

*FUNDAMENTALS  
OF LEGISLATION  
OF THE USSR  
AND THE UNION  
REPUBLICS*



*This collection includes the official texts of twelve Fundamentals of Legislation of the USSR and the Union Republics, adopted by the Supreme Soviet of the USSR in 1958-1970, amended and supplemented in subsequent years, the laws on the approval of the Fundamentals, and the decrees passed by the Presidium of the Supreme Soviet of the USSR to enforce the Fundamentals.*

*FUNDAMENTALS  
OF LEGISLATION  
OF THE USSR  
AND THE UNION  
REPUBLICS*



*Progress Publishers*

*Moscow*

Translated from the Russian  
by MURAD SAIFULIN  
and YURI SDOBNIKOV

ОСНОВЫ ЗАКОНОДАТЕЛЬСТВА СОЮЗА ССР  
И СОЮЗНЫХ РЕСПУБЛИК

*На английском языке*

First printing 1974

© Translation into English from revised  
Russian edition. Progress Publishers 1974

Printed in the Union of Soviet Socialist Republics

$\frac{11002-060}{014(01)-74}$  68-74

## CONTENTS

	Page
THE LAW OF THE UNION OF SOVIET SOCIALIST REPUBLICS OF DECEMBER 13, 1968, ON THE APPROVAL OF THE FUNDAMENTALS OF LAND LEGISLATION OF THE USSR AND THE UNION REPUBLICS . . . . .	9
FUNDAMENTALS OF LAND LEGISLATION OF THE USSR AND THE UNION REPUBLICS . . . . .	10
<i>Section I.</i> General Provisions . . . . .	11
<i>Section II.</i> Agricultural Land . . . . .	20
<i>Section III.</i> Land of Populated Localities (Cities, Townships and Rural Populated Localities) . . . . .	25
<i>Section IV.</i> Land of Industry, Transport, Health Resorts, Preserves and Other Non-Agricultural Land . . . . .	28
<i>Section V.</i> State Forests . . . . .	30
<i>Section VI.</i> State Waters . . . . .	—
<i>Section VII.</i> State Reserve Land . . . . .	—
<i>Section VIII.</i> State Land Cadaster . . . . .	31
<i>Section IX.</i> State Land Management . . . . .	—
<i>Section X.</i> Settlement of Land Disputes . . . . .	33
<i>Section XI.</i> Liability for Violating Land Legislation . . . . .	—
ON THE PROCEDURE FOR PUTTING INTO EFFECT THE FUNDAMENTALS OF LAND LEGISLATION OF THE USSR AND THE UNION REPUBLICS. Decree of the Presidium of the Supreme Soviet of the USSR of June 4, 1969 . . . . .	35
THE LAW OF THE UNION OF SOVIET SOCIALIST REPUBLICS OF DECEMBER 10, 1970, ON THE APPROVAL OF THE FUNDAMENTALS OF LEGISLATION OF THE USSR AND THE UNION REPUBLICS ON WATER RESOURCES . . . . .	38
FUNDAMENTALS OF LEGISLATION OF THE USSR AND THE UNION REPUBLICS ON WATER RESOURCES . . . . .	39
<i>Section I.</i> General Provisions . . . . .	—
<i>Section II.</i> Water Use . . . . .	44

<i>Section III. Protection of Waters and Prevention of Their Harmful Effect</i> . . . . .	55
<i>Section IV. State Registration and Planning of Water Use</i> . . . . .	58
<i>Section V. Responsibility for Transgressing the Legislation on Water Resources</i> . . . . .	59

THE LAW OF THE UNION OF SOVIET SOCIALIST REPUBLICS OF DECEMBER 19, 1969, ON THE APPROVAL OF THE FUNDAMENTALS OF PUBLIC HEALTH LEGISLATION OF THE USSR AND THE UNION REPUBLICS . . . . .	61
---	----

FUNDAMENTALS OF PUBLIC HEALTH LEGISLATION OF THE USSR AND THE UNION REPUBLICS . . . . .	62
<i>Section I. General Provisions</i> . . . . .	63
<i>Section II. Engagement in Medical and Pharmaceutical Activity</i> . . . . .	69
<i>Section III. Ensuring the Sanitary-Epidemic Well-Being of the Population</i> . . . . .	71
<i>Section IV. Medical and Prophylactic Aid to the Population</i> . . . . .	76
<i>Section V. Maternity and Child Protection</i> . . . . .	79
<i>Section VI. Sanatoriums and Health Resorts, Organisation of Leisure, Tourism and Physical Culture</i> . . . . .	82
<i>Section VII. Medical Expertise</i> . . . . .	84
<i>Section VIII. Medicinal and Prosthetic Assistance</i> . . . . .	85
<i>Section IX. International Treaties and Agreements</i> . . . . .	86

ON THE PROCEDURE FOR PUTTING INTO EFFECT THE FUNDAMENTALS OF PUBLIC HEALTH LEGISLATION OF THE USSR AND THE UNION REPUBLICS. Decree of the Presidium of the Supreme Soviet of the USSR of June 1, 1970 . . . . .	87
---	----

THE LAW OF THE UNION OF SOVIET SOCIALIST REPUBLICS OF JULY 15, 1970, ON THE APPROVAL OF THE FUNDAMENTALS OF LABOUR LEGISLATION OF THE USSR AND THE UNION REPUBLICS . . . . .	89
--	----

FUNDAMENTALS OF LABOUR LEGISLATION OF THE USSR AND THE UNION REPUBLICS . . . . .	90
<i>Chapter I. General Provisions</i> . . . . .	91
<i>Chapter II. Collective Agreement</i> . . . . .	93
<i>Chapter III. Labour Contract</i> . . . . .	94
<i>Chapter IV. Working Hours and Time Off</i> . . . . .	99
<i>Chapter V. Wages and Salaries. Guarantees and Compensation</i> . . . . .	104
<i>Chapter VI. Labour Discipline</i> . . . . .	109
<i>Chapter VII. Labour Protection</i> . . . . .	111
<i>Chapter VIII. Female Labour</i> . . . . .	115
<i>Chapter IX. Teenage Labour</i> . . . . .	117
<i>Chapter X. Privileges for Factory and Office Workers Who Combine Work with Study</i> . . . . .	119
<i>Chapter XI. Labour Disputes</i> . . . . .	120
<i>Chapter XII. Trade Unions. Participation of Factory and Office Workers in Management of Production</i> . . . . .	124
<i>Chapter XIII. State Social Insurance</i> . . . . .	126

Chapter XIV. Supervision and Control Over the Observance of Labour Legislation . . . . .	128
Chapter XV. Final Provisions . . . . .	129
ON THE PROCEDURE FOR PUTTING INTO EFFECT THE FUNDAMENTALS OF LABOUR LEGISLATION OF THE USSR AND THE UNION REPUBLICS. Decree of the Presidium of the Supreme Soviet of the USSR of November 30, 1970 . . . . .	132
THE LAW OF THE UNION OF SOVIET SOCIALIST REPUBLICS OF DECEMBER 25, 1958, ON THE APPROVAL OF THE FUNDAMENTALS OF LEGISLATION ON THE JUDICIAL SYSTEM OF THE USSR, AND THE UNION AND AUTONOMOUS REPUBLICS (Extract) . . . . .	136
FUNDAMENTALS OF LEGISLATION ON THE JUDICIAL SYSTEM OF THE USSR, AND THE UNION AND AUTONOMOUS REPUBLICS . . . . .	137
THE LAW OF THE UNION OF SOVIET SOCIALIST REPUBLICS OF DECEMBER 8, 1961, ON THE APPROVAL OF THE FUNDAMENTALS OF CIVIL LEGISLATION OF THE USSR AND THE UNION REPUBLICS . . . . .	149
FUNDAMENTALS OF CIVIL LEGISLATION OF THE USSR AND THE UNION REPUBLICS . . . . .	150
Section I. General Provisions . . . . .	151
Section II. Law of Property . . . . .	160
Section III. Law of Obligation . . . . .	165
Section IV. Copyright . . . . .	191
Section V. Law of Discovery . . . . .	195
Section VI. Law of Invention . . . . .	196
Section VII. Law of Succession . . . . .	199
Section VIII. Legal Capacity of Aliens and Stateless Persons. Application of Foreign Civil Laws, International Treaties and Agreements . . . . .	201
THE LAW OF THE UNION OF SOVIET SOCIALIST REPUBLICS OF DECEMBER 8, 1961, ON THE APPROVAL OF THE FUNDAMENTALS OF CIVIL PROCEDURE OF THE USSR AND THE UNION REPUBLICS . . . . .	204
FUNDAMENTALS OF CIVIL PROCEDURE OF THE USSR AND THE UNION REPUBLICS . . . . .	205
Section I. General Provisions . . . . .	—
Section II. Participants in the Trial: Their Rights and Duties . . . . .	212
Section III. Proceedings in Courts of First Instance . . . . .	215
Section IV. Cassation and Supervision Proceedings . . . . .	221
Section V. Execution of Court Judgements . . . . .	226
Section VI. Civil Procedural Rights of Aliens and Stateless Persons. Suits Against Foreign Countries. Letters Rogatory and Judgements of Foreign Courts. International Treaties and Agreements . . . . .	229

ON THE PROCEDURE FOR PUTTING INTO EFFECT THE FUNDAMENTALS OF CIVIL LEGISLATION AND THE FUN- DAMENTALS OF CIVIL PROCEDURE. Decree of the Presidium of the Supreme Soviet of the USSR of April 10, 1962 . . . . .	232
THE LAW OF THE UNION OF SOVIET SOCIALIST REPUB- LICS OF DECEMBER 25, 1958, ON THE APPROVAL OF THE FUNDAMENTALS OF CRIMINAL LEGISLATION OF THE USSR AND THE UNION REPUBLICS . . . . .	236
FUNDAMENTALS OF CRIMINAL LEGISLATION OF THE USSR AND THE UNION REPUBLICS . . . . .	238
<i>Section I.</i> General Provisions . . . . .	240
<i>Section II.</i> Crime . . . . .	245
<i>Section III.</i> Punishment . . . . .	253
<i>Section IV.</i> Assignment of Punishment or Relief from Punishment	
ON THE PROCEDURE FOR PUTTING INTO EFFECT THE LAW OF THE USSR OF JULY 11, 1969, ON INTRODUCING CHANGES AND AMENDMENTS IN THE FUNDAMENTALS OF CRIMINAL LEGISLATION OF THE USSR AND THE UNION REPUBLICS. Decree of the Presidium of the Supreme Soviet of the USSR of October 6, 1969 . . . . .	267
THE LAW OF THE UNION OF SOVIET SOCIALIST REPUB- LICS OF DECEMBER 25, 1958, ON THE APPROVAL OF THE FUNDAMENTALS OF CRIMINAL PROCEDURE OF THE USSR AND THE UNION REPUBLICS . . . . .	271
FUNDAMENTALS OF CRIMINAL PROCEDURE OF THE USSR AND THE UNION REPUBLICS . . . . .	272
<i>Section I.</i> General Provisions . . . . .	—
<i>Section II.</i> The Participants in the Trial: Their Rights and Duties . . . . .	279
<i>Section III.</i> The Inquiry and the Preliminary Examination . . . . .	282
<i>Section IV.</i> Adjudication of Cases in Courts of First Instance . . . . .	287
<i>Section V.</i> Adjudication of Cases in the Cassation and Supervision Instances . . . . .	290
<i>Section VI.</i> Execution of the Judgement . . . . .	295
ON THE PROCEDURE FOR PUTTING INTO EFFECT THE FUNDAMENTALS OF CRIMINAL LEGISLATION, THE FUN- DAMENTALS OF CRIMINAL PROCEDURE AND THE LAWS ON CRIMINAL RESPONSIBILITY FOR CRIMES AGAINST THE STATE AND FOR MILITARY CRIMES. Decree of the Presidium of the Supreme Soviet of the USSR of February 14, 1959 . . . . .	296
THE LAW OF THE UNION OF SOVIET SOCIALIST REPUB- LICS OF JULY 11, 1969, ON THE APPROVAL OF THE FUNDA- MENTALS OF CORRECTIVE LABOUR LEGISLATION OF THE USSR AND THE UNION REPUBLICS . . . . .	300

FUNDAMENTALS OF CORRECTIVE LABOUR LEGISLATION OF THE USSR AND THE UNION REPUBLICS . . . . .	304
<i>Section I.</i> Corrective Labour Legislation of the USSR and the Union Republics . . . . .	—
<i>Section II.</i> General Provisions for the Execution of Sentences of Deprivation of Liberty, Exile, Restricted Residence and Corrective Labour Without Deprivation of Liberty . . . . .	302
<i>Section III.</i> Procedure and Conditions for Execution of Sentences of Deprivation of Liberty . . . . .	305
<i>Section IV.</i> Procedure and Conditions for Serving Sentences of Exile, Restricted Residence and Corrective Labour Without Deprivation of Liberty . . . . .	324
<i>Section V.</i> Grounds for Release from Punishment; Help to Persons Released from Places of Confinement; Surveillance and Supervision Over Them . . . . .	328
ON THE PROCEDURE FOR PUTTING INTO EFFECT THE FUNDAMENTALS OF CORRECTIVE LABOUR LEGISLATION OF THE USSR AND THE UNION REPUBLICS. Decree of the Presidium of the Supreme Soviet of the USSR of October 6, 1969 . . . . .	331
THE LAW OF THE UNION OF SOVIET SOCIALIST REPUBLICS OF JUNE 27, 1968, ON THE APPROVAL OF THE FUNDAMENTALS OF LEGISLATION OF THE USSR AND THE UNION REPUBLICS ON MARRIAGE AND THE FAMILY . . . . .	334
FUNDAMENTALS OF LEGISLATION OF THE USSR AND THE UNION REPUBLICS ON MARRIAGE AND THE FAMILY . . . . .	337
<i>Section I.</i> General Provisions . . . . .	338
<i>Section II.</i> Marriage . . . . .	340
<i>Section III.</i> The Family . . . . .	344
<i>Section IV.</i> Acts of Registration . . . . .	350
<i>Section V.</i> Application of Soviet Legislation on Marriage and the Family in Respect to Aliens and Stateless Persons. Application of Matrimonial Laws of Foreign States, and Also International Treaties and Agreements . . . . .	351
ON THE PROCEDURE FOR PUTTING INTO EFFECT THE FUNDAMENTALS OF LEGISLATION OF THE USSR AND THE UNION REPUBLICS ON MARRIAGE AND THE FAMILY. Decree of the Presidium of the Supreme Soviet of the USSR of September 20, 1968 . . . . .	355
THE LAW OF THE UNION OF SOVIET SOCIALIST REPUBLICS OF JULY 19, 1973, ON THE APPROVAL OF THE FUNDAMENTALS OF LEGISLATION OF THE USSR AND THE UNION REPUBLICS ON EDUCATION . . . . .	358
THE FUNDAMENTALS OF LEGISLATION OF THE USSR AND THE UNION REPUBLICS ON EDUCATION . . . . .	359
<i>Section I.</i> General Provisions . . . . .	360
<i>Section II.</i> Pre-School Education . . . . .	366

<i>Section III.</i> Secondary Education . . . . .	367
<i>Section IV.</i> General Secondary Education . . . . .	368
<i>Section V.</i> Out-of-School Education . . . . .	372
<i>Section VI.</i> Vocational and Technical Education . . . . .	—
<i>Section VII.</i> Specialised Secondary Education . . . . .	375
<i>Section VIII.</i> Higher Education . . . . .	376
<i>Section IX.</i> Rights and Duties of Students . . . . .	379
<i>Section X.</i> Training of Teachers. Practice of Teaching, Professional Rights and Duties of Educational Workers . . . . .	380
<i>Section XI.</i> Rights and Duties of Parents and Persons Acting in <i>Loco Parentis</i> in the Upbringing and Teaching of Children . . . . .	382
<i>Section XII.</i> Instructional Facilities and Material Equipment of Educational Establishments . . . . .	383
<i>Section XIII.</i> Responsibility for Violation of Legislation on Public Education . . . . .	384
<i>Section XIV.</i> The Right of Aliens and Stateless Persons to Receive Education in the USSR. International Treaties and Agreements . . . . .	385
ON THE PROCEDURE FOR PUTTING INTO EFFECT THE FUNDAMENTALS OF LEGISLATION OF THE USSR AND THE UNION REPUBLICS ON EDUCATION . . . . .	386

**THE LAW OF THE UNION  
OF SOVIET SOCIALIST REPUBLICS  
OF DECEMBER 13, 1968,  
ON THE APPROVAL OF THE FUNDAMENTALS  
OF LAND LEGISLATION OF THE USSR  
AND THE UNION REPUBLICS**

*(Gazette of the Supreme Soviet of the USSR  
No. 51, 1968, Item 485)*

The Supreme Soviet of the Union of Soviet Socialist Republics *decrees*:

- ARTICLE 1. To approve the Fundamentals of Land Legislation of the USSR and the Union Republics and declare them effective as from July 1, 1969.
- ARTICLE 2. To entrust the Presidium of the Supreme Soviet of the USSR with establishing the procedure for putting into effect the Fundamentals of Land Legislation of the USSR and the Union Republics and with bringing the legislation of the USSR in conformity with the present Fundamentals.
- ARTICLE 3. To entrust the Supreme Soviets of the Union Republics with bringing the legislation of the Union Republics in conformity with the Fundamentals of Land Legislation of the USSR and the Union Republics.

