labor collectives, ensures the growth and the equitable distribution of these funds.

Article 24. State systems of health care, social insurance, trade and public catering, services for everyday needs, and public utilities are operated and expanded in the RSFSR.

The state encourages the activity of cooperative and other social organizations in all spheres of services to the population. The state promotes the development of mass physical culture and sport.

Article 25. In the RSFSR there exists and is continually perfected a single system of public education which ensures the general educational and professional training of citizens, serves the communist upbringing and the spiritual and physical development of young people, and prepares them for work and social activity.

Article 26. In accordance with the needs of society, the state ensures the planned development of science and the training of scientific personnel, and organizes the implementation of the results of scientific research in the national economy and in other spheres of life.

Article 27. The state concerns itself with the protection, multiplication, and broad utilization of spiritual values for the purpose of the moral and aesthetic upbringing of Soviet people and the raising of their cultural level.

The development of professional art and popular artistic creativeness receives every encouragement in the RSFSR.

Chapter 4. Foreign Policy and the Defense of the Socialist Fatherland

Article 28. In foreign policy activities, the RSFSR is guided by the goals, tasks, and principles of the foreign policy defined by the Constitution of the USSR. In the RSFSR, war propaganda is forbidden.

Article 29. In accordance with the Constitution of the USSR, the defense of the socialist Fatherland is one of the most important functions of the state and is a concern of the whole people.

In order to defend the socialist achievements, the peaceful labor of the Soviet people, and the sovereignty and territorial integrity of the state, the Armed Forces of the USSR have been created and universal military service has been established.

The duty of the Armed Forces of the USSR to the people is reliably to defend the socialist Fatherland and to remain in constant combat readiness, guaranteeing an instant rebuff to any aggressor.

Article 30. The RSFSR participates in ensuring the security and defense capability of the country and equipping the Armed Forces of the USSR with everything they require.

The duties of state organs, social organizations, officials, and citizens in ensuring the security of the country and the strengthening of its defense capability are defined by legislation of the USSR.

II. THE STATE AND THE INDIVIDUAL

Chapter 5. RSFSR Citizenship. The Equality of Citizens

Article 31. In accordance with the single union citizenship established in the USSR, every citizen of the RSFSR is a citizen of the USSR.

The grounds and the procedure for acquiring and losing Soviet citizenship are defined by the Law on Citizenship of the USSR.

Within the territory of the RSFSR, citizens of other union republics enjoy equal rights with citizens of the RSFSR.

Citizens of the RSFSR abroad enjoy the defense and protection of the Soviet state.

Article 32. Citizens of the RSFSR are equal before the law regardless of origin, social and property status, race or nationality, sex, education, language, attitude towards religion, type and character of occupation, place of residence, and of other circumstances.

The equality of citizens of the RSFSR is ensured in all fields of economic, political, social, and cultural life.

Article 33. Women and men in the RSFSR have equal rights.

The exercise of these rights is ensured by according women equal opportunities with men in receiving education and professional training, in labor, remuneration, and professional advancement, in socio-political and cultural activity, as well as by special measures for the protection of women's labor and health: by creating conditions allowing women to combine work with motherhood; by the legal protection of and by material and moral support for mother and child, including the granting of paid leave and other benefits to pregnant women and mothers; and by a gradual reduction of working time for women with young children.

Article 34. Citizens of the RSFSR of different races and nationalities have equal rights.

The exercise of these rights is ensured by a policy of comprehensive development and rapprochement of all nations and nationalities of the USSR, by educating citizens in the spirit of Soviet patriotism and socialist internationalism, and by the possibility to use one's native language and the languages of other peoples of the USSR.

Any direct or indirect restriction of rights whatsoever, the establishment of direct or indirect privileges for citizens on grounds of race or nationality, as well as any preaching of racial or national exclusiveness, hostility, or contempt are punished by law.

Article 35. Foreign citizens and stateless persons in the RSFSR are guaranteed the rights and freedoms provided for by law, including the right to apply to a court and other state organs for the protection of the personal, property, family, and other rights which belong to them.

Foreign citizens and stateless persons within the territory of the RSFSR are bound to respect the Constitution of the USSR, the Constitution of the RSFSR, and to observe Soviet laws.

Article 36. The RSFSR grants the right of asylum to foreigners, persecuted for defending the interests of the working people and the cause of peace, for participating in revolutionary or national liberation movements, or for progressive socio-political, scientific, or other creative activities.

Chapter 6. The Basic Rights, Freedoms, and Obligations of Citizens of the RSFSR

Article 37. Citizens of the RSFSR enjoy the full range of the socio-economic, political, and personal rights and freedoms proclaimed and guaranteed by the Constitution of the USSR, the Constitution of the RSFSR, and Soviet laws. The socialist system ensures the widening of rights and freedoms and the continuous improvement of the living conditions of citizens in accordance with the fulfillment of the programs of socio-economic and cultural development.

In exercising their rights and freedoms, citizens may not injure the interests of society and the state or the rights of other citizens.

Article 38. Citizens of the RSFSR have the right to work, that is, to guaranteed employment with remuneration in accordance with the quantity and quality of the work, and not lower than the minimum rate established by the state, including the right to choose a profession, occupation, and work in accordance with their vocation, ability, professional training, and education, taking into account the needs of society.

This right is ensured by the socialist economic system, the continuous growth of the productive forces, free professional training, the improvement of work skills, training in new fields, and the development of the systems of professional guidance and job placement.

Article 39. Citizens of the RSFSR have the right to rest.

This right is ensured by establishing a workweek not exceeding 41 hours for workers and employees, and a reduced workday for a number of professions and types of work, and by reduced working hours at night; by granting annual paid leave and weekly rest days, as well as by an expansion of the network of cultural-educational and health institutions and the development of mass sports, physical culture, and tourism; by the creation of favorable possibilities for rest in one's place of residence and of other conditions for a rational use of free time.

The length of working time and rest for collective farmers is regulated by the collective farms.

Article 40. Citizens of the RSFSR have the right to health care.

This right is ensured by free professional medical assistance provided by state health institutions; by expanding the network of institutions for medical treatment and improvement of the health of citizens; by the development and perfection of safety technology and industrial sanitation; by taking extensive preventive measures; by measures to improve the environment; by special care for

the health of the younger generation, including the prohibition of child labor not connected with training and labor education; and by furthering scientific research aimed at the prevention of disease and the reduction of its incidence and at ensuring a long and active life for citizens.

Article 41. Citizens of the RSFSR have the right to material security in old age, in case of illness, complete or partial loss of the ability to work, as well as of loss of the breadwinner.

This right is guaranteed by the social insurance of workers, employees, and collective farmers; by allowances for temporary disability; by the payment of old-age and disability pensions, and pensions for the loss of the breadwinner at the expense of the state and of collective farms; by the employment of citizens who have partially lost the ability to work; by care for elderly citizens and invalids; and by other forms of social insurance.

Article 42. Citizens of the RSFSR have the right to housing.

This right is ensured by the development and protection of the state and social housing fund, by assistance to cooperative and individual housing construction, by a fair distribution, under social supervision, of living space made available in accordance with the realization of the program for the construction of well-built housing, and also by moderate payments for rent and municipal services. Citizens of the RSFSR are bound to treat carefully the housing made available to them.

Article 43. Citizens of the RSFSR have the right to education.

This right is ensured by free education at all levels, the implementation of universal compulsory secondary education of young people, and the extensive development of professional-technical, specialized secondary, and higher education on the basis of connecting learning with life and production; by the development of correspondence and evening education; by granting state stipends and other benefits to pupils and students; by the free issue of school textbooks; by the possibility for instruction in school in one's native language; and by the creation of conditions for self-education.