## FUNDAMENTALS OF LAND LEGISLATION OF THE USSR AND THE UNION REPUBLICS

The Great October Socialist Revolution abolished the semi-feudal land system of tsarist Russia which had impoverished the peasants and hampered the country's productive forces. The Second All-Russia Congress of Soviets by its Decree on Land of October 26 (November 8), 1917, abolished private ownership of land for all time, made all land the property of the entire people and handed it over for use to the working people free of charge.

State ownership of land, which arose from nationalisation, constitutes the basis of land relations in the USSR. The land, which under private ownership served as an instrument for the exploitation of man by man, is now used in the USSR for developing the country's productive forces in the interests of the entire people.

State ownership of land played a huge part in ensuring the victory of socialism in the USSR, making it possible to deploy all sectors of the economy most efficiently and being a prime condition for changing over to socialist forms of land tenure.

As conditions for the collectivisation of the scattered individual farms accumulated during socialist construction, the peasants, under the leadership of the Communist Party and with the utmost help and support of the working class, took the road of socialism. The peasant question was thus justly solved by implementing Lenin's co-operative plan and establishing the collective-farm system.

State ownership of land promotes the building of the material and technical basis of communism, the gradual transi-

tion to communist social relations and the obliteration of distinctions between town and country.

The land, the principal wealth of Soviet society, is the chief means of agricultural production and the spatial basis for the deployment and development of all sectors of the economy. It is the common task of all Soviet people to use all land scientifically and rationally, to protect it and gain the utmost increase in soil fertility.

## SECTION I GENERAL PROVISIONS

### ARTICLE 1. *Purposes of Soviet Land Legislation*

The purposes of Soviet land legislation shall be to regulate land relations so as to ensure the rational use of land, raise its efficiency, protect the rights of socialist organisations and citizens and strengthen the law governing land relations.

### ARTICLE 2. *Land Legislation of the USSR and the Union Republics*

Land relations in the USSR shall be regulated by the present Fundamentals and other land legislative enactments of the USSR issued in conformity with them, and also by the land codes and other land legislation of the Union Republics.

Special legislation of the USSR and the Union Republics shall regulate relevant relations in the use of mountains, forests and waters.

### ARTICLE 3. *State Ownership of Land in the USSR*

Under the Constitution of the USSR, the land in the Union of Soviet Socialist Republics shall be state property, that is, it shall belong to the whole people.

Land in the USSR shall be exclusively owned by the state and shall be allotted only for gainful use. Actions which, explicitly or implicitly, violate the right of state land ownership shall be prohibited.

#### ARTICLE 4. *State Land Fund*

All land of the USSR shall constitute a State Land Fund which, in conformity with the basic purpose of land, shall consist of:

- 1) Agricultural Land granted for use to collective farms, state farms and other users for agricultural purposes;
- 2) Land of Populated Localities (towns, townships and rural populated localities);
- 3) Land of Industry, Transport, Health Resorts, Preserves and Other Non-Agricultural Land;
- 4) State Forests;
- 5) State Waters;
- 6) State Reserve Land.

Legislation of the USSR and the Union Republics shall define the procedure for classifying lands according to these categories and for transferring lands from one category to another.

#### ARTICLE 5. *The Competence of the USSR in Regulating Land Relations*

The competence of the USSR in regulating land relations shall cover:

- 1) disposal of the State Land Fund within the bounds required for exercising the powers of the USSR in accordance with the USSR Constitution;
- 2) determination of the main principles of land tenure and land management;
- 3) determination of long-term plans for the rational use of the country's land resources meeting the needs of agricultural production and other sectors of the economy;
- 4) determination of planned country-wide measures of land reclamation and other measures for improving soil fertility, and also determination of the main principles for protecting soils from erosion, salination and other processes adversely affecting the soil;
- 5) establishment of state control over the use of land;
- 6) establishment for the USSR of a single state land inventory, state registration of land tenures and the procedure for keeping the land cadaster;
- 7) determination of the procedure for compiling the annual land balance of the USSR.

## ARTICLE 6. *The Competence of the Union Republics in Regulating Land Relations*

The competence of a Union Republic in regulating land relations shall cover disposal, within the bounds of the Republic, of the State Land Fund and determination of long-term plans for its use, establishment of the procedure for land tenure and the organisation of land management, determination of plans for land reclamation, combating erosion and improving soil fertility and also regulation of land relations in other matters, unless they come within the jurisdiction of the USSR.

## ARTICLE 7. *Land Users*

The land in the USSR shall be allotted for use to: collective farms, state farms and other agricultural government, co-operative and non-government enterprises, organisations and institutions;

industrial, transport and other non-agricultural government, co-operative and non-government enterprises, organisations and institutions;

citizens of the USSR.

Land may be allotted for use also to other organisations and persons in cases stipulated by the USSR legislation.

## ARTICLE 8. *Gratuitous Land Tenure*

Collective farms, state farms and other government, co-operative and non-government enterprises, organisations and institutions, and citizens of the USSR, shall be allotted land for use free of charge.

## ARTICLE 9. *Terms of Land Tenure*

Land shall be allotted for use either for an unlimited or temporary period.

Land tenure without a pre-set term shall be for an unlimited (permanent) time.

The land occupied by collective farms shall be theirs for unlimited use, that is, in perpetuity.

Temporary land tenure may be for a short term, up to three years, or for a long term, from three to ten years.

Should it be necessary for production, these terms may be prolonged for a period not exceeding the respective short-term or long-term temporary use.

For certain types of land tenure the legislation of Union Republics may establish longer periods, but not exceeding 25 years.

#### ARTICLE 10. *Procedure for Granting Land for Use*

Plots of land shall be available for use as allotments.

Land plots shall be allotted on the basis of resolutions of the Council of Ministers of a Union Republic or the Council of Ministers of an Autonomous Republic, or decisions of the Executive Committee of a respective Soviet of Working People's Deputies as established by the legislation of the USSR and the Union Republics. Resolutions or decisions on the allotment of land plots shall indicate the purpose for which they are allotted and the main conditions of tenure.

A land plot which is in use may be granted to another land user only after the given plot is withdrawn in the way stipulated in Article 16 of the present Fundamentals.

Land which is legally recognised as suitable for agricultural needs, shall primarily be granted to agricultural enterprises, organisations and institutions.

Non-agricultural land, land unsuitable for agriculture, or agricultural land of inferior quality shall be allotted for the building of industrial enterprises, houses, railways and motor roads, electric transmission lines, trunk pipelines and for other non-agricultural purposes. Plots for the above-indicated purposes from the state forests shall be allotted primarily from areas not overgrown by forests or areas with shrubbery and plants of little value. Plots for construction on areas where minerals are located shall be allotted in agreement with the mining supervision state agencies. Electric transmission and other communication lines shall be built chiefly along roads, thoroughfares, and so on.

It shall be prohibited to use a given land plot prior to fixing its boundaries in the natural conditions (in the field) by the respective land management agencies and to issuing a deed of allotment to use the land.

The right of land tenure enjoyed by collective farms, state farms and other land users shall be certified by state deeds

of allotment to use the land. The Council of Ministers of the USSR shall establish the forms of allotment deeds.

Legislation of the Union Republics shall define the procedure for formalising the temporary use of land.

#### ARTICLE 11. *Rights and Duties of Land Users*

Land users shall have the right and the duty to use land plots for the purposes they have been allotted.

Depending on the specific purpose of each land plot granted for use, land users shall have the right, in conformity with the statutory procedure, to:

- erect dwelling houses, production, cultural, service and other buildings and structures;

- sow agricultural crops and plant forest, fruit, decorative and other trees and shrubs;

- use meadows, pastures and other farm lands;

- utilise for economic needs common minerals, peat and water resources available on the land plots and also to exploit other useful properties of the land.

Losses caused to land users shall be compensated.

Any rights of land users which are infringed upon shall be restored in the manner envisaged by the legislation of the USSR and the Union Republics.

The rights of land users may be restricted by law in the interests of the state and of other land users.

The use of land for obtaining unearned income shall be prohibited.

Land users shall be obliged rationally to utilise the land plots allotted to them, and shall not commit on these plots actions violating the interests of neighbouring land users.

Enterprises, organisations and institutions which work mineral deposits by open-cast or underground methods, engage in geological prospecting, building or other work on agricultural or forest lands granted them for temporary use shall be duty bound, at their own expense, to put these plots in a condition making them suitable for agriculture, forestries or fisheries; where the indicated types of work are done on other lands, they shall put the plots in a condition making them suitable for their designated use. The land shall be put in a suitable condition in the course of the work, and where this is impossible, not later than one year after the work has been completed.

Enterprises, organisations and institutions engaged in industrial or other construction, in working mineral deposits by the open-cast method and in other work involving soil disturbance shall be bound first to remove and retain the fertile layer of soil in order to utilise it for the recultivation of land and for improving the fertility of inferior land.

#### ARTICLE 12. *Subtenure*

Collective farms, state farms and other enterprises, organisations and institutions may, in cases stipulated by law, allot their land for subtenure.

The procedure and terms for subtenure shall be determined by Articles 25, 27, 28, 41, 42 and 43 of the present Fundamentals and also by other legislation of the USSR and the Union Republics.

#### ARTICLE 13. *Land Protection and Improving Soil Fertility*

It shall be the duty of land users to carry out effective measures for improving soil fertility, to apply organisational, economic and farming methods, carry on forest improvement and hydroengineering measures to prevent wind and water erosion of the soil, to protect the soil from becoming salinated, boggy, polluted or overgrown with weeds and also to prevent other processes which adversely affect the soil.

Measures for reclaiming and protecting land, planting shelter belts, preventing soil erosion and other measures for radically improving lands shall be envisaged in state economic development plans and carried out by the respective ministries, departments and land users.

Agricultural land, especially irrigated and reclaimed lands, shall be subject to special protection. Collective farms, state farms and other enterprises, organisations and institutions using agricultural land shall be bound to protect, restore and improve soil fertility.

It shall be the duty of industrial and building enterprises, organisations and institutions to prevent the pollution of agricultural and other lands by production and other wastes and also by sewage.

The legislation of the USSR and the Union Republics may envisage material incentives for land users to stimulate measures for protecting land, raising soil fertility and drawing idle land into agricultural cultivation.

ARTICLE 14. *Grounds for Terminating the Land Tenure Rights of Enterprises, Organisations and Institutions*

The right of enterprises, organisations and institutions to use the land allotted them shall be terminated either in full or in part in cases of:

- 1) the land plot no longer being needed;
- 2) expiry of the term for which the plot was allotted;
- 3) demise of an enterprise, organisation or institution;
- 4) the need to withdraw the plot for other state or social needs;
- 5) non-development of a given plot for two years in succession.

The right to land tenure may also be terminated if the plot is utilised differently from the purpose for which it was allotted.

The land codes of the Union Republics may also stipulate other grounds for terminating the land tenure right of enterprises, organisations and institutions.

ARTICLE 15. *Grounds for Terminating the Land Tenure Rights of Citizens*

The right of citizens to use the plots allotted to them shall be terminated either in full or in part in cases of:

- 1) voluntary renunciation of the use of a plot;
- 2) expiry of the term for which a plot was allotted;
- 3) transfer of all members of a household or family to another permanent place of residence;
- 4) discontinuance of labour relations, in connection with which a service plot was granted, if no other provision has been made by the legislation of the USSR and the Union Republics;
- 5) death of all members of a household or family;
- 6) the need to withdraw the plot for state or social needs.

The right to use a plot may be terminated, should a citizen commit actions covered by Article 50 of the present

Fundamentals and should the plot be unused for two years in succession or its use be at variance with the purpose for which it was allotted.

The land codes of the Union Republics may also envisage other grounds for terminating the land tenure rights of citizens.

ARTICLE 16. *Procedure for Withdrawing Land for State or Social Needs*

A plot or a part thereof shall be withdrawn for state or social needs only on the strength of a resolution of the Council of Ministers of a Union Republic or the Council of Ministers of an Autonomous Republic or a decision of the Executive Committee of a respective Soviet of Working People's Deputies in the manner laid down by legislation of the USSR and the Union Republics.

Withdrawal of plots from land used by collective farms, state farms and other agricultural enterprises, organisations and institutions and from land of cultural or scientific importance shall be allowed only in cases of exceptional need.

Withdrawal of irrigated and reclaimed land, arable land and plots with perennial fruit plants and vineyards for non-agricultural purposes and also of land occupied by water conservation forests, shelter belts and other first-category forests for purposes not connected with forestry management, shall be made in exceptional cases and only by resolution of the Council of Ministers of a Union Republic.

Enterprises, organisations and institutions concerned with the withdrawal of plots for non-agricultural purposes shall be bound, prior to designing work, to agree in advance with the land users and agencies exercising state control over the land use on the site for a project and the approximate size of the area slated for withdrawal.

Withdrawal of plots from land used by collective farms may be made only with the consent of the general meetings of collective-farm members or meetings of their authorised delegates, and from land used by state farms and other government, co-operative and non-government enterprises, organisations and institutions under all-Union or Republican jurisdiction, by agreement with the land users and the respective ministries and departments of the USSR or the Union Republics.

ARTICLE 17. *Procedure for the Use of Plots for Surveying*

Enterprises, organisations and institutions engaged in geological survey, prospecting, geodesic and other surveying may conduct their work on all lands, in the manner laid down by the legislation of the USSR and the Union Republics, without the withdrawal of the plots from land users. The place and the periods for starting this work shall be agreed with land users and, where agreement is not reached, shall be determined by the Executive Committees of district or city Soviets of Working People's Deputies.

Enterprises, organisations and institutions which carry out work indicated in the first paragraph of the present Article shall be bound, at their own expense, to put the plots they occupy in a condition making them suitable for their designated use. The plots shall be put in a suitable condition in the course of the work done and, where this is impossible, not later than within a month after the completion of the work, except the period when the soil freezes over.

ARTICLE 18. *Compensation of Land Users for Losses Incurred by Withdrawal or Temporary Occupation of Land Plots*

Losses inflicted on land users by withdrawing plots for state or social needs or by temporary occupation of plots shall be compensated.

Compensation of losses shall be made by the enterprises, organisations and institutions which are allotted the land plots in conformity with the regulations approved by the Council of Ministers of the USSR.

ARTICLE 19. *Compensation of Losses Caused to Agricultural Production by the Withdrawal of Land for Non-Agricultural Needs*

Enterprises, organisations and institutions which are allotted for construction and other non-agricultural purposes plots taken up by agricultural land shall compensate losses made to agricultural production due to the withdrawal of these plots (in addition to compensation of losses to land users in accordance with Article 18 of the present Fundamentals).

The Council of Ministers of the USSR shall establish the amount and procedure for determining the losses made to agricultural production and subject to compensation and also the procedure for utilising the relevant resources.

#### ARTICLE 20. *State Control Over Land Tenure*

The purpose of state control over all land use shall be to ensure the observance by ministries, departments, government, co-operative and other non-government enterprises, organisations and institutions and by citizens of land legislation, and of the procedure for land tenure, to ensure the correct keeping of the land cadaster and land management with the object of rationally utilising and protecting land.

State control over all land use shall be exercised by the Soviets of Working People's Deputies, their executive and administrative bodies and by specially authorised state agencies in the manner laid down by the legislation of the USSR.

### SECTION II AGRICULTURAL LAND

#### ARTICLE 21. *Agricultural Land*

All land allotted for agricultural purposes or intended for these purposes shall be considered agricultural land.

Agricultural land shall be used by socialist farming enterprises, organisations and institutions in conformity with agricultural development plans with the object of satisfying growing economic needs for farm produce.

The area of irrigated, drained and arable land, plantations of the valuable perennial fruit and vineyards and also other highly productive land shall not be reduced and their transfer to less productive land shall not be allowed, except in cases of special necessity envisaged in the legislation of the Union Republics.

#### ARTICLE 22. *Allotment of Agricultural Land*

Agricultural land shall be allotted for unlimited use to: collective farms, state farms and other agricultural government, co-operative and other non-government enterprises and organisations—for farming purposes;

research, educational and other agricultural institutions —for conducting field studies, practical application and propagation of the achievements of science and advanced experience in agriculture, and also for production purposes;

non-agricultural enterprises, organisations and institutions—for subsidiary farming;

citizens—for personal farming without employment of hired labour.

Enterprises, organisations and institutions may be allotted plots for collective fruit and vegetable gardening in a manner and on conditions laid down by the legislation of the Union Republics.

In addition to the lands allotted for unlimited use and enumerated in the present Article, land users may also be granted land for temporary use.

Changes in the boundaries and the size of the land used by collective farms, state farms and other state agricultural enterprises and organisations and also research, educational, experimental and other agricultural institutions, during the enlargement or division of farms and redistribution of land between land users, may be made on the basis of legally-approved scientific land management projects.

#### ARTICLE 23. *Duties of Land Users in Utilising Agricultural Land*

Collective farms, state farms and other enterprises, organisations and institutions which use agricultural land by applying the achievements of science and advanced experience and taking into account local conditions, shall be bound to:

1) envisage in organisational, economic and financial plans specific measures for improving soil fertility and rationally utilising land;

2) introduce, in conformity with zonal conditions and farm specialisation, the most efficient system of farming, combine its branches for economic benefit, introduce and master crop rotations and draw unused land into agricultural production;

3) develop irrigation, drainage and watering of land, improve meadows and pastures and treat soils with lime and gypsum;

4) take measures to prevent soil erosion, water-logging and salination of soil; plant shelter belts, carry on afforestation to fix sands, gullies and steep slopes, and prevent the pollution of soil;

5) clear agricultural land of rocks, thickets of low trees and shrubs, combat weeds, pests and diseases of agricultural plants.

ARTICLE 24. *Lands in Common Use and Household Plots of Collective Farms*

Lands allotted to a collective farm under the state title deed for unlimited use (in perpetuity) shall consist of land in common use and household plots. Household plots shall be delimited in natural conditions from the land in common use.

Where there is a scarcity of house-and-garden plots to be allotted to collective-farm households according to the rates stipulated in the rules of a given collective farm, the area of household plots may be increased on account of the land in common use by decision of a general meeting of collective-farm members or a meeting of authorised delegates approved by the Executive Committee of a regional (territory) Soviet of Working People's Deputies, the Council of Ministers of an Autonomous Republic and, in Republics with no regional division, by the Council of Ministers of a Union Republic.

Land granted to collective farms shall be used by them for their economic purposes on the basis of the collective-farm rules in accordance with the present Fundamentals and other laws of the USSR and the Union Republics.

ARTICLE 25. *Right of a Collective-Farm Household to Its House-and-Garden Plot*

Each collective-farm household shall have the right to a house-and-garden plot allotted in the manner and within the rates envisaged in the collective-farm rules.

The right to the allotted house-and-garden plot shall be retained by the collective-farm households where the only able-bodied member has been called up for active service in the Armed Forces of the USSR or holds an elective office, or has begun to study, or has temporarily taken up another job with the consent of the collective farm concerned or by

way of state organised labour force recruitment, and also where only minors remain in such a household.

The right to use the house-and-garden plot shall also be retained by the collective-farm households, all the members of which have lost their capacity to work owing to old age or disability.

In accordance with the collective-farm rules, pastures shall be allotted to collective-farm households for grazing.

ARTICLE 26. *Household Plots of State Farms and Other State Agricultural Enterprises, Organisations and Institutions*

Household plots to be granted to workers and other employees within the rates set by legislation of the Union Republics shall be allotted and delimited in natural conditions, in accordance with the approved land-management scheme, from the land given for agricultural use to a state farm or any other state agricultural enterprise, organisation or institution.

Where there is a shortage of household plots to be allotted to workers and other employees upon the application of the managers of the farms concerned, the area of these plots may be increased with the permission of the Executive Committee of a regional (territory) Soviet of Working People's Deputies, the Council of Ministers of an Autonomous Republic and, in Republics with no regional division, by the Council of Ministers of a Union Republic.

ARTICLE 27. *Allotment of Household Plots to Workers and Other Employees of State Farms and Other Citizens Residing in Rural Localities*

State farms and other state agricultural enterprises, organisations and institutions shall allot household or vegetable garden plots from land designated for these purposes to their regular workers and other employees and also to teachers, doctors and other specialists working and residing in a rural locality.

A collective farm, by decision of the general meeting of its members or a meeting of its authorised delegates, shall grant household plots to teachers, doctors and other specialists working and residing in the rural locality.

Where there are free household plots in collective farms, state farms and other state agricultural enterprises, organisations or institutions, workers and other employees, pensioners and invalids, residing in a rural locality, may be given such plots either by decision of a general meeting of collective-farm members or a meeting of their authorised delegates, or the management of a state farm, enterprise, organisation or institution, approved by the Executive Committee of a village Soviet of Working People's Deputies, as the case may be.

Household plots shall be retained in their existing size by workers and other employees indicated in the present Article, when they retire on pension owing to old age or disability, and also by families of workers and other employees called up for active service in the Armed Forces of the USSR, or who go to study—for the entire period of their military service or stay in an educational institution.

Citizens in categories enumerated in the present Article who own livestock shall be allotted pasture holdings from state reserve land, state forests, urban land and non-agricultural land. In the absence of such land, holdings for grazing livestock may be legally allotted from land of collective farms, state farms and other agricultural enterprises, organisations and institutions, with the owners of the livestock compensating the land users for the expenses of maintaining and improving these holdings.

Citizens of the aforementioned categories shall be given holdings for hay mowing from state reserve land, the state forests, from the allotted land strips along railways and highways and other non-agricultural land.

Holdings shall be given in the manner and within the rates set by the legislation of the Union Republics.

ARTICLE 28. *Procedure and Conditions Under Which Land Users May Grant Agricultural Lands for Temporary Use to Other Land Users*

Collective farms, state farms and other state agricultural enterprises and organisations which temporarily do not use part of their agricultural land, may grant this land for temporary use to collective farms, state farms and other farms which need it by decision of the Executive Committee of a district Soviet of Working People's Deputies. A farm which

has received a holding for a specified time shall compensate the land user for the unutilised expenditure corresponding to the time the land has been used.

Transfer of part of the agricultural land of one farm to another farm for permanent use shall be made in the manner specified in Article 10 of the present Fundamentals.

#### ARTICLE 29. *Land Tenure by Individual Peasant Farms*

Individual peasant farms in particular districts shall use the plots of field and household land allotted to them for farming in the manner and within the rates set by the legislation of the Union Republics.

### SECTION III LAND OF POPULATED LOCALITIES (CITIES, TOWNSHIPS AND RURAL POPULATED LOCALITIES)

#### ARTICLE 30. *Urban Land Composition*

All land within city limits shall be classed as urban land  
This land shall include:

- 1) city building land;
- 2) land for public use;
- 3) farm and other land;
- 4) city forest land;
- 5) land used by railway, water, air and pipe-line transport and by the mining industry and others.

#### ARTICLE 31. *Procedure for Urban Land Use*

All land within city limits shall be under the jurisdiction of the respective city Soviet of Working People's Deputies.

The procedure for fixing and changing city limits, for land management of the territory of cities, the allotment and withdrawal of land holdings and conditions for their use shall be determined by the legislation of the Union Republics, while the use of land indicated in par. 3-5 of Article 30 of the present Fundamentals, shall be defined by the legislation of the USSR and the Union Republics.

ARTICLE 32. *Land Use Within City Limits by Collective Farms and State Farms*

Land in common use on collective farms, land of state farms and other state agricultural enterprises, organisations and institutions which are located within city limits and are not subject to construction or town planning under the city lay-out and building plans, shall be granted to them for permanent use.

Dwelling houses, cultural, service and production buildings on these lands shall be sited in agreement with the Executive Committees of city Soviets of Working People's Deputies.

ARTICLE 33. *Transfer of the Right to Use a Plot with Transfer of the Ownership Right to a Building in Cities*

Transfer of the ownership right to a building shall also include transfer of the right to use the plot or part thereof in the manner laid down by the legislation of the Union Republics.

ARTICLE 34. *Suburban and Green Zones*

Land beyond city limits which serves as a reserve for extending the territory of a city, as a place for siting and building relevant installations for the improvement and normal functioning of the city's public utilities, and also land taken up by forests, forest-parks and other protective or health greenery and designed for rest and recreation, shall be included respectively in a suburban and a green zone.

Legislation of the USSR and the Union Republics shall define the procedure for allotting suburban and green zones and also for land use in them.

ARTICLE 35. *Township Land*

The provisions of Articles 30, 31, 32, 33 and 37 of the present Fundamentals shall extend to the land of populated localities classed as townships in accordance with the legislation of the Union Republics.

All land within township limits shall be under the jurisdiction of the township Soviets of Working People's Deputies.

ARTICLE 36. *Land of Rural Populated Localities*

Land of rural populated localities shall include all land within the limits of these localities. Land of rural populated localities regarded as likely to be further developed shall be divided off from other land by setting the limits of the localities in accordance with their projected lay-out and construction. Land of rural populated localities not scheduled for development shall be separated from other land by way of local land management.

Within the limits of a rural populated locality the village Soviet of Working People's Deputies shall exercise control over the allotment of all land plots and shall take decisions on allotting plots from the land unused by collective farms, state farms and other agricultural enterprises.

Plots within the limits of a rural populated locality belonging to collective farms, state farms and other agricultural enterprises, shall be used by them for the erection of dwelling houses, cultural, service and production buildings and installations, and for use as household plots in accordance with Articles 24, 25, 26 and 27 of the present Fundamentals and other legislation of the USSR and the Union Republics. Houses and cultural, service and production buildings and installations shall be sited on this land in agreement with the Executive Committees of village Soviets of Working People's Deputies.

Legislation of the Union Republics shall determine the procedure for setting and changing the limits of rural populated localities, scheduling them for further development, and the procedure for using the land of rural populated localities.

ARTICLE 37. *Allotment of Plots for Use to House-Building Co-operatives and Country-Cottage Building Co-operatives and to Citizens for Individual House-Building*

House-building co-operatives and country-cottage building co-operatives and also citizens who build their own homes shall be allotted plots from the land of populated local-

ities, the state reserve and from state forests located beyond the green zone of cities in the manner and on the conditions laid down by the legislation of the USSR and the Union Republics.

SECTION IV  
LAND OF INDUSTRY, TRANSPORT,  
HEALTH RESORTS, PRESERVES  
AND OTHER NON-AGRICULTURAL LAND

ARTICLE 38. *Land of Industry, Transport, Health Resorts, Preserves and Other Non-Agricultural Land*

Land allotted for use to enterprises, organisations and institutions for accomplishing the special tasks entrusted to them (industrial production, transportation, organisation of health resorts, preserves, and so on) shall be classed as land of industry, transport, health resorts, preserves and other non-agricultural land.

The size of the land plots allotted for the above-named purposes shall be determined by the legally-approved rates or the design and technical documentation, the plots being allotted with consideration for the sequence of their development.

The procedure for land use of industry, transport, health resorts, preserves and other non-agricultural land, and for the establishment of zones with special conditions for land use (health protection areas, and so on), shall be determined by the regulations on these lands approved by the Council of Ministers of the USSR and the Councils of Ministers of the Union Republics.

ARTICLE 39. *Health Resort Land*

Land areas which are of curative and health-building value, and are allotted for use to health resort medical institutions in the statutory way, shall be regarded as health resort land. Such land shall be subject to special protection.

To ensure the necessary conditions for the population's treatment and rest and also to protect the natural curative properties, health protection areas shall be set up in all health resorts. Within these areas it shall be prohibited to

allot land plots for use to enterprises, organisations and institutions whose activity is incompatible with the protection of the natural curative properties and interferes with people's rest and leisure.

ARTICLE 40. *Land of Preserves*

Land areas within which there are natural objects of special scientific or cultural value (typical or rare landscapes, plant and animal associations, rare geological formations, flora and fauna, and so on) allotted in the statutory way, shall be considered land preserves.

Any activity that violates the natural complexes of preserves or threatens the preservation of natural objects of special scientific or cultural value shall be prohibited both on the territory of the preserves and within the bounds of the protective zones set up around preserves.

ARTICLE 41. *The Allotment of Land for Agricultural Use by Industrial, Transport and Other Non-Agricultural Enterprises, Organisations and Institutions*

Industrial, transport and other non-agricultural enterprises, organisations and institutions, by decision of the Executive Committees of district or city Soviets of Working People's Deputies, shall grant land, which they do not use, for temporary agricultural use to collective farms, state farms, other enterprises, organisations and institutions and also citizens in the manner and on the conditions set by the legislation of the USSR and the Union Republics.

ARTICLE 42. *Service Land Allotments*

Service land allotments shall be granted to certain categories of workers in transport, forestry, the timber industry, communications, water conservation, fishing and hunting and some other sectors of the economy.

Service allotments shall be granted from land which is in the use of enterprises, organisations and institutions of the respective ministries and departments, and where there is a shortage of such land, from state reserve land and state forests.

Legislation of the Union Republics shall define the list of categories of workers who are entitled to a service land allotment, the size of service plots and the conditions for granting them and the way of using them.

SECTION V  
STATE FORESTS

ARTICLE 43. *State Forests*

Land overgrown with forests or designated for forestry needs shall be considered state forests.

State forestry enterprises, organisations and institutions, by decision of the Executive Committees of district or city Soviets of Working People's Deputies, shall allot from the state forests in their use agricultural land which is not utilised for the needs of forestry and the timber industry, to collective farms, state farms and other enterprises, organisations and institutions, and citizens for temporary agricultural use, where such use is not at variance with forestry interests.

Legislation of the USSR and the Union Republics shall lay down the procedure for the use of state forests.

SECTION VI  
STATE WATERS

ARTICLE 44. *State Waters*

Inland waters (rivers, lakes, reservoirs, canals, landlocked seas, territorial waters), glaciers, hydro-engineering and other water conservation installations and also land strips along the shores of waters or protective zones, shall be considered state waters.

Legislation of the USSR and the Union Republics shall establish ways of using state waters.

SECTION VII  
STATE RESERVE LAND

ARTICLE 45. *State Reserve Land*

All land not granted to land users for an unlimited time or for long-term use shall constitute state reserve land.

Such land shall be allotted for permanent or temporary use to collective farms, state farms and other state, co-operative and non-government enterprises, organisations and institutions, and also to citizens in the manner envisaged in Article 10 of the present Fundamentals.

SECTION VIII  
STATE LAND CADASTER

ARTICLE 46. *State Land Cadaster, Its Components and Designation*

A state land cadaster containing the official assessment of the natural, economic and legal condition of the land shall be kept to ensure the rational use of land resources.

The state land cadaster shall include information on registration of land tenure, a record of the extent and value of the land, evaluation of the soil, and economic assessment of the land.

Data of the state land cadaster shall promote the organisation of efficient land use and protection, economic planning, the distribution and specialisation of agricultural production, land improvement and chemicalisation of agriculture, and other economic measures involving land use.

The land cadaster shall be kept at state expense in accordance with a uniform system for the USSR. The procedure for keeping the state land cadaster, the forms of cadastral documentation and the periods of specifying and renewing cadastral data shall be established by the Council of Ministers of the USSR.

SECTION IX  
STATE LAND MANAGEMENT

ARTICLE 47. *Land Management and Land Management Activities*

Land management shall represent a system of state measures aimed at implementing the decisions of state organs on land use.

The tasks of state land management shall be to organise the fullest, most rational and effective use of land, to improve farming and land protection.

Land management shall include the following land management activities:

1) development of new and improvement of existing land tenures, including the elimination of scattered plots and other inconveniences in land location; specification and adjustment of boundaries of land tenures on the basis of district land management lay-outs;

2) internal organisation of the land area of collective farms, state farms and other agricultural enterprises, organisations and institutions, including the introduction of economically-based crop rotations and the management of all other agricultural land (meadows, pastures, orchards), and also the elaboration of measures for the control of soil erosion;

3) discovering new land suitable for agriculture and other economic development;

4) allotment and withdrawal of land plots;

5) fixing and changing city, township and rural populated locality limits;

6) carrying out topographical, geodesic, soil, geobotanical and other surveys and investigations.

Land management, including designing, topographical and survey work, shall be conducted at state expense and carried out by state land management agencies.

#### ARTICLE 48. *Land Management Documentation*

Land management projects and also documents on the right of land tenure, envisaged in Article 10 of the present Fundamentals, shall be drawn up in the process of land management.

Land management projects shall be drawn up with the participation of the land users concerned and, on approval, shall be transferred to natural conditions (in the field), designating the boundaries of land tenures by boundary marks of a set type.