Article 44. Citizens of the RSFSR have the right to use the achievements of culture.

This right is ensured by the general accessibility of the treasures of national and world culture in state and public collections; by the development and balanced distribution of cultural-educational institutions within the territory of the republic; by the development of television and radio, of book publishing and the periodic press, and of the network of free libraries; and by expanding cultural exchanges with foreign states.

Article 45. Citizens of the RSFSR, in accordance with the goals of communist construction, are guaranteed freedom of scientific, technical, and artistic creation. This freedom is ensured by extensively furthering scientific research and the activities of inventors and rationalizers, and by the development of literature and the arts. The state creates the necessary material conditions for these developments and provides support to voluntary societies and creative unions, and organizes the introduction of inventions and rationalization proposals in the national economy and other spheres of life.

The rights of authors, inventors, and rationalizers are protected by the state.

Article 46. Citizens of the RSFSR have the right to participate in the administration of state and public affairs, and in the discussion and adoption of laws and decisions of general state and local significance.

This right is ensured by the possibility to participate in elections for and to be elected to Soviets of People's Deputies and other elective state organs, and to take part in nationwide discussions and votes, in people's control, in the work of state organs, social organizations, and organs of social initiative, and in meetings of labor and residential collectives.

Article 47. Every citizen of the RSFSR has the right to submit proposals to state organs and social organizations concerning the improvement of their activity and to criticize shortcomings in their work.

Officials are bound to consider, within the established time-limits, the proposals and applications of citizens, to reply to these, and to take the measures necessary. Persecution on account of criticism is prohibited. Persons engaging in persecution for criticism are held responsible.

Article 48. In accordance with the interests of the people and in order to strengthen and develop the socialist system, citizens of the RSFSR are guaranteed freedom of speech, of the press, of assembly, of meetings and of street marches, and demonstrations.

The exercise of these political freedoms is ensured by making available public buildings, streets, and squares to the working people and their organizations, by the wide dissemination of information, and by the opportunity to make use of press, television, and radio.

Article 49. In accordance with the goals of communist construction, citizens of the RSFSR have the right to unite in social organizations, which promote the development of political activity and initiative and the satisfaction of their diverse interests.

Social organizations are guaranteed the conditions for the successful fulfillment of their statutory functions.

Article 50. Citizens of the RSFSR are guaranteed freedom of conscience, that is, the right to profess any religion or to profess no religion at all, and to perform religious rites, or to conduct atheist propaganda. The incitement of hostility and hatred in connection with religious beliefs is prohibited.

The church in the RSFSR is separated from the state, and the school from the church.

Article 51. The family is under the protection of the state.

Marriage is based on the voluntary consent of the woman and the man; spouses are completely equal in family relationships.

The state shows concern for the family by creating and developing an extensive network of children's institutions and organizations, by organizing and perfecting everyday services and public catering, by paying childbirth allowances, and by granting allowances and benefits to large families, as well as other forms of allowances and aid to the family.

Article 52. Citizens of the RSFSR are guaranteed inviolability of the person. No one may be arrested unless on the basis of a court order or with the sanction of the procurator.

Article 53. Citizens of the RSFSR are guaranteed inviolability of the home. No one has the right, without lawful grounds, to enter a home against the will of the persons residing therein.

Article 54. The private life of citizens and the secrecy of correspondence, telephone conversations, and telegraph messages are protected by law.

Article 55. It is the duty of all state organs, social organizations, and officials to respect the person and to protect the rights and freedoms of citizens.

Citizens of the RSFSR have the right to judicial protection against attacks on their honor and dignity, their lives and health, and their personal freedom and property.

Article 56. Citizens of the RSFSR have the right to address complaints against actions of officials and of state and social organs. Complaints must be considered in the manner and within the time-limits established by law.

Complaints may be brought to a court, in the manner established by law, against actions which violate the law or exceed the authority of officials and which infringe the rights of citizens.

Citizens of the RSFSR have the right to compensation for damages inflicted by unlawful actions of state and social organizations, as well as of officials, in the course of the performance of their official duties.

Article 57. The exercise of rights and freedoms is inseparable from the performance by the citizen of his duties.

The citizen of the RSFSR is bound to observe the Constitution of the USSR, the Constitution of the RSFSR, and Soviet laws, to respect the rules of socialist community life, and to bear with dignity the high calling of a Soviet citizen.

Article 58. Conscientious labor in one's chosen field of socially useful activity and observance of labor discipline is the duty and a matter of honor for every citizen of the RSFSR who is able to work. Avoiding socially useful work is incompatible with the principles of a socialist society.

Article 59. The citizen of the RSFSR is bound to safeguard and strengthen socialist property. It is the duty of the citizen of the RSFSR to fight theft and waste of state and social property, and to treat the wealth of the people with care.

Persons infringing upon socialist property are punished according to law.

Article 60. The citizen of the RSFSR is bound to safeguard the interests of the Soviet state and to promote the growth of its power and authority.

The defense of the socialist Fatherland is the sacred duty of every citizen of the RSFSR.

Treason to the Motherland is the gravest crime against the people.

Article 61. Military service in the ranks of the Armed Forces of the USSR is the honorable duty of citizens of the RSFSR.

Article 62. It is the duty of every citizen of the RSFSR to respect the national dignity of other citizens and to strengthen the friendship of the nations and nationalities of the multinational Soviet state.

Article 63. The citizen of the RSFSR is bound to respect the rights and lawful interests of other persons, to be intolerant of anti-social behavior, and to promote in every way the protection of public order.

Article 64. Citizens of the RSFSR are bound to show concern for the upbringing of children, to prepare them for socially useful labor, and to raise worthy members of a socialist society. Children are bound to show concern for their parents and render them aid.

Article 65. Citizens of the RSFSR are bound to protect nature and safeguard its riches.

Article 66. Concern for the preservation of historical monuments and other cultural treasures is the duty and obligation of citizens of the RSFSR.

Article 67. It is the international duty of citizens of the RSFSR to promote the development of friendship and cooperation with peoples of other countries and the maintenance and strengthening of world peace.

III. THE NATIONAL-STATE AND ADMINISTRATIVE-TERRITORIAL STRUCTURE OF THE RSFSR

Chapter 7. The RSFSR—A Union Republic as Part of the USSR

Article 68. The Russian Soviet Federative Socialist Republic is a sovereign Soviet socialist state. In order to successfully build a communist society, to strengthen economic and political unity, and to ensure the security and defense of the country, the Russian Soviet Federative Socialist Republic has united—as a result of the free self-determination of nations and on a voluntary and equal basis—together with the Soviet Socialist Republics: the Ukrainian Soviet Socialist Republic, the Belorussian Soviet Socialist Republic, the Uzbek Soviet Socialist Republic, the Kazakh Soviet Socialist Republic, the Georgian Soviet Socialist Republic, the Azerbaidzhan Soviet Socialist Republic, the Lithuanian Soviet Socialist Republic, the Moldavian Soviet Socialist Republic, the Latvian Soviet Socialist Republic, the Kirgiz Soviet Socialist Republic, the Tadzhik Soviet Socialist Republic, the Armenian Soviet Socialist Republic, the Turkmen Soviet Socialist Republic, and the Estonian Soviet Socialist Republic, in the Union of Soviet Socialist Republics—a unitary, federal, multinational state.