The internal organisation of the land area of a farm determined by way of land management shall be obligatory for collective farms, state farms and other agricultural enterprises.

SECTION X  
SETTLEMENT OF LAND DISPUTES

ARTICLE 49. *Procedure for Settling Land Disputes*

Land disputes arising between collective farms, state farms and other state, co-operative and non-government enterprises, organisations and institutions and also citizens, shall be settled by the Councils of Ministers of Union Republics, the Councils of Ministers of Autonomous Republics, the Executive Committees of territory, regional, area, district, city, village and township Soviets of Working People's Deputies in the manner laid down by the legislation of the Union Republics.

Disputes of collective farms, state farms and other government, non-government and co-operative enterprises, organisations and institutions of one Union Republic on land tenures on the territory of another Union Republic shall be examined by a commission formed on a parity basis from representatives of the Union Republics concerned; should the commission not arrive at an agreed decision, the disputes shall be taken up by the Council of Ministers of the USSR.

Disputes between co-owners of individual buildings within cities and townships, and on land plots in rural populated localities allotted by the Executive Committees of village Soviets of Working People's Deputies over utilisation of a common land plot, shall be examined by courts of law.

Property disputes involving land relations shall be examined in the manner laid down by the legislation of the USSR and the Union Republics.

SECTION XI  
LIABILITY FOR VIOLATING LAND LEGISLATION

ARTICLE 50. *Liability for Violating Land Legislation*

Purchase and sale, mortgage, bequest, gift, lease, unauthorised exchange of land plots and other transactions which directly or indirectly violate the right of state land ownership shall be null and void.

Persons guilty of making such transactions and also of: unauthorised occupation of land plots;

negligent use of land or its use for obtaining unearned income;

spoilage of agricultural and other land, its pollution with production and other wastes and sewage;

non-fulfilment of compulsory measures to improve land and protect soil from wind and water erosion and other processes adversely affecting the soil;

failure promptly to return temporarily-occupied land or to fulfil obligations to put the land in a condition suitable for its designated use;

destruction of boundary marks of land tenure,  
- shall bear criminal or administrative liability in the manner laid down by the legislation of the USSR and the Union Republics.

The legislation of the USSR and the Union Republics may institute liability for other kinds of violations of land legislation.

Land plots occupied without authorisation shall be returned to the proper users without compensation of expenses made during their unlawful use.

In cases stipulated by the legislation of the USSR and the Union Republics, land users who systematically violate land tenure rules may have the wrongly-used plots withdrawn from them.

Enterprises, organisations and institutions and also citizens shall be obliged to make compensation for the harm caused by their infringement of land legislation.

**ON THE PROCEDURE FOR PUTTING INTO EFFECT  
THE FUNDAMENTALS OF LAND LEGISLATION  
OF THE USSR AND THE UNION REPUBLICS**

**Decree of the Presidium of the Supreme Soviet  
of the USSR of June 4, 1969**

*(Gazette of the Supreme Soviet of the USSR  
No. 24, 1969, Item 214)*

In conformity with the Law of the USSR on the Approval of the Fundamentals of Land Legislation of the USSR and the Union Republics dated December 13, 1968 (*Gazette of the Supreme Soviet of the USSR* No. 51, 1968, Item 485), the Presidium of the Supreme Soviet of the USSR *decrees*:

1. Pending the time the land legislation of the USSR and the Union Republics is brought in conformity with the Fundamentals of Land Legislation the operating enactments of land legislation of the USSR and the Union Republics shall be in force inasmuch as they do not run counter to the present Fundamentals.

2. The Fundamentals of Land Legislation of the USSR and the Union Republics shall be applicable to land legal relations that arose after the enforcement of the Fundamentals, that is as of July 1, 1969.

Re land legal relations<sup>1</sup> that arose before July 1, 1969, the Fundamentals of Land Legislation shall be applicable to those rights and duties which will come into being after the enforcement of the Fundamentals.

The specificity of the application of particular rules of the Fundamentals of Land Legislation to land legal relationships shall be established by Articles 3-8 of the present Decree.

3. Pursuant to Article 8 of the Fundamentals of Land Legislation of the USSR and the Union Republics, rent collected for the use of landholdings in towns or townships and of other lands in cases stipulated by the legislation, shall no longer be raised as of January 1, 1970.

The rule stipulated by Article 8 of the Fundamentals shall not exclude the reimbursement for the expenses involved in the maintenance and improvement of landholdings granted for temporary use, and also shall not annul the tax collection in accordance with the current legislation.

4. The right to the temporary use of landholdings allotted prior to July 1, 1969 shall be retained for the following terms:

a) re landholdings given for a short-term use without the indication of a specific term—prior to the expiry of the maximum term provided for by Article 9 of the Fundamentals of Land Legislation and calculated since the enforcement of the Fundamentals, while re landholdings given for a definite term—prior to the expiry of the term stipulated when a landholding is allotted;

b) re landholdings given for a long-term use without the indication of a specific term—prior to the expiry of the maximum terms stipulated by Article 9 of the Fundamentals and calculated since the enforcement of the Fundamentals of Land Legislation;

c) re landholdings given for a long-term use with a previously determined term, whose unused part by the time of the enforcement of the Fundamentals of Land Legislation does not exceed the maximum terms for a given type of land use—prior to the expiry of the term stipulated when the landholding is allotted, while in cases where the maximum terms are exceeded—for terms defined by par. "b" of the present Article.

5. Requests to grant landholdings for use on which competent organs have not passed decisions by the time of the enforcement of the Fundamentals of Land Legislation shall be satisfied in the manner provided for by Articles 10 and 16 of the Fundamentals and with the observance of conditions thereto.

Decisions on the granting of landholdings for use, adopted before July 1, 1969 by the relevant bodies within their jurisdiction but not fulfilled by the time of the enforcement of the Fundamentals of Land Legislation, shall be subject to execution in conformity with the requirements of the Fundamentals.

6. The rules on the land recultivation provided for by Articles 11 and 17 of the Fundamentals shall be applicable to the landholdings granted for use prior to the enforcement of the Fundamentals of Land Legislation in cases where they con-

tinue to be used by the appropriate enterprises, organisations and institutions since July 1, 1969.

The duties on the recultivation of landholdings whose use was ceased before July 1, 1969 shall be discharged in the manner established prior to the enforcement of the Fundamentals of Land Legislation of the USSR and the Union Republics.

7. The rules of Articles 14 and 15 of the Fundamentals of Land Legislation concerning the grounds for the termination of the right to land use shall be also applicable to the cases where landholdings were granted to enterprises, organisations and institutions and citizens till July 1, 1969.

The rule of Article 15 of the Fundamentals that provides for the eventual termination of the right to use landholdings where they are not used for two years running shall be applicable to cases of the non-use of holdings since July 1, 1969. The conditions of the termination of the right to use landholdings in the case where the land user has not used the holding up to July 1, 1969 shall be determined in the manner established prior to the enforcement of the Fundamentals with the proviso, however, that the term during which the holding was not used did not exceed two years since July 1, 1969.

8. The rule of Article 47 of the Fundamentals of Land Legislation that provides for land management at state expense shall be applicable since January 1, 1970. The present procedure of payment for land management shall be maintained for 1969.

9. The Council of Ministers of the USSR shall be instructed to bring the USSR Government decisions in conformity with the Fundamentals of Land Legislation of the USSR and the Union Republics.

**THE LAW OF THE UNION  
OF SOVIET SOCIALIST REPUBLICS  
OF DECEMBER 10, 1970,  
ON THE APPROVAL OF THE FUNDAMENTALS  
OF LEGISLATION OF THE USSR  
AND THE UNION REPUBLICS  
ON WATER RESOURCES**

*(Gazette of the Supreme Soviet of the USSR  
No. 50, 1970, Item 566)*

The Supreme Soviet of the Union of Soviet Socialist Republics *decrees*:

- ARTICLE 1. To approve the Fundamentals of Legislation of the USSR and the Union Republics on Water Resources and declare them effective as from September 1, 1971.
- ARTICLE 2. To entrust the Presidium of the Supreme Soviet of the USSR with laying down the procedure for putting into effect the Fundamentals of Legislation of the USSR and the Union Republics on Water Resources and with bringing the legislation of the USSR in conformity with the present Fundamentals.
- ARTICLE 3. To entrust the Supreme Soviets of the Union Republics with bringing the legislation of the Union Republics in conformity with the Fundamentals of Legislation of the USSR and the Union Republics on Water Resources.

## FUNDAMENTALS OF LEGISLATION OF THE USSR AND THE UNION REPUBLICS ON WATER RESOURCES

The waters, like the other natural resources in our country, were nationalised and became the property of the people as the result of the victory of the Great October Socialist Revolution.

Water relations in the USSR are based on the state ownership of the waters, and this creates favourable conditions for a planned and comprehensive use of waters with the maximum economic effect and makes it possible to secure the best conditions for the life, work, rest and leisure of Soviet people and their health protection.

The progress of social production and town building, and the growth of the material and cultural standards of the population increase various requirements in water and heighten the importance of its rational use and protection.

Soviet legislation on water resources is to promote in every way the most effective, scientifically based use of water resources and their protection from pollution, befoulment and depletion.

### SECTION I GENERAL PROVISIONS

#### ARTICLE 1. *The Tasks of Soviet Legislation on Water Resources*

The tasks of Soviet legislation on water resources shall include the regulation of water relations with a view to rationally using waters to meet the needs of the population

and the national economy, to protect water resources from pollution, befoulment and depletion, to prevent or remove the harmful effect of waters, to improve the condition of waters, and also to protect the rights of enterprises, organizations, institutions and citizens and to strengthen legality in the sphere of water relations.

ARTICLE 2. *The Legislation of the USSR and the Union Republics on Water Resources*;

In the USSR, the water relations shall be regulated by the present Fundamentals and other water enactments of the USSR, water codes and other water enactments of the Union Republics, adopted in conformity with the Fundamentals.

The land, forest and mountain relations shall be regulated by the relevant legislation of the USSR and the Union Republics.

ARTICLE 3. *State Ownership of Waters in the USSR*

In accordance with the USSR Constitution, the waters in the Union of Soviet Socialist Republics shall be state property, that is the property of the whole people.

In the USSR, the waters shall be owned exclusively by the state and may be granted only for use. Actions that overtly or covertly violate the right of state ownership of the waters shall be forbidden.

ARTICLE 4. *The Single State Water Stock*

In the USSR, all waters (water resources) shall comprise the single state water stock.

The single state water stock shall include:

- 1) rivers, lakes, storage lakes, other surface-water reservoirs and springs, and also the waters of canals and ponds;
- 2) subterranean waters and glaciers;
- 3) inland seas and other inland sea waters of the USSR;
- 4) territorial waters (territorial sea) of the USSR.

ARTICLE 5. *Competence of the USSR in the Regulation of Water Relations*

The jurisdiction of the USSR in the regulation of water relations shall cover:

1) disposal of the single state water stock within the limits that are essential for the exercise of the powers wielded by the USSR in accordance with the USSR Constitution;

2) adoption of basic regulations for the use of waters, their protection from pollution, befoulment and depletion, the prevention and liquidation of the harmful effect of waters;

3) adoption of all-Union standards of water use, water quality and methods of its appraisal;

4) establishment of country-wide uniform systems of state assessment of waters, their use, the registration of water uses and state water cadaster;

5) approval of schemes of the comprehensive use and protection of waters, and also water economic balances of all-Union importance;

6) planning of all-Union measures involving the use and protection of waters, the prevention and liquidation of their harmful effect;

7) state control over the use and protection of waters and the establishment of the manner it is exercised;

8) definition of water resources the use of which shall be regulated by the USSR agencies.

ARTICLE 6. *Competence of the Union Republics in the Regulation of Water Relations*

The jurisdiction of a Union Republic in the regulation of water relations outside the terms of reference of the USSR shall include: disposal of the single state water stock on the territory of the Republic; adoption of the procedure of water use, protection of water resources from pollution, befoulment and depletion, prevention and liquidation of the harmful effect of waters; planning of measures involving the use and protection of waters, prevention and liquidation of their harmful effect; approval of schemes of the comprehensive use and protection of waters and also of water economic balances; exercise of state control over the use and protection of waters, and the regulation of water relations in other questions unless they come within the purview of the USSR.

ARTICLE 7. *State Administration of the Use and Protection of Waters*

State administration of the use and protection of waters shall be exercised by the USSR Council of Ministers, the Councils of Ministers of the Union Republics, the Councils of Ministers of Autonomous Republics, the Executive Committees of local Soviets of Working People's Deputies, and also by the specially authorised state agencies that regulate the use and protection of waters directly or through the basin (territorial) departments, and by other state bodies in accordance with the legislation of the USSR and the Union Republics.

ARTICLE 8. *State Control Over the Use and Protection of Waters*

State control over the use and protection of waters shall secure the observance, by all ministries, departments, co-operative, government and non-government enterprises, organisations and institutions and citizens, of the established procedure of using waters, the discharge of the duties of protecting waters, preventing and liquidating their harmful effect, of the rules of taking stock of waters and also of other rules stipulated by legislation on water resources.

State control over the use and protection of waters shall be exercised by Soviets of Working People's Deputies, their administrative and executive organs, as well as by the state bodies specially authorised for the purpose in the manner prescribed by the legislation of the USSR.

ARTICLE 9. *Participation of Mass Organisations and Citizens in the Implementation of Measures Providing for the Rational Use and Protection of Waters*

The trade unions, youth organisations, societies for the conservancy of nature, scientific societies and other mass organisations, as well as citizens, shall render their assistance to state bodies in the implementation of measures providing for the rational use and protection of waters.

The mass organisations shall participate in the activity involving the rational use and protection of waters in con-

formity with their rules (regulations) and the legislation of the USSR and the Union Republics.

ARTICLE 10. *The Location, Designing, Building and Putting into Commission of the Enterprises, Structures and Other Installations Which Affect the Condition of Waters*

Provided that the drinking and everyday needs of the population are satisfied, waters shall be used rationally in the process of siting, designing, building and putting into commission new and reconstructed enterprises, structures and other installations and also in the introduction of new production processes that affect the condition of waters. Provision shall be made for measures to register water, collected from water sources and returned to them, to protect waters from pollution, befoulment and depletion, to prevent the harmful effect of waters, to limit flooded lands to the minimum, to protect lands from salination, underflooding or drying and also to conserve favourable natural conditions and landscapes.

Moreover, measures to protect fish, other water animals and also plants, and to provide conditions for their reproduction shall be implemented timely, in the process of siting, designing, building and putting into commission new and reconstructed enterprises, structures and other installations in fish hatcheries.

The building sites of enterprises, structures and other installations which affect the condition of waters shall be determined in consultation with the appropriate water regulation and protection bodies, the Executive Committees of local Soviets of Working People's Deputies, the state sanitary supervision and fish protection bodies and other agencies in accordance with the legislation of the USSR and the Union Republics. The designs of the said enterprises, structures and other installations shall be subject to approval by the water regulation and protection bodies and other agencies in the cases and in the manner stipulated by the legislation of the USSR.

The commissioning of the following projects shall be prohibited:

—new and reconstructed enterprises, shops, units, public utilities and other installations, not supplied with devices

that prevent the pollution and befoulment of waters or their harmful effect;

—irrigation and watering systems, water reservoirs and canals pending the implementation of measures provided for by designs and aimed at the prevention of flooding, underflooding, bogging and salination of lands and of soil erosion;

—drainage systems pending the operation of water intake installations and other structures in accordance with approved designs;

—water intake units equipped with no fish protection devices in accordance with approved designs;

—hydrotechnical projects pending the operation of installations used for the passage of high waters and fish in accordance with approved designs;

—water wells equipped with no water regulation devices and until zones of sanitary protection are established in requisite cases.

Reservoirs shall not be allowed to be filled with water until the project measures to prepare beds for them are implemented.

#### ARTICLE 11. *Regulation of Work on Waters and in Reservoir Zones*

Building, dredging and blasting operations, extraction of minerals and water plants, cable laying, construction of pipelines and other communications, timber felling, boring, agricultural and other work on waters or in reservoir zones which affect the condition of waters, shall be conducted in agreement with water regulation and protection agencies, the Executive Committees of local Soviets of Working People's Deputies and with other bodies in conformity with the legislation of the USSR and the Union Republics.

### SECTION II

#### WATER USE

#### ARTICLE 12. *Water Users*

Government, non-government and co-operative enterprises, organisations, institutions, and citizens of the USSR may be water users in the USSR.

Other organisations and individuals may also be water users in cases stipulated by the legislation of the USSR.

### ARTICLE 13. *Water Resources in Use*

The water resources enumerated in Article 4 of the present Fundamentals may be granted for use.

The use of water resources of special state importance and special scientific or cultural value may be partially or fully forbidden in the manner established by the Council of Ministers of the USSR and the Councils of Ministers of the Union Republics.

### ARTICLE 14. *Types of Water Use*

Water resources shall be granted for use provided the statutory demands and conditions are met by satisfying the drinking, household, medical, spa-treatment, sanitation, and other requirements of the population and the agricultural, industrial, power, transport, fishing and other state and social needs. The use of water resources for purposes of disposal of sewage may be allowed only in the cases stipulated by the legislation of the USSR and the Union Republics and with the observance of special statutory requirements and conditions.

A distinction shall be made between general water use, involving no installations or technical devices which affect the condition of waters, and special water use, involving such installations or devices. Special water use may in certain cases also cover water resources where no installations or technical devices are employed but the condition of waters is affected in one way or another.

The list of types of water use shall be compiled by water regulation and protection agencies.

Water resources may be placed in joint or individual use.

The enterprises, organisations and institutions which are given water resources for individual use, that is, primary water users, shall be entitled in the cases stipulated by the legislation of the USSR and the Union Republics to let other enterprises, organisations, institutions and citizens make secondary water use in agreement with water regulation and protection agencies.

### ARTICLE 15. *The Manner and Terms of Granting Water Resources in Use*

Water resources shall be granted for use in the first place to satisfy the drinking and household needs of the population.

Water resources shall be granted for individual use fully or partially by decision of the Council of Ministers of a Union Republic or the Council of Ministers of an Autonomous Republic, by decision of the Executive Committee of the appropriate Soviet of Working People's Deputies or of other specially authorised state body in the manner prescribed by the legislation of the USSR and the Union Republics.

Special water use shall be permitted by the water regulation and protection agencies, and in the cases stipulated by the legislation of the USSR and the Union Republics—by the Executive Committees of local Soviets of Working People's Deputies. Permits shall be issued upon agreement with the bodies exercising state sanitary supervision, protecting fish reserves, and also with other agencies concerned. The manner of agreement and issue of permits for special water use shall be established by the Council of Ministers of the USSR.

General water use shall be made without permits and in the manner established by the legislation of the Union Republics. In water resources granted for individual use general water use shall be allowed on conditions established by the primary water user in agreement with water regulation and protection agencies and, where necessary, may be banned.

Water use shall be free of charge. Special water use may be paid in the cases and in the manner established by the Council of Ministers of the USSR.

#### ARTICLE 16. *Terms of Water Use*

Water resources shall be given for permanent or temporary use.

Water use without a pre-fixed term shall be recognised as permanent.

Temporary water use may be for a short term—up to three years, and for a long term—from three to twenty-five years. Where necessary, the terms of water use may be prolonged over a period which does not exceed either the short or long terms of temporary use.

General water use shall not be limited by any term.

#### ARTICLE 17. *Rights and Duties of Water Users*

The water users shall have the right to use water resources only for the purposes the latter have been granted.

In the cases stipulated by the legislation of the USSR and the Union Republics, the rights of water users may be limited in state interest and also in the interest of other water users, the terms of using water resources for the satisfaction of the drinking or household needs of the population not being subject to worsening.

The water users shall be obliged:

—rationally to use water resources, show concern for the economical consumption of water, the restoration and improvement of its quality;

—to adopt measures to cease fully the disposal of sewage containing contaminating substances;

—to prevent the infringement of the rights given to other water users and also the infliction of damage to economic and natural objects (lands, woods, the fauna, minerals, etc.);

—to preserve in proper condition the purification and other water-economic installations and technical devices that affect the condition of waters, to improve their economic qualities and to take stock of water use in statutory cases.

#### ARTICLE 18. *Grounds for Terminating the Rights to Water Use*

The right to water use exercised by enterprises, organisations, institutions and citizens shall be subject to termination in the following cases:

1) where there is no longer any need to use waters or there is a refusal to use them;

2) where the term of water use has expired;

3) where an enterprise, organisation or institution has been liquidated;

4) where the water-economic installations have been transferred to other water users;

5) where there is a need to withdraw water resources from individual use.

The right to water use exercised by enterprises, organisations, institutions and citizens (except for the right to use waters for drinking and household needs) may be terminated also where the rules of water use and water protection have been violated or the water resource concerned has been used contrary to the purpose for which it was given.

The legislation of the Union Republics may provide for other grounds of terminating the rights to water use belonging to enterprises, organisations, institutions and citizens.

ARTICLE 19. *The Ways of Terminating the Right to Water Use*

The right to water use shall terminate in the following ways:

by annulling the permission regarding special or secondary water use;

by withdrawing water resources put in individual use.

Special water use shall terminate by decision of the body that issued the permit for it.

Secondary water use may be terminated by decision of the primary water user, agreed with a water regulation and protection organ.

Water resources shall be withdrawn from individual use in the manner established by the legislation of the USSR and the Union Republics.

Water resources shall be withdrawn from individual use by enterprises, organisations and institutions of Union importance in agreement with the water users and ministries and departments to which they are directly subordinate.

ARTICLE 20. *Recovery of Losses Caused by Water-Economic Measures, the Termination or Change of the Terms of Water Use*

Losses sustained by enterprises, organisations, institutions and citizens from water-economic measures (hydrotechnical works, etc.), and also from the termination or change of the terms of water use, shall be subject to compensation in the cases and in the manner established by the Council of Ministers of the USSR.

ARTICLE 21. *The Use of Water Resources to Meet the Drinking, Household and Other Needs of the Population*

Water resources whose quality corresponds to statutory sanitary requirements shall be provided to meet the drinking, household and other needs of the population.

As a rule, subterranean waters meant for drinking shall not be allowed for use to meet the needs not connected with drinking and household water supply. In areas which lack

the necessary surface water sources but contain the sufficient reserves of subterranean drinking waters, the water regulation and protection bodies may allow the use of these waters for purposes other than drinking and household water supply.

ARTICLE 22. *The Use of Water Resources for the Medical, Spa-Treatment and Sanitation Purposes*

Water resources classed in the established manner in the category of medical ones shall be used in the first place for the medical and spa-treatment purposes. In exclusive cases the water regulation and protection bodies may allow the use of water resources classed in the category of medical ones for other purposes in agreement with the relevant health protection and spa administration bodies.

The disposal of sewage into waters classed in the category of medical ones shall be forbidden.

The manner of using waters for holiday and sports purposes shall be established by the legislation of the USSR and the Union Republics.

ARTICLE 23. *The Use of Water Resources for Agricultural Needs*

Water resources shall be used for agricultural purposes both through general and special water use.

The irrigation, watering, drainage and other water-economic installations and devices belonging to state organisations, collective farms, state farms and other water users shall be utilised under special water use.

The collective farms, state farms and other enterprises, organisations, institutions and citizens who use water resources for agricultural purposes shall be obliged to observe the requisite plans, rules, standards and regime of water use, adopt measures to reduce water losses because of filtration and evaporation in irrigation systems, to prevent the irrational disposal of water from them, to prevent fish from finding its way to irrigation systems from fish hatcheries, and also to create the most propitious regime of soil moisture.

The irrigation of agricultural lands with sewage shall be allowed by the water regulation and protection bodies in agreement with the agencies that exercise state sanitary and veterinary supervision.

The provisions of this article shall apply to the irrigation and drainage of wood lands, forest belts and nurseries.

ARTICLE 24. *The Use of Water Resources for Industrial Purposes*

The water users which use water resources for industrial purposes shall be obliged to observe the statutory plans, technological standards and rules of water use, and also to adopt measures to reduce the water consumption and terminate the disposal of sewage by improving production technology and water supply patterns (technological processes without the use of water, air cooling, circulating water supply, and other technical methods).

In case of a natural calamity, breakdown or any other exclusive circumstance, and also in case of an enterprise consuming water from the water pipe in excess of the established limit, the Executive Committees of local Soviets of Working People's Deputies shall have the right to reduce or forbid the consumption of drinking water for industrial purposes from the communal economic and drinking pipes and to limit for the time being this consumption from the departmental pipes in order to satisfy in the first place the drinking and household needs of the population.

The subterranean waters (fresh, mineral and thermal) not classed in the category of drinking or medical ones may in the statutory way be used for the technical water supply, the extraction of chemical elements contained in them, the generation of thermal power and for other production purposes with the observance of the requirements of the rational use and protection of waters.

ARTICLE 25. *The Use of Water Resource for Hydropower Development*

Water resources intended for hydropower development shall be used with due account for the interests of other branches of the national economy and with the observance of the requirements of the comprehensive use of water unless otherwise is provided by decision of the Council of Ministers of the USSR or decisions of the Councils of Ministers of the Union Republics and in the appropriate cases—by decision of the water regulation and protection body.

ARTICLE 26. *The Use of Water Resources for Water Transport and Timber Floating*

The rivers, lakes, water reservoirs, canals, inland seas and other inland sea waters of the USSR as well as the territorial waters (territorial sea) of the USSR shall be water routes of general use with the exception of cases where their use for these purposes is fully or partially forbidden or where they are put in individual use.

The manner of including water routes in the category of navigable and timber-floating waterways and of adopting the rules for the exploitation of water routes shall be determined by the legislation of the USSR and the Union Republics.

The special timber floating and also the usual timber floating and rafting shall be forbidden:

- 1) on navigable routes;
- 2) on waters whose list shall be approved by the Council of Ministers of the USSR or the Councils of Ministers of the Union Republics with due account for the special value of these waters for fisheries, water supply or for other economic purposes.

On other waters the said types of timber floating shall be allowed on the strength of permits issued by the water regulation and protection bodies in agreement with the agencies that protect fish reserves.

The organisations engaged in timber floating shall be obliged to clear the floating ways of sunk timber.

ARTICLE 27. *The Use of Waters for Air Transport*

The manner of using waters for the stay, take-off and landing of airplanes and also for other needs of air transport shall be established by the legislation of the USSR.

ARTICLE 28. *The Use of Water Resources for Meeting the Needs of Fisheries*

In fish hatcheries or in their sections of especially high importance for the preservation or reproduction of valuable species of fish and other objects of water industry, the rights of water users may be limited for the benefit of fisheries. The list of such hatcheries or their sections and the types of

water use limitation shall be determined by the water regulation and protection bodies upon representation of agencies that protect fish reserves.

Measures to protect fish reserves and conditions for their reproduction must be timely implemented in the exploitation of hydrotechnical and other installations in fish hatcheries.

The manner of using waters to meet the needs of fisheries shall be established by the legislation of the USSR and the Union Republics.

#### ARTICLE 29. *The Use of Waters for Hunting Purposes*

Preference for water use may be granted by water regulation and protection bodies to hunting enterprises and organisations on rivers, lakes and other waters which are the habitats of wild waterfowl and rare fur-bearing animals (beavers, musk-rats, desmans, coypu-rats, etc.) with due account for the requirements of comprehensive water use.

The manner of using waters for hunting purposes shall be established by the legislation of the USSR and the Union Republics.

#### ARTICLE 30. *The Use of Waters to Meet the Needs of Preserves*

Waters of special scientific or cultural value shall be declared reserved and granted for the permanent individual use of preserves for nature conservation purposes or for scientific research in the manner established by the legislation of the USSR and the Union Republics.

The manner of using waters in the preserves shall be determined by the Preserve Regulations.

Waters may be withdrawn from the use by preserves only in urgent cases, by decision of the Council of Ministers of a Union Republic.

#### ARTICLE 31. *The Use of Waters for the Disposal of Sewage Water*

The use of waters for the disposal of industrial, communal and household, drain and other sewage water may be authorised only by the water regulation and protection bodies in agreement with the organs exercising state sanitary supervi-

sion, protection of fish reserves, and with other relevant bodies.

The disposal of sewage water shall be allowed only in cases where it does not result in a greater concentration of polluting substances in waters over and above the established norms and provided sewage is purified by the water user concerned to the limits established by the water regulation and protection bodies.

Where the said requirements are violated, the disposal of sewage water shall be limited, stopped or forbidden by the water regulation and protection bodies up to the discontinuance of work of individual industrial plant, shops, enterprises, organisations and institutions. In cases threatening the health of people the bodies exercising state sanitary supervision shall be entitled to stop the disposal of sewage up to the discontinuance of the exploitation of industrial and other objects with the notification of the water regulation and protection bodies about this.

The manner and terms of using waters for the disposal of sewage water shall be established by the legislation of the USSR and the Union Republics.

#### ARTICLE 32. *The Use of Waters for Fire Prevention and Other State and Social Needs*

The intake of water for fire-prevention needs shall be allowed from any water resources.

The manner of using waters for fire-prevention needs and also for other state and social needs shall be established by the legislation of the USSR and the Union Republics.

#### ARTICLE 33. *The Maintenance of Storage Lakes*

The enterprises, organisations and institutions which maintain backwater, water-passing or water-intake installations on storage lakes shall be obliged to observe the regime of filling and adjusting reservoirs, established with due account for the interests of water users and land users in the zones of operation of storage lakes.

The manner of running reservoirs shall be determined by the rules approved by the water regulation and protection bodies for each storage lake, cascade or system of reservoirs in agreement with the organs exercising state sanitary super-

vision, the protection of fish reserves, and with other organs concerned.

The organisation and coordination of measures ensuring the proper technical condition and improvement of storage lakes and also the control over the observance of their maintenance shall be performed by the water regulation and protection bodies in the manner established by the Council of Ministers of the USSR or the Councils of Ministers of the Union Republics.

The provisions of the present Article shall also apply to the maintenance of lakes and other reservoirs.

ARTICLE 34. *Regulation of Water Use on the Territory of Several Adjacent Union Republics*

The use of waters on the territory of two or several adjacent Union Republics, which affects their interests, shall be regulated in agreement between the organs of the Republics concerned, the exception being made for waters whose regulation comes within the jurisdiction of the USSR.

ARTICLE 35. *The Settlement of Water Use Disputes*

Disputes on water use shall be settled by the Councils of Ministers of the Union Republics, the Councils of Ministers of the Autonomous Republics, the Executive Committees of local Soviets of Working People's Deputies, and also by the water regulation and protection bodies and by other specially authorised state agencies in the manner established by the legislation of the USSR and the Union Republics.

Disputes between water users from one Union Republic and those from another Union Republic on the use of waters shall be examined by the commission set up on a parity basis from among the representatives of the Union Republics concerned. Should the commission fail to arrive at an agreed decision, disputes on the involved questions shall be subject to examination in the manner defined by the Council of Ministers of the USSR.

Pecuniary disputes linked with water relations shall be settled in the manner established by the legislation of the USSR and the Union Republics.

ARTICLE 36. *Water Use in the Boundary Waters of the USSR*

Water use in the boundary waters of the USSR shall be implemented on the basis of international agreements.

To the extent water use in the Soviet section of boundary waters is not settled by relevant international agreements with Soviet participation it shall be implemented in accordance with the legislation of the USSR and the Union Republics.

The manner of water use in the boundary waters of the USSR shall be prescribed by competent bodies in agreement with the frontier guards command.

SECTION III

PROTECTION OF WATERS AND PREVENTION  
OF THEIR HARMFUL EFFECT

ARTICLE 37. *Protection of Waters*

All water shall be subject to protection from pollution, befoulment and depletion which may impair the health of people and also involve the decrease in fish reserves, the worsening conditions of water supply and other unfavourable developments due to the changes in the physical, chemical and biological properties of waters, the reduction of their capacity for natural purification, the disturbance of the hydrological and hydrogeological regime of waters.

The enterprises, organisations and institutions whose activities affect the condition of waters shall be obliged to carry on technological, wood-improvement, agrotechnical, hydrotechnical, sanitary and other measures to protect waters from pollution, befoulment and depletion and also to improve their condition and regime, in agreement with the water regulation and protection bodies, the Executive Committees of local Soviets of Working People's Deputies, the organs exercising state sanitary supervision, the protection of fish reserves, and with other state agencies concerned, or according to instructions issued by state organs authorised for the purpose.

Water protection measures shall be envisaged in state plans of national economic development.

ARTICLE 38. *Protection of Waters from Pollution and Befoulment*

The disposal of production, household and other waste into waters shall be forbidden. Sewage waters may be disposed only with the observance of requirements stipulated by Article 34 of the present Fundamentals.

The owners of water vehicles, pipe-lines, floating and other installations on waters, the timber floating organisations and also other enterprises, organisations and institutions shall have the duty of preventing the pollution and befoulment of waters due to the losses of oils, timber, chemical, oil and other products.

The enterprises, organisations and institutions shall have the duty of preventing the pollution and befoulment of the header surfaces, the icy cover of reservoirs and glacier surfaces with production, household and other waste matter, and also with oil and chemical products whose washing off worsens the quality of surface and subterranean waters.