Proceeding from this, the RSFSR reserves for the USSR, through the latter's highest organs of state power and administration, the rights defined in Article 73 of the Constitution of the USSR.

Outside the limits indicated in Article 73 of the Constitution of the USSR, the RSFSR independently exercises state power within its territory.

Article 69. The RSFSR retains the right freely to secede from the USSR.

Article 70. The territory of the RSFSR may not be altered without its consent. The boundaries between the RSFSR and other union republics may be altered by mutual agreement with the union republics concerned, subject to confirmation by the USSR.

Article 71. The Russian Soviet Federative Socialist Republic contains the Bashkir, Buriat, Dagestan, Kabardino-Balkar, Kalmyk, Karelian, Komi, Mari, Mordvinian, North Ossetian, Tatar, Tuva, Udmurt, Chechen-Ingush, Chuvash, and Yakut Autonomous Soviet Socialist Republics.

In the RSFSR there are

territories: Altai, Krasnodar, Krasnoïarsk, Primor'e, Stavropol', and Khabarovsk;

provinces: Amur, Arkhangel'sk, Astrakhan', Belgorod, Briansk, Vladimir, Volgograd, Vologda, Voronezh, Gorkii, Ivanovo, Irkutsk, Kaliningrad, Kalinin, Kaluga, Kamchatka, Kemerovo, Kirov, Kostroma, Kuibyshev, Kurgan, Leningrad, Lipetsk, Magadan, Moscow, Murmansk, Novgorod, Novosibirsk, Omsk, Orenburg, Orel, Penza, Perm', Pskov, Rostov, Riazan', Saratov, Sakhalin, Sverdlovsk, Smolensk, Tambov, Tomsk, Tula, Tiumen', Ulianovsk, Cheliabinsk, Chita, Iaroslavl';

cities of republican subordination: Moscow and Leningrad;

autonomous provinces as parts of territories: Adyge, Gorno-Altai, Jewish, Karachai-Cherkess, and Khakass;

autonomous areas as parts of territories or provinces: Aga Buriat, Komi-Permiak, Koriak, Nenets, Taimyr (Dolgano-Nenets), Ust'-Orda Buriat, Khanty-Mansi, Chukchi, Evenki, Jamal-Nenets.

Article 72. The jurisdiction of the Russian Soviet Federative Socialist Republic, through its highest organs of state power and administration, encompasses:

- 1) adopting the Constitution of the RSFSR and introducing amendments to it;
- 2) supervising the observance of the Constitution of the RSFSR and ensuring the conformity of the Constitutions of the autonomous republics with the Constitution of the RSFSR;
- 3) submitting for confirmation, to the Supreme Soviet of the USSR, the formation of new autonomous republics and autonomous provinces of the RSFSR;
- 4) legislation of the RSFSR;
- 5) protecting the state order and the rights and freedoms of citizens;
- 6) establishing the procedure for the organization and operation of republic and local organs of state power and administration;
- 7) conducting a unified socio-economic policy and directing the economic system of the RSFSR; ensuring scientific-technical progress and implementing measures for a rational utilization and protection of natural resources;
- 8) formulating and confirming state plans of economic and social development of the RSFSR, and the state budget of the RSFSR, and confirming reports on their fulfillment; directing the implementation of the state budgets of the autonomous republics, and the budgets of territories, provinces, and cities of republican subordination;
- 9) establishing in accordance with the legislation of the USSR, the revenues which go to form the state budget of the RSFSR;
- 10) directing the branches of the national economy of union republic and republic subordination, and the associations and enterprises of republic subordination;
- 11) establishing the procedure for using the lands, mineral wealth, the forests and the waters; protecting the environment;
- 12) directing housing and municipal utilities, trade, and public catering, services for everyday needs to the population, housing construction, the organization of amenities of the cities and other settlements, and railroad construction and transport;
- 13) directing public education, cultural and scientific organizations and institutions of the RSFSR, health care, physical culture and sport, and social insurance; protecting monuments of history and culture;
- 14) granting amnesty and pardon to citizens convicted by the courts of the RSFSR;
- 15) representing the RSFSR in international relations;
- 16) resolving other questions of republic importance.

Article 73. The RSFSR determines its division into territories, provinces, areas, and districts, and resolves other questions of administrative-territorial organization.

Article 74. The RSFSR participates in the resolution of questions within the jurisdiction of the USSR in the Supreme Soviet of the USSR, in the Presidium of the Supreme Soviet of the USSR, in the Government of the USSR, and in other organs of the USSR.

The RSFSR ensures integrated economic and social development within its territory, facilitates the exercise of the authority of the USSR within its territory, and implements the decisions of the supreme organs of state power and administration of the USSR.

With regard to questions within its jurisdiction, the RSFSR coordinates and

supervises the activities of enterprises, institutions, and organizations of union subordination.

Article 75. The RSFSR has the right to enter into relations with foreign states, to conclude treaties with them and to exchange diplomatic and consular representatives, and to participate in the activities of international organizations.

Article 76. The laws of the USSR are binding within the territory of the RSFSR.

Article 77. In accordance with the Constitution of the USSR, the sovereign rights of the RSFSR are protected by the USSR.

Chapter 8. The Autonomous Soviet Socialist Republic

Article 78. An autonomous republic is a Soviet socialist state, a part of the Russian Soviet Federative Socialist Republic.

Outside the limits of the rights of the USSR and the RSFSR, an autonomous republic independently resolves questions within its jurisdiction.

An autonomous republic has its own Constitution, which conforms to the Constitution of the USSR and the Constitution of the RSFSR, and which takes into account the special character of the autonomous republic.

Article 79. An autonomous republic participates in the resolution of questions within the jurisdiction of the RSFSR and the USSR through the supreme organs of state power and administration of the RSFSR and the USSR, respectively.

The autonomous republic ensures integrated economic and social development within its territory, facilitates the exercise within its territory of the authority of the USSR and the RSFSR, and implements the decisions of the supreme organs of state power and administration of the USSR and the RSFSR.

With regard to questions within its jurisdiction, an autonomous republic coordinates and supervises the activities of enterprises, institutions, and organizations of union and republic (RSFSR) subordination.

Article 80. The territory of the autonomous republic may not be altered without its consent.

Article 81. The laws of the RSFSR are binding and have equal force within the territory of all autonomous republics. In the event of a discrepancy between the law of an autonomous republic and the law of the RSFSR, the law of the RSFSR prevails.

Chapter 9. The Autonomous Province and the Autonomous Area

Article 82. An autonomous province is part of the RSFSR and of a territory. A law on an autonomous province is adopted by the Supreme Soviet of the RSFSR on the recommendation of the Soviet of People's Deputies of an autonomous province.

Article 83. The organs of state power and administration of an autonomous province are ensured the right to deal with organs of state power and administration of the RSFSR through territorial organs of state power and administration, as well as directly.

Article 84. An autonomous area is part of a territory or a province.

A Law on Autonomous Areas is adopted by the Supreme Soviet of the RSFSR.

IV. SOVIETS OF PEOPLE'S DEPUTIES AND THE PROCEDURE FOR THEIR ELECTION

Chapter 10. The System and Principles of Operation of the Soviets of People's Deputies

Article 85. The Soviets of People's Deputies—the Supreme Soviet of the RSFSR; the Supreme Soviets of the autonomous republics; the territorial and provincial Soviets of People's Deputies; the Soviets of People's Deputies of autonomous provinces and autonomous areas; district, city, city-district, settlement, and village Soviets of People's Deputies—constitute an integrated system of organs of state power.

Article 86. The term of office of the Supreme Soviet of the RSFSR and the Supreme Soviets of the autonomous republics is five years.