The managements of state water economic systems, the collective and state farms, and other enterprises, organisations and institutions shall be obliged to prevent the pollution of waters with fertilisers and pesticides.

Districts and zones of sanitary protection shall be set up to protect waters used for drinking or household supply, medical, spa-treatment and sanitation needs of the population in accordance with the legislation of the USSR and the Union Republics.

ARTICLE 39. *Protection of Waters from Depletion*

Wood protection zones shall be set up and wood-improvement, anti-erosion, hydrotechnical and other measures shall be implemented to sustain the favourable water regime of rivers, lakes, reservoirs, subterranean and other waters, to prevent the soil erosion by water, the silting of ponds, the worsening of conditions of the habitat of water animals, the decrease in the fluctuations in the run-off water, etc., in the manner provided for by the legislation of the USSR and the Union Republics.

In dovetailing questions of siting and building enterprises, structures and other projects affecting the condition of waters

and also in issuing permits for special water use the water regulation and protection bodies shall be obliged to be guided by the schemes of the comprehensive use and protection of waters and water balances that take into account the interests of water and land users.

If during the boring and other mining, involved in prospecting and exploitation of the deposits of gas, oil, coal and other minerals subterranean water levels have been uncovered, the mining organisations shall have the duty of informing the water regulation and protection bodies about this and of taking measures to protect subterranean waters in the statutory manner.

Self-flowing bores shall be equipped with adjustment devices, and be subject to the conservation or liquidation in the manner determined by the legislation of the USSR and the Union Republics.

#### ARTICLE 40. *Prevention and Removal of the Harmful Effect Caused by Waters*

In agreement with the water regulation and protection bodies, the Executive Committees of local Soviets of Working People's Deputies and other state agencies concerned or in accordance with instructions issued by the state bodies specially authorised for the purpose, enterprises, organisations and institutions shall have the duty of taking appropriate measures to prevent or remove the harmful effect caused by waters as a result of the following phenomena:

- floods and underfloods;
- destruction of riversides or lakesides, protection dams and other structures;
- bogging up and salination of lands;
- erosion of soils, ravine formation, landslides, earth flows and other pernicious phenomena.

The implementation of the emergency measures taken to prevent calamities caused by waters or liquidate their harmful effect shall be regulated by the legislation of the USSR and the Union Republics.

Measures to prevent or liquidate the harmful effect of waters shall be envisaged in state plans for national economic development.

SECTION IV  
STATE REGISTRATION  
AND PLANNING OF WATER USE

ARTICLE 41. *The Tasks of State Registration and Planning of Water Use*

The state registration of waters and their use shall have the aim of ascertaining the quantity and quality of waters, and furnishing the data on their use for meeting the needs of the population and the national economy.

The planned use of waters shall secure the scientifically based distribution of waters between water users with due account for the priority satisfaction of the drinking and household needs of the population, the protection of waters and the prevention of their harmful effect. The planned use of waters shall take into account the data supplied by the state water cadaster, water economic balances and the schemes of the comprehensive use and protection of waters.

ARTICLE 42. *State Water Cadaster*

State water cadaster shall incorporate the data of stock-taking of waters according to their quantitative and qualitative indicators, the data of registration of water uses and also the data of stock-taking of the use of waters.

ARTICLE 43. *Water Economic Balances*

Water economic balances that assess the presence and degree of water use shall be compiled according to basins, economic regions, Union Republics and the USSR as a whole.

ARTICLE 44. *Schemes of the Comprehensive Use and Protection of Waters*

The general and basin (territorial) schemes of the comprehensive use and protection of waters shall determine basic water economic and other measures subject to implementation for the purpose of satisfying the long-range water needs of the population and the national economy, and also of protecting waters and preventing their harmful effect.

ARTICLE 45. *State Stock-Taking of Waters and Their Use, the Compilation of a State Water Cadaster, Water Economic Balances and Schemes of the Comprehensive Use and Protection of Waters*

State stock-taking of waters and their use, the compilation of a state water cadaster, water economic balances and the schemes of the comprehensive use and protection of waters shall be made at state expense and according to uniform systems in the USSR.

The manner of the state stock-taking of waters and their use, the compilation of a state water cadaster, water economic balances and the working out and approval of the schemes of the comprehensive use and protection of waters shall be stipulated by the Council of Ministers of the USSR.

SECTION V

RESPONSIBILITY FOR TRANSGRESSING  
THE LEGISLATION ON WATER RESOURCES

ARTICLE 46. *Responsibility for Transgressing the Legislation on Water Resources*

The transfer of the right to water use and other transactions which overtly or covertly violate the right of state ownership of water shall be declared null and void.

Persons guilty of striking the said transactions and also of the following acts:

—arbitrary seizure of water resources or arbitrary water use;

—water intake with the violation of water-use plans;

—pollution and befoulment of waters;

—commissioning of enterprises, public utilities and other projects without plants or devices that prevent the pollution and befoulment of waters or their harmful effect;

—uneconomical use of water (taken or channelled from water resources);

—violations of the water-protection regime at water-intake installations which lead to the pollution, soil erosion by water and to other pernicious phenomena;

—unauthorised hydrotechnical works;

—wreckage of water installations and devices;  
—violation of the rules for the maintenance of water installations and devices,

shall bear criminal or administrative responsibility in conformity with the legislation of the USSR and the Union Republics.

The legislation of the Union Republics may institute responsibility also for other violations of the legislation on water resources.

The water resources seized in an unauthorised manner shall be returned to the respective body in charge of them without the indemnification of expenses made during the unlawful use.

Enterprises, organisations and institutions and citizens shall be obliged to cover the losses sustained by violating the legislation on water resources in the amounts and in the manner established by the legislation of the USSR and the Union Republics. Officials and other workers responsible for the expenses sustained by enterprises, organisations and institutions to cover the losses, shall be materially liable in the statutory manner.

**THE LAW OF THE UNION  
OF SOVIET SOCIALIST REPUBLICS  
OF DECEMBER 19, 1969,  
ON THE APPROVAL OF THE FUNDAMENTALS  
OF PUBLIC HEALTH LEGISLATION OF THE USSR  
AND THE UNION REPUBLICS**

*(Gazette of the Supreme Soviet of the USSR  
No. 52, 1969, Item 466)*

The Supreme Soviet of the Union of Soviet Socialist Republics *decrees:*

ARTICLE 1. To approve the Fundamentals of Public Health Legislation of the USSR and the Union Republics and declare them effective as from July 1, 1970.

ARTICLE 2. To entrust the Presidium of the Supreme Soviet of the USSR with establishing the procedure for putting into effect the Fundamentals of Public Health Legislation of the USSR and the Union Republics and with bringing the legislation of the USSR in conformity with these Fundamentals.

ARTICLE 3. To entrust the Supreme Soviets of the Union Republics with bringing the legislation of the Union Republics in conformity with the Fundamentals of Public Health Legislation of the USSR and the Union Republics.

## FUNDAMENTALS OF PUBLIC HEALTH LEGISLATION OF THE USSR AND THE UNION REPUBLICS

The protection of the people's health is a major task of the Soviet state.

The socialist social system ensures a steady growth in the material and cultural standards of the people, improvements in their labour and living conditions and rest and leisure. A system of socio-economic and medical measures is being carried out in the USSR on a large scale to enhance public health protection, provide all people with free and qualified medical aid and with health-building and sanitary facilities. Physical culture and sports is being developed on a mass scale. Socialist society pays particular attention to the protection of mother and child's health.

Medical science is instrumental in Soviet public health. Medical research is steadily developing and is primarily concerned with protecting people's health and ensuring their long and active life.

The system of public health protection in the USSR, which is a great gain of socialism, has made it possible considerably to improve the people's health, decrease the disease rate, put an end to infectious diseases which were spread earlier, sharply to reduce general and child mortality and considerably increase the people's longevity.

Soviet public health legislation is called upon to further improve the people's health protection and strengthen legality in this sphere of social relations.

SECTION I  
GENERAL PROVISIONS

ARTICLE 1. *The Tasks of Soviet Public Health Legislation*

Public health legislation of the USSR and the Union Republics shall regulate social relations in the protection of the people's health with a view to ensuring the harmonious development of the citizens' physical and spiritual energies and health, enhancing their capacity for work and prolonging their active life; preventing diseases and decreasing the disease rate, further reducing invalidism and mortality; eliminating the factors and conditions which harmfully affect the citizens' health.

ARTICLE 2. *Public Health Legislation of the USSR and the Union Republics*

Public health legislation of the USSR and the Union Republics shall consist of the present Fundamentals and other corresponding legislative health enactments of the USSR and the Union Republics.

ARTICLE 3. *Protection of the Population's Health Is the Duty of All Government and Non-Government Organisations*

Protection of the people's health shall be the duty of all state bodies, enterprises, institutions and organisations. The competence of these bodies, enterprises, institutions and organisations looking after the health of the population shall be determined by the legislation of the USSR and the Union Republics.

Trade unions, co-operative organisations, Red Cross and Red Crescent societies and other mass organisations, in conformity with their rules (statutes), shall take part in ensuring the protection of the people's health in the manner prescribed by the legislation of the USSR and the Union Republics.

The citizens of the USSR shall take good care of their own health and the health of other members of society.

#### ARTICLE 4. *Provision of Medical Aid to Citizens*

All citizens of the USSR shall be provided with free and qualified medical aid, which shall be rendered by state public health institutions.

#### ARTICLE 5. *The Principles of Organisation of Public Health in the USSR*

Public health protection in the USSR shall be ensured by a system of socio-economic and medical and sanitary measures and shall be effected through:

1) implementation of wide-scale health-building and prophylactic measures and special concern for the health of the rising generation;

2) creation of appropriate sanitary and hygienic conditions at work and at home, elimination of the causes of production accidents and occupational diseases, as well as of other factors harmfully affecting health;

3) implementation of measures to improve the environment and ensure sanitary protection of reservoirs, soil and atmosphere;

4) planned development of the network of public health institutions and enterprises in the medical industry;

5) free provision to the population of all necessary medical aid, improvement of the quality and efficiency of medical aid, gradual expansion of dispensary observation facilities, and development of specialised medical aid;

6) free provision of medical and diagnostic facilities in hospitals alongside gradual extension of free or part-free provision of medical facilities in other instances of medical treatment;

7) expansion of the network of sanatoriums, dispensaries, holiday homes, holiday hostels, tourist centres, and other institutions for people's treatment and rest;

8) physical and hygienic instruction of citizens, development of mass physical culture and sports;

9) development of science, planned research and training of scientists and highly-qualified health specialists;

10) use in public health institutions of the achievements of science, technology and practical medicine, and equipment of these institutions with up-to-date apparatus;

11) elaboration of scientific and hygienic principles of nutrition for the population;

12) wide participation of mass organisations and collectives in the protection of the people's health.

#### ARTICLE 6. *The Jurisdiction of the USSR in the Sphere of Public Health*

Through its higher organs of state power and state administrative bodies in the sphere of public health, the USSR shall exercise jurisdiction over:

1) elaboration of all-Union public health development plans and implementation of health-building measures;

2) elaboration of all-Union plans for the development of research, new preparations and medical equipment, co-ordination of research work, and application of the achievements of science and new methods of diagnosis, treatment and prophylaxis in medicine;

3) elaboration of all-Union plans for the development of medical and pharmaceutical education, appointment of specialists graduating from higher medical and pharmaceutical educational institutions, training of research workers and establishment of advanced courses, titles, and the length of training course for medical workers and pharmacists;

4) elaboration of all-Union plans for the production and distribution of the products of the medical industry among the Union Republics and the USSR ministries and departments, and for the export and import of medicines, medical equipment and other medical articles;

5) elaboration of a single technical policy in the medical industry, establishment of uniform medical-technological demands upon the designers of public health institutions approval of state and sectoral standards and technical specifications for medical products, and the prices of these products; organisation of control over the quality of medical products made in the USSR and imported from abroad; definition of the volume of output of narcotics and organisation of control over their circulation and consumption;

6) administration of USSR health bodies and institutions; control over all-Union enterprises of the medical industry, public health organisations and research institu-

tions, higher medical and pharmaceutical educational establishments, and advanced training courses for doctors;

7) establishment of all-Union sanitary-hygienic and sanitary-anti-epidemic regulations and standards; defining the procedure for state sanitary inspection; fulfilment of measures to prevent quarantine infectious diseases from penetrating into the USSR from abroad, as well as all-Union measures against epidemics and radioactive contamination;

8) establishment of standards concerning provision of medical aid to the population, provision of public health institutions with equipment, supplies and transport facilities, determination of the rate of expenditure of medicines, and approval of the diet of people undergoing treatment in hospitals, dispensaries and other public health institutions;

9) establishment of a single nomenclature for public health institutions and standard provisions for them; determination of the procedure for defining the strength of the medical, pharmaceutical, engineering, technical, teaching and other staffs of public health institutions;

10) elaboration of basic provisions defining the procedure of arranging and carrying out of medical expertises to determine a person's ability to work and judicial medical and psychiatric expertises;

11) establishment of a uniform system of statistical registration and accountability in public health bodies and institutions;

12) settlement of other public health questions placed under the jurisdiction of the USSR in accordance with the USSR Constitution and the present Fundamentals.

#### ARTICLE 7. *Jurisdiction of the Union Republics in the Sphere of Public Health*

A Union Republic shall, through its higher organs of state power and state administrative bodies in the sphere of public health, exercise jurisdiction over the elaboration of Republican public health development plans and implementation of health-building measures, administration of the Republican public health bodies and institutions, adoption of public health legislation, and settlement of other public health questions placed under the jurisdiction of the Union Republic in accordance with the USSR Constitution, the Constitution of the Union Republic and the present Fundamentals.

ARTICLE 8. *Administration of the Public Health Services  
in the USSR*

As stipulated by the Constitution of the USSR and the constitutions of the Union and Autonomous Republics, the public health services shall be administered by the higher organs of state power and the government bodies of the USSR, the Union and Autonomous Republics, and the local Soviets of Working People's Deputies and their Executive Committees.

The USSR Ministry of Public Health shall normally administer the public health services through the Ministries of Public Health of the Union Republics and shall control the institutions, enterprises and organisations which are directly subordinated to it.

The Ministries of Public Health of the Union Republics shall administer the public health services through the Ministries of Public Health of the Autonomous Republics and the public health agencies of the Executive Committees of the respective local Soviets of Working People's Deputies, and shall control the institutions, enterprises and organisations which are directly subordinated to them.

The USSR Ministry of Public Health and the Ministries of Public Health of the Union and Autonomous Republics, and their bodies, shall be responsible for the condition and the further development of public health and medical science, and for the quality of the medical aid given to the population.

The local Soviets of Working People's Deputies and their Executive Committees shall administer the public health bodies and institutions subordinated to them, take steps to expand the network of public health institutions, correctly to locate them and strengthen their material and technical base. They shall also organise medical aid to the population, co-ordinate and control the activity of all the enterprises, institutions and organisations in working out and implementing measures to protect public health, ensure the sanitary well-being of the population, organise people's leisure, develop physical culture, protect and improve the environment, and see to it that legislation on the protection of the population's health is observed.

## ARTICLE 9. *Jurisdiction Over Public Health Institutions*

Public health institutions shall be under the jurisdiction of the USSR Ministry of Public Health, the Ministries of Public Health of the Union and Autonomous Republics, and the public health bodies of the Executive Committees of local Soviets of Working People's Deputies.

Other ministries, departments and organisations can have public health institutions under their jurisdiction only with the permission of the Council of Ministers of the USSR and shall be in duty bound to administer them in accordance with the public health legislation of the USSR and the Union Republics.

The USSR Ministry of Public Health shall co-ordinate the activities of the public health institutions not included in its system on questions of medical and prophylactic aid, sanitary-epidemiological services, keeping quarantine and other infectious diseases from infiltrating and spreading on USSR territory, and shall also control these activities.

## ARTICLE 10. *Expansion of the Network of Public Health Institutions, Children's Institutions and Sports Facilities*

The expansion of the network of public health institutions and their location must conform to the established standards of medical aid to the population and take into consideration the economic, geographical and other peculiarities of the given area of the country.

In designing and building settlements, housing developments, enterprises and other projects, it is necessary to provide for the construction of public health institutions, child-care pre-school and out-of-school institutions, schools, sports buildings and facilities.

## ARTICLE 11. *Procedure of Organising the Activities of Public Health Institutions*

The basic provisions concerning the procedure of organising the activities of medical-prophylactic, sanitary-prophylactic and pharmaceutical institutions shall be determined by the USSR Ministry of Public Health.

SECTION II  
ENGAGEMENT IN MEDICAL  
AND PHARMACEUTICAL ACTIVITY

ARTICLE 12. *Engagement in Medical and Pharmaceutical Activity*

Medical and pharmaceutical activity shall be open to persons who have undergone special training and obtained a medical title in higher or specialised secondary educational establishments in the USSR.

Aliens and stateless persons permanently residing in the USSR, who have received a special training and medical titles in higher or specialised secondary educational establishments in the USSR, shall have the right to engage in medical and pharmaceutical activity in accordance with their profession and title.

People who have received medical or pharmaceutical training and title in corresponding educational institutions in foreign countries shall be permitted to engage in medical or pharmaceutical activity in the manner established by the legislation of the USSR.

People who have not been admitted to medical and pharmaceutical activity in the established manner shall be forbidden to engage in this activity.

Responsibility for illicit medical practice shall be established by the legislation of the Union Republics.

ARTICLE 13. *The Doctor's Oath*

Citizens of the USSR who have graduated from higher medical educational establishments and received the title of doctor shall take the oath of doctor of the Soviet Union.

The text of the oath and oath-taking procedure shall be determined by the Presidium of the Supreme Soviet of the USSR.

ARTICLE 14. *Professional Duties, Rights and Privileges of Medical and Pharmaceutical Workers*

The basic professional rights and duties of medical and pharmaceutical workers and the privileges granted to them shall be established by the legislation of the USSR and the legislation of the Union Republics.

The professional rights and duties of medical, pharmaceutical and other employees engaged in different specialities in public health organisations shall be determined by the USSR Ministry of Public Health.

The professional rights, honour and dignity of doctors and other medical workers shall be protected by law.

ARTICLE 15. *Enhancement of Professional Knowledge of Medical and Pharmaceutical Workers*

Public health bodies shall be responsible for the elaboration and implementation of measures enabling medical and pharmaceutical workers to specialise and enhance their professional knowledge by periodically taking advanced courses and studying in other appropriate public health institutions.

The managers of public health bodies and institutions must create the necessary conditions for the medical and pharmaceutical workers to work systematically for their advancement.

The procedure of certifying medical and pharmaceutical workers shall be established by the USSR Ministry of Public Health jointly with the Central Committee of the Medical Workers' Trade Union.

ARTICLE 16. *Obligation to Keep Medical Secrets*

Doctors and other medical workers shall not divulge information about the patient's illness and the details of his intimate and family life which they come to know in the execution of their professional duties.

Managers of public health institutions shall be in duty bound to inform the public health authorities of citizens' diseases where this is in the interest of protection of the population's health, and to pass on such information to the investigation agencies and the courts if requested.

ARTICLE 17. *Medical and Pharmaceutical Workers' Responsibility for Breaches of Professional Duties*

Medical and pharmaceutical workers committing breaches of professional duties shall be subject to disciplinary punishment as provided for by legislation if these breaches are not criminal offences under the law.

SECTION III  
ENSURING THE SANITARY-EPIDEMIC WELL-BEING  
OF THE POPULATION

ARTICLE 18. *Sanitary-Epidemic Well-Being of the Population*

The sanitary-epidemic well-being of the population of the USSR shall be ensured by comprehensive sanitary-hygienic and sanitary-counter-epidemic measures and by the system of state sanitary inspection.

Implementation of sanitary-hygienic and sanitary-counter-epidemic measures aimed at liquidating and preventing the pollution of the environment, improving the population's working and living conditions and rest and leisure, and preventing disease, shall be the duty of all state bodies, enterprises and organisations, collective farms, trade unions and other mass organisations.

Breaches of sanitary-hygienic and sanitary-counter-epidemic rules and standards shall entail disciplinary, administrative or criminal responsibility as provided for by the legislation of the USSR and the Union Republics.

ARTICLE 19. *State Sanitary Control Bodies*

State sanitary control over the fulfilment of sanitary-counter-epidemic measures and observance of sanitary-hygienic and sanitary-counter-epidemic rules and standards by state bodies and by all enterprises, institutions and organisations, officials and citizens, shall be entrusted to the agencies and institutions of the Sanitary-Epidemiological Service of the USSR Ministry of Public Health and the Ministries of Public Health of the Union Republics.

The jurisdiction of the agencies and institutions of the Sanitary-Epidemiological Service exercising state sanitary control shall be determined by the legislation of the USSR.

ARTICLE 20. *Sanitary Requirements in Planning and Building of Settlements*

The planning and building of settlements shall provide for the creation of the best possible living and health conditions for the population.

Housing developments, industrial enterprises and other projects shall be so located as to preclude the adverse effect

of harmful factors on the population's health and sanitary and living conditions.

In designing and building towns and townships it is necessary to provide for water supply, sewerage, street paving, vegetation, lighting, sanitation, and other amenities.

The findings of the agencies of the Sanitary-Epidemiological Service shall be indispensable in allotting plots for building purposes, approving standards of design and plans for the lay-out and building of settlements, and commissioning blocks of flats, cultural and public service buildings, industrial and other enterprises and structures.

The procedure of co-ordinating plans for constructing and reconstructing enterprises, buildings and structures with the agencies of the Sanitary-Epidemiological Service shall be determined by the legislation of the USSR.

ARTICLE 21. *Ensuring Measures for Purifying and Neutralising Industrial and Communal Fumes, Refuse and Waste*

Persons in charge of enterprises and institutions, designing, building and other organisations, and collective-farm boards must, when designing, building, rebuilding and running enterprises and communal service installations, provide for and carry out measures to prevent the pollution of the atmosphere, reservoirs, subterranean waters and soil, and bear responsibility for the non-fulfilment of these duties, as prescribed by the laws of the USSR and the Union Republics.

It shall be forbidden to commission new and rebuilt enterprises, workshops, sections, installations and other projects that do not ensure purification, neutralisation and interception of harmful fumes, refuse and waste.

Agencies of the Sanitary-Epidemiological Service shall be authorised to forbid or suspend the exploitation of the operating installations likely to do harm to people's health by their fumes, waste or refuse.

ARTICLE 22. *Sanitary Requirements in Tenanting Housing*

Sanitary requirements in tenanting housing shall be laid down by the Councils of Ministers of the Union Republics.

It shall be forbidden to tenant houses that do not meet sanitary requirements.

People suffering from chronic diseases in grave form shall be given additional floor space in the cases and the manner established by the legislation of the USSR and the Union Republics.

ARTICLE 23. *Observance of Sanitary Regulations in the Maintenance of Production Premises, Dwellings and Other Buildings and Territories*

Persons in charge of enterprises, institutions and organisations shall be in duty bound to maintain production premises and working places in accordance with sanitary-hygienic standards and regulations.

Enterprises, institutions and organisations shall ensure the necessary conditions for meeting the employees' sanitary and everyday needs.

Observance of sanitary regulations in the maintenance of dwellings and public buildings, and territories on which they are located, shall be ensured by the enterprises, institutions, organisations and citizens that are in charge of, or own these buildings.

General measures in ensuring observance of sanitary regulations in the maintenance of dwellings and public buildings and appropriate sanitary state of populated localities shall be carried out by the Executive Committees of local Soviets of Working People's Deputies. Control over the observance of sanitary regulations in the maintenance of streets, courtyards and other territories in populated localities shall be effected by the militia and sanitary inspection agencies.

ARTICLE 24. *Prevention and Elimination of Noise*

Executive Committees of the local Soviets of Working People's Deputies and other state bodies, enterprises, institutions and organisations shall be in duty bound to take measures to prevent, reduce and eliminate noise in production premises, dwellings and public buildings, in courtyards, streets and squares of towns and other populated localities.

It shall be the duty of all citizens to observe regulations concerning the prevention and elimination of noise at home.

ARTICLE 25. *Sanitary Requirements in Case of Water Supplies for Household and Drinking Purposes*

The quality of water used for household and drinking purposes shall conform to the state standards established in the statutory way on the recommendation of the USSR Ministry of Public Health.

Zones of sanitary protection with a special regime ensuring the necessary quality of water shall be established for the systems supplying household and drinking water.

The procedure of establishing the zones of sanitary protection of the water supply systems and their supply sources shall be laid down by the laws of the USSR, and the sanitary regime of these zones by the laws of the USSR and the Union Republics.

ARTICLE 26. *Obligation to Co-ordinate Standards and Specifications with Public Health Bodies*

Tentative standards and specifications concerning new kinds of raw materials, food products, manufactured articles, new building materials, package and packing materials, polymeric and synthetic materials and goods made out of them shall be approved by agreement with the USSR Ministry of Public Health, and in cases where they are laid down by the USSR Ministry of Public Health, by agreement with the Ministries of Public Health of the Union Republics. It is in this manner too that permission shall be granted to introduce new technological processes and types of equipment, instruments and tools liable to have a harmful effect on health.

ARTICLE 27. *Sanitary Requirements in Producing, Processing, Storing, Transporting and Selling Food Products*

Production, storage and transportation of food products and technological equipment for the making and subsequent culinary processing of food products, production of packages, packing materials and vessels for food products, and sale of food products shall be allowed providing sanitary-hygienic standards and regulations are observed.

New chemical substances, materials and methods in making and processing food products, and also stimulating agents for agricultural food crops and animals, plant protection chemicals, polymeric materials, plastics and other chemicals shall be used providing permission shall be obtained from the USSR Ministry of Public Health.

ARTICLE 28. *Sanitary Control Over Production, Use, Storage and Transportation of Radioactive, Toxic and Potent Substances*

Production, use, storage, transportation and interment of radioactive substances, sources of ionising radiation, toxic and potent substances shall be controlled by the agencies and institutions of the Sanitary-Epidemiological Service.

ARTICLE 29. *Compulsory Medical Examinations*

To protect the health of the people and prevent infectious and occupational diseases, workers employed at food industry enterprises, public catering and trading establishments, waterworks, curative and prophylactic and children's institutions, stockbreeding farms, certain other enterprises, institutions and organisations, and also enterprises, institutions and organisations with harmful working conditions shall undergo medical examination on being employed and periodical check-ups thereafter.

The list of professions and enterprises where medical examinations shall be compulsory and the procedure of these examinations shall be compiled and approved by the USSR Ministry of Public Health by agreement with the All-Union Central Council of Trade Unions.

ARTICLE 30. *Prevention and Elimination of Infectious Diseases*

Executive Committees of the local Soviets of Working People's Deputies, people in charge of enterprises and organisations and other officials shall ensure timely measures to prevent the spread of infectious diseases and to eliminate them in the event of their occurrence.

In the event of danger of the outbreak or spread of epidemic infectious diseases, the Councils of Ministers of the Union and Autonomous Republics and the Executive Committees

of local Soviets of Working People's Deputies may institute in established manner on their territories special conditions and regimes of work, studies, movement and transportation with a view to preventing the spread of these diseases and eliminating them.

People suffering from infectious diseases which present a danger to others shall be subjected to hospital treatment and persons in contact with them must be quarantined.

Persons who carry the bacteria of infectious diseases shall be healed. If these persons are a source of contagion on account of the peculiarities of production they are engaged in or the work they do, they shall be temporarily transferred to another job, and if this is impossible, they shall be temporarily taken off the job and shall be paid social insurance benefits in accordance with the legislation of the USSR.

The lists of infectious diseases and diseases where the affected persons are held to be carriers of bacteria shall be compiled by the USSR Ministry of Public Health.

Prophylactic inoculations shall be made to immunise people against infectious diseases.

The procedure and time of inoculation shall be decided by the USSR Ministry of Public Health.

#### ARTICLE 31. *Sanitary Education for the Population*

It shall be the duty of public health bodies and institutions to disseminate knowledge about medical science and hygiene among the population in co-operation with research, cultural and educational bodies and institutions and with the active participation of the Red Cross and Red Crescent societies and other mass organisations.

### SECTION IV MEDICAL AND PROPHYLACTIC AID TO THE POPULATION

#### ARTICLE 32. *Ensuring Medical and Prophylactic Aid to Citizens*

The citizens of the USSR shall be given specialised medical aid in polyclinics, hospitals, dispensaries and other medical and prophylactic institutions, as well as first aid and medical aid at home.

Medical aid to invalids of the Great Patriotic War shall be also given in special medical and prophylactic institutions, and if they are given out-patient treatment, they shall enjoy additional privileges, as provided for by the laws of the USSR.

During their illness, entailing temporary disability, citizens shall be granted a leave of absence and shall be paid the established social insurance benefits.

To prevent diseases, medical and prophylactic institutions shall be in duty bound to make wide use of the prophylactic examination of the population and the dispensary method of observation.

Enterprises, institutions and organisations shall, together with public health institutions and trade union organisations, take the necessary measures to prevent occupational accidents and diseases and to restore people's ability to work.

Aliens and stateless persons residing permanently in the USSR shall enjoy medical aid on an equal footing with the citizens of the USSR.

Medical aid to aliens and stateless persons residing temporarily in the USSR shall be given in the manner prescribed by the USSR Ministry of Public Health.

### ARTICLE 33. *Procedure of Dispensing Medical and Prophylactic Aid to Citizens*

Medical and prophylactic aid shall be given to citizens by public health institutions in their places of residence and work.

Persons hurt in an accident or requiring emergency medical aid as a result of unexpected illness shall be given immediate aid by the nearest medical and prophylactic institution irrespective of what department it belongs to.

Medical and pharmaceutical workers shall give emergency medical aid to citizens in their travels, in the streets, in other places of public resort and at home.

If necessary, the sick may be sent to the medical and prophylactic institutions required in other Union Republics in the manner prescribed by the USSR Ministry of Public Health, and to medical and prophylactic institutions within the Union Republic in the manner prescribed by the Ministry of Public Health of the Union Republic.

When necessary, doctors shall be enlisted by public health institutions to participate in the work of medical examination commissions.

ARTICLE 34. *Application of Methods of Diagnosis, Treatment and Remedies*

Medical practitioners shall employ the methods of diagnosis, prophylaxis and treatment, and remedies permitted by the USSR Ministry of Public Health.

In the interests of the patient and with his consent, and in the case of the sick below 16 years of age and the mentally deranged with the consent of their parents, guardians or trustees, a doctor may apply new, scientifically substantiated but as yet not generally practised methods of diagnosis, prophylaxis and treatment, and remedies. The manner of application of these methods of diagnosis, prophylaxis and treatment and remedies shall be prescribed by the USSR Ministry of Public Health.

ARTICLE 35. *Procedure Concerning Surgical Intervention and Application of Complex Methods of Diagnosis*

Surgical operations shall be performed and complex methods of diagnosis applied with the consent of the patients and in the case of the sick below 16 years of age and the mentally deranged with the consent of their parents, guardians or trustees.

Surgical operations which cannot be postponed shall be performed and complex methods of diagnosis applied by doctors without the consent of the patients or their parents, guardians or trustees only in the exceptional instances when a delay in the establishment of a diagnosis or in the performance of an operation imperils the life of the patient and there is no possibility of obtaining the consent of the above-mentioned persons.

ARTICLE 36. *Special Measures of Prophylaxis and Treatment*

To protect the population's health the public health bodies shall undertake special measures of prophylaxis and

treatment in the case of diseases presenting a danger to others (tuberculosis, mental and venereal diseases, leprosy, chronic alcoholism, drug addiction) as well as quarantine diseases.

Tuberculars shall be supplied free of charge with anti-tuberculosis preparations; they shall be also treated free of charge in sanatoriums and dispensaries.

The instances and manner in which people suffering from the above-mentioned diseases are forcibly treated and forcibly hospitalised shall be established by the legislation of the USSR and the Union Republics.

ARTICLE 37. *Assistance to Medical Workers Giving Medical and Prophylactic Aid to Citizens*

The management of enterprises, institutions and organisations shall allot the necessary premises and transportation facilities for the organisation of public health bodies and also help the doctors and other medical workers discharge their professional duties.

The Executive Committees of local Soviets of Working People's Deputies, the managers of enterprises, institutions and organisations and other officials shall assist medical workers in giving emergency medical aid to citizens by supplying transportation and communications facilities and ensuring all other necessary help.

If a patient's life is in danger, a doctor or any other medical worker shall have the right to make free use of any available transport facilities to go to the patient or to take him to the nearest medical and prophylactic institution.

SECTION V

MATERNITY AND CHILD PROTECTION

ARTICLE 38. *Encouragement of Motherhood. Guarantees for the Protection of the Health of Mothers and Children*

In the USSR motherhood shall be protected and encouraged by the state.

Protection of the health of mothers and children shall be ensured by the organisation of a wide network of maternity

consultation centres, maternity homes, sanatoriums and holiday homes for pregnant women and mothers with children, crèches, kindergartens and other children's institutions; granting to women of maternity leave with the payment of social insurance benefits; time off from work to nurse the baby; payment in the established manner of benefits on the occasion of the child's birth and benefits while taking care of a sick child; prohibition to employ women on difficult and health-impairing jobs and transfer of pregnant women to easier work with the preservation of average wages; general and sanitary improvement of working and living conditions; state and public assistance to families, and other measures as provided for by the laws of the USSR and the Union Republics.