The term of office of local Soviets of People's Deputies is two and a half years. Elections for Soviets of People's Deputies are called not later than two months before the expiration of the term of office of the Soviets concerned.

Article 87. The most important questions within the jurisdiction of the respective Soviets of People's Deputies are considered and resolved at their sessions. The Soviets of People's Deputies elect standing commissions and create executive and administrative, as well as other organs accountable to them.

Article 88. The Soviets of People's Deputies set up organs of people's control, combining state supervision with social supervision by working people in enterprises, collective farms, institutions, and organizations.

The organs of people's control supervise the fulfillment of state plans and assignments, combat violations of state discipline, manifestations of localism, a departmental approach to business, mismanagement and wastefulness, red tape and bureaucracy, and they assist in perfecting the work of the state apparatus.

Article 89. The Soviets of People's Deputies, directly and through organs created by them, direct all branches of state, economic, and socio-cultural construction, adopt decisions, ensure their execution, and supervise their implementation.

Article 90. The activities of the Soviets of People's Deputies are based on the collective, free, and businesslike discussion and resolution of questions, on openness, on the regular accounting of executive and administrative organs, and other organs created by the Soviets, to the Soviets and to the population, and on the widespread enlistment of citizens to participate in the work of the Soviets.

The Soviets of People's Deputies, and the organs created by them, systematically inform the population about their work and the decisions taken.

Chapter 11. The Electoral System

Article 91. Elections of deputies to all Soviets of People's Deputies are held on the basis of universal, equal, and direct suffrage by secret ballot.

Article 92. Elections of deputies are universal: all citizens of the RSFSR who have reached the age of 18 years have the right to vote and to be elected, with the exception of persons who have, in the manner established by law, been declared insane.

Article 93. Elections of deputies are equal: each voter has one vote; all voters participate in elections on an equal basis.

Article 94. Elections of deputies are direct: the deputies of all Soviets of People's Deputies are elected directly by the citizens.

Article 95. The voting in elections of deputies is secret: checking on the expression of the will of the voter is not allowed.

Article 96. The right to nominate candidates for election as deputies belongs to organizations of the Communist Party of the Soviet Union, of trade unions, and of the All-Union Leninist Communist League of Youth, to cooperative and other social organizations, to labor collectives, as well as to assemblies of servicemen according to military units.

Citizens of the RSFSR and social organizations are guaranteed the free and all-round discussion of the political, professional, and personal qualities of the candidates for election as deputies, as well as the right to campaign at meetings, in the press, and on television and radio.

Expenses connected with conducting elections for Soviets of People's Deputies are borne by the state.

Article 97. Elections of deputies to Soviets of People's Deputies are held on the basis of electoral districts.

A citizen of the RSFSR may not, as a rule, be elected to more than two Soviets of People's Deputies.

Elections of deputies to Soviets of People's Deputies are conducted by electoral commissions, composed of representatives of social organizations, labor collectives, and assemblies of servicemen according to military units.

The procedure for conducting elections to the Soviets of People's Deputies is defined by laws of the USSR, the RSFSR, and the autonomous republics.

Article 98. The voters give mandates to their deputies.

The appropriate Soviets of People's Deputies consider the mandates of the voters, take account of them while formulating the plans of economic and social development and drawing up of the budget, organize the implementation of mandates, and inform the citizens about their realization.

Chapter 12. The People's Deputy

Article 99. Deputies are plenipotentiary representatives of the people in the Soviets of People's Deputies.

By participating in the work of the Soviets, the deputies resolve questions of state, economic, and socio-cultural construction, organize the implementation of the decisions of the Soviets, and supervise the work of state organs, enterprises, institutions, and organizations.

In his activity, a deputy is guided by the general interests of the state, takes into account the demands of the population of his constituency, and seeks to implement the mandates of his constituents.

Article 100. A deputy exercises his powers without interrupting his work in production or service.

During the sessions of the Soviet, as well as in order to exercise the powers of a deputy in other instances provided for by law, the deputy is relieved from performing his duties in production or service, while retaining his average earnings at his place of permanent employment.

Article 101. A deputy has the right to address inquiries to the appropriate state

organs and officials, who are obliged to answer the inquiries at the session of the Soviet.

A deputy has the right to address himself to all state and social organs, enterprises, institutions, and organizations concerning questions within the scope of his activity as a deputy, and to participate in the consideration of the questions raised by him. The heads of the state and social organs, enterprises, institutions, and organizations concerned are obliged to receive the deputy without delay and to consider his proposals within the established time-limit.

Article 102. A deputy is ensured the conditions for the unhindered and effective exercise of his rights and execution of his duties.

The immunity of deputies, as well as other guarantees of a deputy's activities, are established by the Law on the Status of Deputies and by other legislative acts of the USSR, and by legislative acts of the RSFSR and autonomous republics.

Article 103. A deputy is obliged to report on his work and the work of the Soviet to his constituents, as well as to the collectives and social organizations which nominated him as a candidate for election.

A deputy, who has not justified the trust of his constituents, may at any time be recalled by a decision of a majority of his constituents in the manner established by law.

V. THE SUPREME ORGANS OF STATE POWER AND ADMINISTRATION OF THE RSFSR

Chapter 13. The Supreme Soviet of the RSFSR

Article 104. The supreme organ of state power of the RSFSR is the Supreme Soviet of the RSFSR.

The Supreme Soviet of the RSFSR is empowered to resolve all questions assigned to the jurisdiction of the RSFSR by the Constitution of the USSR and by the present Constitution.

The adoption of the Constitution of the RSFSR and of amendments therein; the submission for confirmation, to the Supreme Soviet of the USSR, of the formation of new autonomous republics and autonomous provinces of the RSFSR; the confirmation of state plans of economic and social development of the RSFSR, and of the state budget of the RSFSR, and the reports on their fulfillment; and the formation of organs accountable to the Supreme Soviet of the RSFSR—are within the exclusive competence of the Supreme Soviet of the RSFSR.

Laws of the RSFSR are adopted by the Supreme Soviet of the RSFSR or by a nationwide vote (referendum) conducted on the basis of a decision of the Supreme Soviet of the RSFSR.

Article 105. The Supreme Soviet of the RSFSR consists of 975 deputies, elected on the basis of electoral districts with an equal number of inhabitants.

On the recommendation of the mandate commission elected by it, the Supreme Soviet of the RSFSR decides on the recognition of the credentials of the deputies and, in the event of a violation of electoral legislation, on finding the election of individual deputies null and void.

Article 106. The Supreme Soviet of the RSFSR elects the Chairman of the

Supreme Soviet of the RSFSR and eight Deputy Chairmen.

The Chairman of the Supreme Soviet of the RSFSR presides over the meetings of the Supreme Soviet of the RSFSR and is in charge of its proceedings.

Article 107. Sessions of the Supreme Soviet of the RSFSR are convened twice a year.

Extraordinary sessions are convened by the Presidium of the Supreme Soviet of the RSFSR at its own initiative or on the proposal of not less than one-third of the deputies of the Supreme Soviet of the RSFSR.

A session of the Supreme Soviet of the RSFSR consists of its meetings, as well as of meetings of standing and other commissions of the Supreme Soviet of the RSFSR held between sessions.

Article 108. The right of legislative initiative in the Supreme Soviet of the RSFSR belongs to the Presidium of the Supreme Soviet of the RSFSR, the Council of Ministers of the RSFSR, the autonomous republics through their supreme organs of state power, the standing and other commissions of the Supreme Soviet of the RSFSR, deputies of the Supreme Soviet of the RSFSR, the Supreme Court of the RSFSR, and the Procurator of the RSFSR.

Social organizations, through their all-union and republic organs, also enjoy the right of legislative initiative.

Article 109. Draft bills and other questions, referred for consideration to the Supreme Soviet of the RSFSR, are discussed at its meetings. When necessary, the draft bill or, as the case may be, the question may be referred for preliminary or additional consideration to one or several commissions.

Laws of the RSFSR, and decrees, and other acts of the Supreme Soviet of the RSFSR are adopted by a majority of the total number of deputies of the Supreme Soviet of the RSFSR.

Draft bills of the RSFSR and other highly important questions of the life of the state in the republic may be submitted to a people's discussion by a decision of the Supreme Soviet of the RSFSR or of the Presidium of the Supreme Soviet of the RSFSR.

Article 110. Laws of the RSFSR, and decrees, and other acts of the Supreme Soviet of the RSFSR are published over the signature of the Chairman and Secretary of the Presidium of the Supreme Soviet of the RSFSR.

Article 111. A deputy to the Supreme Soviet of the RSFSR has the right to address inquiries to the Council of Ministers of the RSFSR, and to ministers and heads of other organs, formed by the Supreme Soviet of the RSFSR, as well as to the heads of enterprises, institutions, and organizations of union subordination located within the territory of the RSFSR, concerning questions within the jurisdiction of the RSFSR. The Council of Ministers of the RSFSR, or the official to whom an inquiry has been addressed, is obliged to give an oral or written reply at the given session of the Supreme Soviet of the RSFSR.

Article 112. A deputy to the Supreme Soviet of the RSFSR may not be prosecuted, arrested, or subjected to judicially imposed administrative penalties without the consent of the Supreme Soviet of the RSFSR, and, during the time between its sessions, without the consent of the Presidium of the Supreme Soviet of the RSFSR.

Article 113. The Supreme Soviet of the RSFSR elects the Presidium of the Supreme Soviet of the RSFSR, the permanently functioning organ of the Supreme Soviet of the RSFSR, accountable to the latter in all its activities and exercising, within the limits provided for by the present Constitution, the func-

tions of the supreme organ of state power of the RSFSR during the time between sessions of the Supreme Soviet of the RSFSR.

Article 114. The Presidium of the Supreme Soviet of the RSFSR is elected from among the deputies and consists of the Chairman of the Presidium of the Supreme Soviet, seventeen Deputy Chairmen, including one Deputy Chairman from each autonomous republic, the Secretary of the Presidium, and twenty members of the Presidium of the Supreme Soviet of the RSFSR.

Article 115. The Presidium of the Supreme Soviet of the RSFSR:

- 1) calls elections to the Supreme Soviet of the RSFSR and to local Soviets of People's Deputies;
- 2) convenes the sessions of the Supreme Soviet of the RSFSR;
- 3) coordinates the activities of the standing commissions of the Supreme Soviet of the RSFSR;
- 4) supervises the observance of the Constitution of the RSFSR; ensures that the Constitutions and laws of the autonomous republics conform to the Constitution and laws of the RSFSR;
- 5) calls elections to district (city) people's courts;
- 6) interprets laws of the RSFSR;
- 7) exercises leadership of the activities of local Soviets of People's Deputies;
- 8) defines the procedure for resolving questions of the administrative-territorial structure of the RSFSR; establishes and changes the boundaries and division into districts of territories, provinces, autonomous provinces, and autonomous areas; forms districts, cities, and city-districts; establishes the subordination of cities; conducts the re-naming of districts, cities, city-districts, workers' settlements, and other settlements;
- 9) confirms the area division, the formation of cities and city-districts, the change of subordination of cities, the naming and re-naming of districts, cities, and city-districts, as well as the re-naming of other settlements of autonomous republics;
- 10) annuls decrees and resolutions of the Council of Ministers of the RSFSR and the Councils of Ministers of autonomous republics, and decisions of territorial, provincial, and city (cities of republican subordination) Soviets of People's Deputies, and of Soviets of People's Deputies of autonomous provinces where they do not conform to the law;
- 11) awards Honorary Diplomas of the Presidium of the Supreme Soviet of the RSFSR; establishes and confers honorary titles of the RSFSR;
- 12) admits persons to citizenship of the RSFSR; decides the question of granting asylum;
- 13) grants pardon to citizens convicted by the courts of the RSFSR;
- 14) ratifies and denounces treaties to which the RSFSR is a party;
- 15) appoints and recalls diplomatic representatives of the RSFSR to foreign states and at international organizations;
- 16) accepts credentials and letters of recall of diplomatic representatives of foreign states accredited to it;
- 17) exercises other powers established by the Constitution and laws of the RSFSR.

Article 116. The Presidium of the Supreme Soviet of the RSFSR, during the time between the sessions of the Supreme Soviet, and with subsequent submission for confirmation at the next session of the Supreme Soviet:

- 1) amends, when necessary, legislative acts of the RSFSR in force;

2) confirms boundary changes of autonomous republics, and forms new territories, provinces, and autonomous areas;

3) forms and abolishes ministries of the RSFSR and state committees of the RSFSR on the proposal of the Council of Ministers of the RSFSR;

4) dismisses and appoints individual persons as members of the Council of Ministers of the RSFSR on the recommendation of the Chairman of the Council of Ministers of the RSFSR.

Article 117. The Presidium of the Supreme Soviet of the RSFSR issues edicts and adopts resolutions.

Article 118. Upon expiration of the term of office of the Supreme Soviet of the RSFSR, the Presidium of the Supreme Soviet of the RSFSR retains its powers until the formation of a new Presidium by the newly-elected Supreme Soviet of the RSFSR.

The newly-elected Supreme Soviet of the RSFSR is convened by the Presidium of the outgoing Supreme Soviet of the RSFSR not later than two months after the elections.

Article 119. The Supreme Soviet of the RSFSR elects, from among the deputies, standing commissions for the preliminary consideration and preparation of questions within the jurisdiction of the Supreme Soviet of the RSFSR, as well as for promoting the implementation of laws of the RSFSR and other decisions of the Supreme Soviet of the RSFSR and its Presidium, and the supervision of the activities of state organs and organizations.

The Supreme Soviet of the RSFSR creates, when it considers it necessary, investigative, revision, and other commissions on any question.

All state and social organs, organizations, and officials are bound to comply with the requests of the commissions of the Supreme Soviet of the RSFSR, and to submit to them the necessary materials and documents.

The recommendations of the commissions must be considered by the state and social organs, institutions, and organizations. The commissions must be informed within the established time-limit about the results of the consideration or of the measure taken.

Article 120. The Supreme Soviet of the RSFSR supervises the activities of all state organs accountable to it.

The Supreme Soviet of the RSFSR sets up a Committee of People's Control of the RSFSR which heads the system of organs of people's control of the RSFSR.

Article 121. The manner of operation of the Supreme Soviet of the RSFSR and its organs is defined by the Regulations of the Supreme Soviet of the RSFSR and by other laws of the RSFSR, issued on the basis of the Constitution of the RSFSR.

Chapter 14. The Council of Ministers of the RSFSR

Article 122. The Council of Ministers of the RSFSR—the Government of the RSFSR—is the supreme executive and administrative organ of state power of the RSFSR.

Article 123. The Council of Ministers of the RSFSR is set up by the Supreme Soviet of the RSFSR and is composed of: the Chairman of the Council of Ministers of the RSFSR, First Deputy Chairmen and Deputy Chairmen, the ministers of the RSFSR, and chairmen of state committees of the RSFSR.

On the recommendation of the Chairman of the Council of Ministers of the

RSFSR, the Supreme Soviet of the RSFSR may include the heads of other organs and organizations of the RSFSR as members of the Government of the RSFSR. The Council of Ministers of the RSFSR lays down its powers before the newly-elected Supreme Soviet of the RSFSR at the first session of the latter.

Article 124. The Council of Ministers of the RSFSR is responsible and accountable to the Supreme Soviet of the RSFSR and, during the time between the sessions of the Supreme Soviet of the RSFSR, to the Presidium of the Supreme Soviet of the RSFSR, to whom it is accountable.

The Council of Ministers of the RSFSR regularly reports on its work to the Supreme Soviet of the RSFSR.

Article 125. The Council of Ministers of the RSFSR is empowered to resolve all questions of state administration within the jurisdiction of the RSFSR in so far as they do not, according to the Constitution, come within the competence of the Supreme Soviet of the RSFSR and the Presidium of the Supreme Soviet of the RSFSR.

Within the limits of its authority, the Council of Ministers of the RSFSR:

- 1) ensures the management of the national economy and socio-cultural construction; formulates and takes measures to ensure the growth of the well-being and culture of the people, to develop science and technology, to rationally utilize and protect natural resources; promotes the implementation of measures to strengthen the monetary and credit system, and to organize state insurance and a uniform system of accounting and statistics; participates in the implementation of a uniform policy of prices, wages, and social welfare; organizes the administration of industrial, construction, and agricultural enterprises and associations, transport and communications enterprises, as well as other organizations and institutions of republic and local subordination;
- 2) formulates and submits to the Supreme Soviet of the RSFSR current and long-range state plans of the economic and social development of the RSFSR and the state budget of the RSFSR; takes measures to implement the state plans and budget, and to ensure the integrated economic and social development of the RSFSR, and of economic districts, autonomous republics, territories, provinces, and cities of republican subordination; coordinates and supervises the activities of enterprises, institutions, and organizations of union subordination concerning questions within the jurisdiction of the RSFSR; submits reports on the fulfillment of the plans and the execution of the budget to the Supreme Soviet of the RSFSR;
- 3) takes measures to defend the interests of the state, to protect socialist property and public order, and to safeguard and defend the rights and freedoms of citizens;
- 4) takes measures, within the limits defined by the Constitution of the USSR, to ensure state security and the defense capability of the country;
- 5) exercises leadership in the field of relations of the RSFSR with foreign states and international organizations in the manner established by the Constitution of the USSR;
- 6) sets up, when necessary, committees, chief administrations, and other departments attached to the Council of Ministers of the RSFSR for matters of economic and socio-cultural construction;
- 7) directs and verifies the work of the Councils of Ministers of the autonomous republics, and exercises leadership over the activities of executive committees of local Soviets of People's Deputies.

Article 126. The Presidium of the Council of Ministers of the RSFSR, consisting of the Chairman of the Council of Ministers of the RSFSR, the First Deputy Chairmen and Deputy Chairmen, as well as other members of the Government in accordance with the Law on the Council of Ministers of the RSFSR, functions as a permanent organ of the Council of Ministers of the RSFSR for the resolution of questions connected with ensuring the management of the national economy and other questions of state administration.

Article 127. The Council of Ministers of the RSFSR issues decrees and resolutions on the basis and in pursuance of legislative acts of the USSR and the RSFSR, and of decrees and resolutions of the Council of Ministers of the USSR, and organizes and verifies their execution. The execution of decrees and resolutions of the Council of Ministers of the RSFSR is obligatory throughout the territory of the RSFSR.

Article 128. The Council of Ministers of the RSFSR, within the limits of its competence, has the right to suspend the execution of decrees and resolutions of the Councils of Ministers of the autonomous republics, as well as to annul decisions and resolutions of executive committees of territorial, provincial, and city (cities of republican subordination) Soviets of People's Deputies, and executive committees of Soviets of People's Deputies of autonomous provinces. The Council of Ministers of the RSFSR has the right to annul acts of ministries and state committees of the RSFSR, and of other organs subordinate to it.

Article 129. The Council of Ministers of the RSFSR coordinates and directs the work of union republic and republic ministries and state committees of the RSFSR, and of other organs subordinate to it.

Union republic ministries and state committees of the RSFSR direct the branches of administration entrusted to them or exercise inter-branch control, being subordinate to the Council of Ministers of the RSFSR as well as to the corresponding union republic ministry or state committee of the USSR.

Republic ministries and state committees of the RSFSR direct the branches of administration entrusted to them or exercise inter-branch control, being subordinate to the Council of Ministers of the RSFSR.

Ministries and state committees of the RSFSR are responsible for the state and the development of the spheres of administration entrusted to them; they issue acts within the limits of their competence and on the basis and in pursuance of laws of the USSR and the RSFSR, and of other decisions of the Supreme Soviet of the USSR and its Presidium, and the Supreme Soviet of the RSFSR and its Presidium, decrees and resolutions of the Council of Ministers of the USSR and the Council of Ministers of the RSFSR, and of acts of the corresponding ministries and state committees of the USSR, and they organize and verify their execution.

Article 130. The competence of the Council of Ministers of the RSFSR and its Presidium, the procedure of their activity, and the relations of the Council of Ministers of the RSFSR with other state organs, as well as the list of union republic and republic ministries and state committees of the RSFSR, are defined, on the basis of the Constitution, by the Law on the Council of Ministers of the RSFSR.

VI. THE SUPREME ORGANS OF STATE POWER AND ADMINISTRATION OF AN AUTONOMOUS REPUBLIC

Chapter 15. The Supreme Soviet of an Autonomous Republic

Article 131. The supreme organ of state power of an autonomous republic is the Supreme Soviet of the autonomous republic.

The Supreme Soviet of an autonomous republic is empowered to resolve all questions assigned to the jurisdiction of the autonomous republic by the Constitution of the USSR, the Constitution of the RSFSR, and the Constitution of the autonomous republic.

The adoption of the Constitution of the autonomous republic and of amendments therein; the confirmation of state plans of economic and social development, and of the state budget of the autonomous republic, and the reports on their fulfillment; the formation of organs accountable to the Supreme Soviet of the autonomous republic—belong to the exclusive competence of the Supreme Soviet of the autonomous republic.

Laws of an autonomous republic are adopted by the Supreme Soviet of the autonomous republic.

Article 132. The Supreme Soviet of an autonomous republic elects the Presidium of the Supreme Soviet, the permanently functioning organ of the Supreme Soviet of the autonomous republic, accountable to the latter in all its activities and exercising, within the limits provided for by the Constitution, the functions of the supreme organ of state power of the autonomous republic during the time between the sessions of the Supreme Soviet of the autonomous republic.

The composition and powers of the Presidium of the Supreme Soviet of an autonomous republic are defined by the Constitution of the autonomous republic.

Chapter 16. The Council of Ministers of an Autonomous Republic

Article 133. The Council of Ministers of an autonomous republic—the Government of the autonomous republic—the supreme executive and administrative organ of state power of the autonomous republic, is set up by the Supreme Soviet of the autonomous republic.

The Council of Ministers of an autonomous republic is responsible and accountable to the Supreme Soviet of the autonomous republic and, during the time between the sessions of the Supreme Soviet of the autonomous republic, to the Presidium of the Supreme Soviet of the autonomous republic, to whom it is accountable.

Article 134. The Council of Ministers of an autonomous republic issues decrees and resolutions on the basis and in pursuance of legislative acts of the USSR, the RSFSR, and the autonomous republic, and of decrees and resolutions of the Council of Ministers of the USSR and the Council of Ministers of the RSFSR, and organizes and verifies their execution.

Article 135. The Council of Ministers of an autonomous republic, within the limits of its competence, has the right to annul decisions and resolutions of executive committees of district and city (cities of republican (ASSR) subordination) Soviets of People's Deputies.

The Council of Ministers of an autonomous republic has the right to annul acts

of ministries and state committees of the autonomous republic, and of other organs subordinate to it.

Article 136. The Council of Ministers of an autonomous republic coordinates and directs the work of ministries and state committees of the autonomous republic, and of other organs subordinate to it.

Ministries and state committees of an autonomous republic direct the branches of administration entrusted to them or exercise inter-branch control, being subordinate to the Council of Ministers of the autonomous republic as well as to the corresponding ministry and state committee of the RSFSR.

VII. LOCAL ORGANS OF STATE POWER AND ADMINISTRATION IN THE RSFSR

Chapter 17. Local Soviets of People's Deputies

Article 137. The organs of state power in the territories, provinces, autonomous provinces, autonomous areas, districts, cities, city-districts, settlements, and rural settlements are the corresponding Soviets of People's Deputies.

Article 138. Local Soviets of People's Deputies resolve all questions of local importance, keeping in mind general state interests and the interests of the citizens living in the territory of the Soviet, implement the decisions of higher state organs, direct the activity of lower-level Soviets of People's Deputies, and also participate in the discussion of questions of republic and all-union importance, and submit proposals concerning these questions.

Within their territory, local Soviets of People's Deputies direct state, economic, and socio-cultural organization; confirm plans of economic and social development, and the local budget, and the reports on their fulfillment; exercise leadership over the activities of state organs, enterprises, institutions, and organizations, subordinate to them; ensure observance of laws, the protection of state and public order and of the rights of citizens; and promote the strengthening of the defense capability of the country.

Article 139. Within the limits of their authority, local Soviets of People's Deputies ensure integrated economic and social development within their territory; supervise the observance of legislation by enterprises, institutions, and organizations subordinate to higher bodies and located on this territory; coordinate and supervise their activities in the fields of land use, protection of nature, construction, utilization of labor resources, production of consumer goods, and socio-cultural services, services for everyday needs, and other services for the population.

Article 140. Local Soviets of People's Deputies adopt decisions within the limits of the authority granted to them by the legislation of the USSR, the RSFSR, and the autonomous republic.

The execution of decisions of local Soviets is obligatory for all enterprises, institutions, and organizations located on the territory of the Soviet, as well as for officials and citizens.

Article 141. Sessions of territorial and provincial Soviets of People's Deputies, Soviets of People's Deputies of autonomous provinces and autonomous areas, and of district, city, and city-district Soviets of People's Deputies are convened by their executive committees at least four times a year.

Sessions of settlement and rural settlement Soviets of People's Deputies are convened by their executive committees at least six times a year.

Local Soviets of People's Deputies are empowered to consider and resolve at sessions any questions that are assigned to their jurisdiction by legislation of the USSR, the RSFSR, and the autonomous republic. A list of the questions, which are resolved exclusively at sessions, is established by laws on the local Soviets of People's Deputies.

Article 142. Local Soviets of People's Deputies elect from among the deputies standing commissions for the preliminary consideration and preparation of questions within the jurisdiction of the local Soviets, as well as for promoting the implementation of decisions of the Soviets, and the supervision of the activities of state organs, enterprises, institutions, and organizations.

The recommendations of standing commissions of local Soviets must be considered by the corresponding state and social organs, enterprises, institutions, and organizations. The commissions must be informed within the established time-limit about the results of the consideration or of the measures taken.

Article 143. Local Soviets of People's Deputies, in exercising leadership over the activities of lower-level Soviets, have the right to annul acts of lower-level Soviets where these acts do not conform to law.

Article 144. Local Soviets of People's Deputies carry out their activities in close contact with social organizations and labor collectives, submit highly important questions to discussion by citizens, and involve them in the work of standing commissions, executive committees, and other organs accountable to the Soviets, promote the work of local voluntary societies, and develop the social initiative of the population.

Chapter 18. Executive Committees of Local Soviets of People's Deputies

Article 145. The executive committees elected by the local Soviets from among the deputies are the executive and administrative organs of the local Soviets of People's Deputies and consist of: the chairman, deputy chairmen, the secretary, and members.

Executive committees report at least once a year to the Soviets which have elected them, as well as at meetings of labor collectives and at citizens' places of residence.

Article 146. Executive committees of local Soviets of People's Deputies are directly accountable to the Soviet which has elected them, as well as to the higher executive administrative organ.

Article 147. Within the territory of the corresponding Soviet, executive committees of local Soviets of People's Deputies direct state, economic, and socio-cultural organization on the basis of decisions of the Soviets which have elected them and of higher organs of state power and administration.

Executive committees of local Soviets of People's Deputies have the right to resolve all questions, assigned to the jurisdiction of Soviets, with the exception of those questions which must be resolved only at sessions of Soviets.

Executive committees convene sessions of Soviets and coordinate the work of the standing commissions of Soviets; render assistance to deputies in the exercise of their powers; organize the execution of decisions of Soviets and higher state organs, as well as the mandates of the voters; direct the organs of administration subordinate to them.

Article 148. Within the limits of their competence, executive committees of local Soviets of People's Deputies adopt decisions and issue resolutions.

Article 149. Executive committees of Soviets of People's Deputies have the right to annul decisions and resolutions of executive committees of lower-level Soviets of People's Deputies.

Article 150. Upon expiration of the term of office of local Soviets of People's Deputies, their executive committees retain their powers until the election of executive committees by the newly-elected Soviets of People's Deputies.

Article 151. Departments and administrations of executive committees are set up by territorial and provincial Soviets of People's Deputies, Soviets of People's Deputies of autonomous provinces and autonomous areas, and district, city, and city-district Soviets of People's Deputies, and are subordinate in their activities to the Soviets and their executive committees as well as to the corresponding higher organs of state administration.

A list of the departments and administrations of executive committees of local Soviets of People's Deputies, and the procedure for setting them up, are established by legislation of the USSR, the RSFSR, and the autonomous republics.

VIII. THE STATE PLAN OF THE ECONOMIC AND SOCIAL DEVELOPMENT OF THE RSFSR. THE STATE BUDGET OF THE RSFSR.

Chapter 19. The State Plan of the Economic and Social Development of the RSFSR

Article 152. The state plan of the economic and social development of the RSFSR is a component part of the state plan of the economic and social development of the USSR.

Current and long-range state plans of the economic and social development of the RSFSR have as their goal to ensure integrated economic and social development within the territory of the republic in accordance with the fundamental tasks and directions of the economic and social development of the USSR.

Article 153. State plans of the economic and social development of the RSFSR define the tasks in the field of economic and socio-cultural construction, contain entire integrated programs and plans for the development of branches of the national economy and economic districts within the territory of the RSFSR, and include plans of the economic and social development of autonomous republics, territories, provinces, autonomous provinces, and cities of republican subordination.

Article 154. Proceeding from the state plan of the economic and social development of the USSR, the state plan of the economic and social development of the RSFSR is formulated by the Council of Ministers of the RSFSR on the basis of draft plans of ministries, state committees, and other organs of state administration of the RSFSR, the Councils of Ministers of autonomous republics, and local Soviets of People's Deputies.

The basic plan indices of enterprises, institutions, and organizations of union subordination, located within the territory of the RSFSR, are included in the

state plan of the economic and social development of the RSFSR.

The formulation of plans of economic and social development is made taking into account the proposals of collectives of enterprises, institutions, and organizations, as well as of social organizations.

Article 155. The Council of Ministers of the RSFSR submits the state plan of the economic and social development of the RSFSR for consideration to the Supreme Soviet of the RSFSR.

The Supreme Soviet of the RSFSR, upon the report of the Council of Ministers of the RSFSR and the conclusions of the Planning-budget and other standing commissions of the Supreme Soviet of the RSFSR, discusses and confirms the state plan of the economic and social development of the RSFSR.

Article 156. The Council of Ministers of the RSFSR organizes the fulfillment of the plan of the economic and social development of the RSFSR and takes measures to strengthen plan discipline.

Article 157. Reports on the fulfillment of the state plans of economic and social development of the RSFSR are considered and confirmed by the Supreme Soviet of the RSFSR. Overall indices of the fulfillment of the plan are published for general information.

Chapter 20. The State Budget of the RSFSR

Article 158. The state budget of the RSFSR is a component part of the state budget of the USSR.

Article 159. The state budget of the RSFSR embraces the republic budget of the RSFSR, the state budgets of autonomous republics, and local budgets.

Article 160. The distribution of the revenues and expenditures of the state budget of the RSFSR between the republic budget of the RSFSR, the state budgets of autonomous republics, and local budgets is defined by the Law of the RSFSR on Budget Rights of the RSFSR, Autonomous Republics, and Local Soviets of People's Deputies.

Article 161. The state budget of the RSFSR is formulated by the Council of Ministers of the RSFSR on the basis of state plans of the economic and social development of the USSR and the RSFSR, and the state budget of the USSR, and is confirmed by the Supreme Soviet of the RSFSR upon the report of the Council of Ministers of the RSFSR, and the conclusions of the Planning-budget and other standing commissions of the Supreme Soviet of the RSFSR.

Article 162. The report on the execution of the state budget of the RSFSR is confirmed by the Supreme Soviet of the RSFSR. Overall indices of the execution of the state budget of the RSFSR are published for general information.

IX. THE ADMINISTRATION OF JUSTICE, ARBITRATION, AND PROCURATORIAL SUPERVISION

Chapter 21. Courts and Arbitration

Article 163. Justice in the RSFSR is administered only by the courts.

The courts of the RSFSR are the Supreme Court of the RSFSR; Supreme Courts of autonomous republics; territorial, provincial, and city courts; courts of autonomous provinces; courts of autonomous areas; district (city) people's courts.

The organization and manner of operation of the courts of the RSFSR are defined by the laws of the USSR and the RSFSR.

Article 164. All courts in the RSFSR are formed on the principle that judges and people's assessors are elected.

People's judges of district (city) people's courts are elected for a term of five years by secret ballot by the citizens of the district (city) on the basis of universal, equal, and direct suffrage. People's assessors of district (city) people's courts are elected for a term of two and a half years by open ballot at meetings of citizens at their place of work or residence.

Higher courts are elected for a term of five years by the corresponding Soviets of People's Deputies.

Judges and people's assessors are responsible to their constituents or to the organs which have elected them, report to them, and may be recalled by them in the manner established by law.

Article 165. The Supreme Court of the RSFSR is the supreme judicial organ of the RSFSR and supervises the judicial activities of the courts of the RSFSR.

The Supreme Court of the RSFSR is elected by the Supreme Soviet of the RSFSR and consists of the Chairman, his deputies, members, and people's assessors.

Article 166. In all courts, civil and criminal cases are considered by a panel; in the court of first instance—with the participation of people's assessors. In the administration of justice, people's assessors enjoy all the rights of a judge.

Article 167. Judges and people's assessors are independent and subject only to law.

Article 168. Justice is administered in the RSFSR on the principle of the equality of citizens before the law and the court.

Article 169. The examination of cases in all courts is open. The hearing of cases in a closed session of the court is permitted only in cases established by law and with the observance of all the rules of court procedure.

Article 170. The accused is ensured the right to defense.

Article 171. Judicial proceedings in the RSFSR are conducted in the Russian language, or in the language of the autonomous republic, the autonomous province, the autonomous area, or in the language of the majority of the population of the given locality. The right fully to familiarize oneself with the materials of the case, participation in court proceedings through an interpreter, and the right to address the court in one's native language are ensured to persons who take part in a case and do not master the language in which the proceedings are conducted.

Article 172. No one may be convicted of the commission of a crime as well as be subjected to criminal punishment other than by a judgment of the court and in accordance with the law.

Article 173. There are colleges of advocates to render legal assistance to citizens and organizations. In cases provided for by legislation, citizens receive legal assistance free of charge.

The organization and manner of operation of the Bar are defined by legislation of the USSR and the RSFSR.

Article 174. The participation of representatives of social organizations and labor collectives is permitted in judicial proceedings in civil and criminal cases.

Article 175. Economic disputes between enterprises, institutions, and organizations are resolved by the organs of state arbitration within the limits of their competence.

Chapter 22. The Procuracy

Article 176. The Procurator General of the USSR and his subordinates, the Procurator of the RSFSR and procurators of lower rank, exercise supreme supervision over the exact and uniform execution of the law by all ministries, state committees and departments, enterprises, institutions, and organizations, executive and administrative organs of local Soviets of People's Deputies, collective farms, cooperative and other social organizations, and officials, as well as citizens within the territory of the RSFSR.

Article 177. The Procurator of the RSFSR, and the procurators of the autonomous republics, territories, provinces, and autonomous provinces are appointed by the Procurator General of the USSR.

Procurators of autonomous areas and district and city procurators are appointed by the Procurator of the RSFSR and confirmed by the Procurator General of the USSR.

Article 178. The term of office of the Procurator of the RSFSR and all procurators of lower rank is five years.

Article 179. The organs of the Procuracy exercise their powers independently from any local organs whatsoever and are subordinate only to the Procurator General of the USSR.

X. THE ARMS, FLAG, ANTHEM, AND CAPITAL OF THE RSFSR

Article 180. The state arms of the Russian Soviet Federative Socialist Republic consists of a representation of a sickle and hammer against a red background, in the rays of the sun and framed by ears of grain, with an inscription "RSFSR" and "Proletarians of All Countries, Unite!". There is a five-pointed star in the upper part of the arms.

Article 181. The state flag of the Russian Soviet Federative Socialist Republic consists of a rectangular red cloth with a light-blue band near the staff, the entire width of the flag, comprising one-eighth of the length of the flag. In the left upper corner of the red cloth are represented a golden sickle and hammer, and over them a red five-pointed star, edged in gold. The ratio of the width of the flag to its length is 1 : 2.

Article 182. The state anthem of the Russian Soviet Federative Socialist Republic is confirmed by the Presidium of the Supreme Soviet of the RSFSR.

Article 183. The capital of the Russian Soviet Federative Socialist Republic is the city of Moscow.

XI. THE OPERATION OF THE CONSTITUTION OF THE RSFSR AND THE PROCEDURE FOR ITS AMENDMENT

Article 184. All laws and other acts of state organs of the RSFSR are issued on the basis of and in accordance with the Constitution of the RSFSR.

Article 185. The Constitution of the RSFSR is amended by a decision of the Supreme Soviet of the RSFSR, adopted by a majority of not less than two-thirds of the total number of deputies of the Supreme Soviet of the RSFSR.