Since the aim is to protect woman's health, she shall be entitled to decide the maternity question herself.

ARTICLE 39. *Provision of Medical Aid to Pregnant Women and Newborn Children*

Public health institutions shall provide every woman with qualified medical observation during pregnancy and hospital aid during confinement, and medical and prophylactic aid to the mother and newborn child.

ARTICLE 40. *Provision of Medical Aid to Children and Adolescents*

Medical aid to children and adolescents shall be provided by medical, prophylactic and health-building institutions: children's polyclinics, dispensaries, hospitals, sanatoriums and other public health institutions. Children shall be accommodated in children's sanatoriums free of charge.

Children and adolescents shall be kept under observation by dispensaries.

ARTICLE 41. *Concern for the Strengthening and Protection of Children's and Adolescents' Health*

With a view to bringing up a healthy younger generation, harmoniously developed physically and morally, state bodies, enterprises, institutions and organisations, collec-

live farms, trade unions and other mass organisations shall ensure the development of a wide network of crèches and kindergartens, schools, boarding schools, forest health-building schools, Young Pioneer camps and other children's institutions.

In children's institutions and schools, children shall be ensured the necessary conditions for preserving and strengthening their health and for hygienic upbringing. The amount of studies and work and the pattern of children's schools regime shall be determined by agreement with the USSR Ministry of Public Health.

Control over the protection of children's health and the fulfilment of health-building measures in children's institutions and schools shall be exercised by public health bodies and institutions together with the bodies and institutions of public education and with the participation of mass organisations.

ARTICLE 42. *State Assistance to Citizens in Looking After Children. Privileges to Mothers in the Event of Children's Illness*

The bulk of the expenses on the maintenance of children in crèches, kindergartens and other children's institutions shall be defrayed by the state as well as enterprises, institutions, organisations, collective farms, trade unions and other mass organisations.

Children with physical or psychic defects shall be maintained in children's homes and other specialised children's institutions at state expense.

When it is impossible to hospitalise a sick child or in the absence of symptoms necessitating hospital treatment, the mother or any other member of the family looking after the child may be released from work and paid an allowance out of social insurance funds in the established manner.

When hospital treatment is prescribed for children below the age of one year, as well as for gravely sick children above that age who, in doctors' opinion, require maternal care, a mother shall be given a possibility to stay with her child in the hospital and shall be paid a social insurance allowance in the established manner.

ARTICLE 43. *Control Over Labour and Industrial Training and Working Conditions of Adolescents*

Industrial training of adolescents shall be permitted in professions which suit their age, physical and intellectual development and state of health. Their labour and industrial training shall be kept under systematic medical control.

Control over the observance of the adolescents' working conditions prescribed by the legislation of the USSR and the Union Republics and over the fulfilment of special measures aimed at preventing their illness, shall be exercised by public health bodies and institutions together with vocational and technical training bodies, public education bodies, trade unions, the Young Communist League and other mass organisations.

SECTION VI

SANATORIUMS AND HEALTH RESORTS,  
ORGANISATION OF LEISURE,  
TOURISM AND PHYSICAL CULTURE

ARTICLE 44. *Sanatoriums and Health Resorts for Citizens*

Indications and counterindications for in-patient and out-patient treatment at all health resorts and sanatoriums in the USSR shall be established by the USSR Ministry of Public Health.

The manner of medical selection and dispatch of ailing persons to sanatoriums and health resorts shall be established by the USSR Ministry of Public Health by agreement with the All-Union Central Council of Trade Unions. The ailing persons shall be accommodated in sanatoriums and health resort institutions in a statutory manner, either free of charge, at reduced rates or at full rates.

ARTICLE 45. *Health Resorts and Districts of Sanitary Protection*

Localities possessing natural remedies, mineral springs, mud baths, and climatic and other conditions favourable for treatment and prophylaxis, may be recognised as health resorts.

The recognition of a locality as a health resort, the delimitation of the boundaries of the districts of sanitary protection of resorts and the establishment of their regime shall be effected by the Council of Ministers of the USSR or the Council of Ministers of a Union Republic on the joint recommendation of the USSR Ministry of Public Health and the All-Union Central Council of Trade Unions or the Ministry of Public Health of a Union Republic and the Republican Council of Trade Unions, and by agreement with the Executive Committee of the local Soviet of Working People's Deputies on whose territory the given resort is located.

ARTICLE 46. *Organisation and Opening of Sanatoriums and Health Resort Institutions*

Sanatoriums and health resort institutions shall be organised and opened with the permission of the USSR Ministry of Public Health and the All-Union Central Council of Trade Unions and by agreement with the Council of Ministers of the Union Republic concerned.

The medical nature of sanatoriums and health resort institutions shall be decided by the USSR Ministry of Public Health and the All-Union Central Council of Trade Unions.

ARTICLE 47. *Co-ordination of the Activities of Sanatoriums and Health Resort Institutions*

The activities of sanatoriums and health resort institutions, irrespective of the department they are subordinated to, in the use of remedies and resort factors and in the organisation of the sanatorium and health resort regime, shall be co-ordinated by the resort administration bodies.

The USSR Ministry of Public Health and the Ministries of Public Health of the Union and Autonomous Republics shall control the organisation of curative and prophylactic work in sanatoriums and health resort institutions, give them scientific and methodological assistance, and help them with advice.

ARTICLE 48. *Use of Holiday Homes, Holiday Hostels, Tourist Centres and Other Rest Facilities*

Citizens shall make use, in the established manner, of holiday homes, holiday hostels, tourist centres and other rest and leisure facilities free of charge, at reduced rates or at full rates.

ARTICLE 49. *Organisation of Physical Culture, Sports and Tourism*

State bodies, trade unions, Young Communist League and co-operative organisations, sports societies, enterprises, institutions and organisations shall help promote physical culture, health-building work, sports and tourist and excursional activities among the population, set up and strengthen physical culture collectives and tourist clubs and organisations, and institute bracing-up exercises at places of work.

Physical training shall be provided for in the working plans of pre-school and out-of-school institutions, in the curricula of schools providing general education, vocational and technical schools, and specialised secondary and higher educational establishments.

Sports facilities, sports gear and tourist kit shall be placed at the disposal of citizens engaging in physical culture and sports.

Medical control over citizens engaging in physical culture and sports shall be exercised by public health institutions.

SECTION VII  
MEDICAL EXPERTISE

ARTICLE 50. *Medical Expertise on People's Ability to Work*

Expertises on citizens' temporary disability shall be carried out in public health institutions by a doctor or a commission of doctors who shall grant leaves of absence in the case of sickness, injury, pregnancy and confinement, to look after a sick member of the family, and for purposes of quarantine, prosthesis-making and treatment in sanatoriums and health resort institutions, shall decide on the need and period for a person's temporary transfer to another job in

the established manner, and also adopt decisions to send people for examination by a medical and labour commission of experts.

Expertises on long-term or permanent disability shall be carried out by medical and labour commissions of experts who shall establish the degree of disability, the invalid group and the cause of disablement; determine for invalids the conditions and kinds of labour, work and profession that are suitable for them in their present state of health; see to it that invalids are correctly employed at work, in accordance with the findings, and help restore the invalids' ability to work.

The findings of the medical and labour commissions of experts on the conditions and character of invalids' work shall be binding upon the management of enterprises, institutions and organisations.

The order in which expertises on people's ability to work are organised and carried out shall be established by the legislation of the USSR and the Union Republics.

#### ARTICLE 51. *Forensic Medical and Psychiatric Expertises*

Forensic medical and psychiatric expertises shall be carried out in accordance with the legislation of the USSR and the Union Republics by decision of the persons making an inquiry, investigator, procurator, and also under the ruling of the court.

The manner of organising and carrying out forensic medical and psychiatric expertises shall be established by the USSR Ministry of Public Health by agreement with the Supreme Court of the USSR, the Procurator's Office of the USSR, the Ministry of the Interior of the USSR and other departments.

#### SECTION VIII

#### MEDICINAL AND PROSTHETIC ASSISTANCE

#### ARTICLE 52. *Manner in Which Medicinal Assistance Shall Be Given to Citizens*

Medicinal assistance shall be given to citizens by state pharmaceutical institutions and also by medical and prophylactic institutions.

The manner in which citizens are given free or part-free medicinal assistance while undergoing out-patient treatment shall be established by the legislation of the USSR.

Pharmaceutical institutions may dispense only the medicines whose use is permitted by the USSR Ministry of Public Health.

#### ARTICLE 53. *Control Over the Production of Medicines*

Production of new medicines for medical purposes shall be permitted by the USSR Ministry of Public Health after their curative or prophylactic effectiveness has been established.

The quality of medicines shall conform to the requirements of the USSR State Pharmacopoeia or the technical conditions approved in the established manner.

Control over the quality of medicines shall be exercised by the USSR Ministry of Public Health.

#### ARTICLE 54. *Provision of Citizens with Prosthetic Assistance*

When necessary, citizens shall be provided with prostheses, orthopedic and corrective appliances, hearing aids, means of medical physical culture, and special means of conveyance.

The categories of persons entitled to free or part-free provision with these appliances and means, and the conditions and the manner in which they are provided with these, shall be established by the legislation of the USSR and the Union Republics.

### SECTION IX

#### INTERNATIONAL TREATIES AND AGREEMENTS

#### ARTICLE 55. *International Treaties and Agreements*

Where an international treaty or agreement to which the USSR is party establishes rules other than those contained in the public health legislation of the USSR and the Union Republics, the rules of international treaty or agreement shall be applied.

**ON THE PROCEDURE  
FOR PUTTING INTO EFFECT  
THE FUNDAMENTALS  
OF PUBLIC HEALTH LEGISLATION  
OF THE USSR AND THE UNION REPUBLICS**

**Decree of the Presidium of the Supreme Soviet  
of the USSR of June 1, 1970**

*(Gazette of the Supreme Soviet of the USSR  
No. 23, 1970, Item 192)*

In conformity with the Law of the USSR on the Approval of the Fundamentals of Public Health Legislation of the USSR and the Union Republics (*Gazette of the Supreme Soviet of the USSR* No. 52, 1969, Item 466), the Presidium of the Supreme Soviet of the USSR *decrees*:

1. Pending the putting of the legislation of the USSR and the Union Republics in conformity with the Fundamentals of Public Health Legislation of the USSR and the Union Republics, the operating legislative acts of the USSR and the Union Republics shall be applied inasmuch as they do not contradict the Fundamentals.

2. The Fundamentals of Public Health Legislation of the USSR and the Union Republics shall be applied in legal relations in the sphere of public health protection, coming into existence after the enforcement of the Fundamentals, i.e., as from July 1, 1970.

In legal relations in the sphere of public health protection which came into existence before the enforcement of the Fundamentals of Public Health Legislation of the USSR and the Union Republics, the rights and duties which will arise after July 1, 1970, shall be established in accordance with the Fundamentals.

3. The provision of the first part of Article 12 of the Fundamentals about engagement in medical and pharmaceutical activity shall not extend to persons who have not obtained special training and titles in appropriate specialised secondary educational establishments in the USSR but were permitted to engage in medical and pharmaceutical activity prior to October 1, 1972.

4. The Council of Ministers of the USSR shall be entrusted with examining questions:

a) linked with the application of the fourth part of Article 30 of the Fundamentals of Public Health Legislation of the USSR and the Union Republics;

b) linked with the procedure relating to the permission to people who have received medical or pharmaceutical training and title in educational institutions in foreign countries to engage in medical or pharmaceutical activity in the USSR (third part of Article 12 of the Fundamentals);

c) on the procedure relating to the free use by medical workers of transport facilities to go to the patient or to take him to the nearest medical and prophylactic institution in the event his life is in danger (third part of Article 37 of the Fundamentals).

**THE LAW OF THE UNION  
OF SOVIET SOCIALIST REPUBLICS  
OF JULY 15, 1970,  
ON THE APPROVAL OF THE FUNDAMENTALS  
OF LABOUR LEGISLATION  
OF THE USSR AND THE UNION REPUBLICS**

*(Gazette of the Supreme Soviet of the USSR  
No. 29, 1970, Item 265)*

The Supreme Soviet of the Union of Soviet Socialist Republics *decrees*:

- ARTICLE 1. To approve the Fundamentals of Labour Legislation of the USSR and the Union Republics and declare them effective as of January 1, 1971.
- ARTICLE 2. To entrust the Presidium of the USSR Supreme Soviet with laying down the procedure for putting into effect the Fundamentals of Labour Legislation of the USSR and the Union Republics and with bringing labour legislation of the USSR in conformity with the Fundamentals.
- ARTICLE 3. To entrust the Supreme Soviets of the Union Republics with bringing labour legislation of the Union Republics in conformity with the Fundamentals of Labour Legislation of the USSR and the Union Republics.

## FUNDAMENTALS OF LABOUR LEGISLATION OF THE USSR AND THE UNION REPUBLICS

The Great October Socialist Revolution did away with the system of exploitation and oppression. For the first time in history, after centuries of slaving for the exploiters, the working people have been enabled to work for themselves and for their society.

With the triumph of socialism in the Soviet Union the exploitation of man by man was abolished once and for all. The social organisation of labour in the USSR is based on socialist ownership, which has ushered in an era of unfettered labour for a better life of the working man. Labour free from exploitation, as guaranteed by the socialist system, is fundamental for the genuine freedom of the individual.

Socialist society, which has neither exploiters nor exploited, has realised the universal right to work for all its able-bodied citizens. In the USSR the socialist principle: "From each according to his ability, to each according to his work" prevails. Labour is the duty and moral obligation of each able-bodied citizen in keeping with the principle: "He who does not work, neither shall he eat."

The socialist social system provides material and moral incentives to encourage people to work better, to ensure the steady development and the improvement of social production. The growth of socialist production makes for steady advance in the living and cultural standards of the Soviet people. The Soviet state is improving the forms of material and moral labour incentives and in every way promotes the socialist mass emulation of working people and their drive for communist labour.

Higher labour productivity and greater efficiency of social production are vital for the construction of communist so-

ciety. This makes it essential to accelerate scientific and technological progress in all sectors of the national economy, to raise steadily the level of education and technical training of the working people and improve the organisation and discipline of their work.

In the USSR, scientific and technological progress is accompanied by full employment. The purpose of this progress is to radically lighten labour, shorten the working week and do away with hard manual and unskilled labour. Scientific and technological progress permits the organic combination of mental and manual labour in productive activity. Mass-scale specialised and vocational training, which is free of charge, guarantees a wide choice of trades and jobs in the interests of society.

Health protection for the working people, safe working conditions, abolition of occupational diseases and industrial accidents are a major concern of the Soviet state.

In Soviet society the working people manage the enterprises, which belong to the people as a whole (the state), through the Soviets of Working People's Deputies and the state administration bodies set up by the latter. The trade unions do much to draw the factory and office workers to the management of production.

The USSR Constitution ensures equal labour rights for citizens, regardless of nationality or race. Women enjoy equal rights with men to labour, remuneration for labour, and to leisure and social security. These rights are protected by law. The government bodies, trade unions and other non-government organisations see to it that the law is observed.

## CHAPTER I GENERAL PROVISIONS

### ARTICLE 1. *The Tasks of Soviet Labour Legislation*

Soviet labour legislation shall regulate the labour relations of the factory and office workers and raise labour productivity and efficiency in social production, thereby improving the living and cultural standards of the working people, strengthening labour discipline, and gradually transforming labour for the common weal into the prime vital need of each able-bodied citizen.

This legislation shall envisage a high standard in labour conditions and all-inclusive protection of the labour rights of factory and office workers.

ARTICLE 2. *Fundamental Labour Rights and Duties of Factory and Office Workers*

The right of Soviet citizens to work shall be ensured by the socialist organisation of the national economy, the steady growth of the productive forces of Soviet society, the removal of the possibility of economic crises, and abolition of unemployment.

Factory and office workers shall exercise their right to work by signing a labour contract to work at an enterprise, institution or organisation. The state shall guarantee them payment for their work in accordance with its quantity and quality. They shall have the right to rest and leisure in keeping with the laws on the limited working day and working week, and on annual paid leaves; the right to healthy, safe working conditions; the right to free vocational and advanced training; the right to unite in trade unions; the right to take part in managing production; the right to material maintenance in old age and in the case of sickness or disability at state expense to be paid from the state social insurance funds.

It shall be the duty of all factory and office workers to observe labour discipline, to take care of public property and to fulfil production quotas, established by the state with the participation of the trade unions.

ARTICLE 3. *Regulations Governing the Labour of Collective Farm Members*

The labour of collective farm members shall be governed by the Collective Farm Rules based on the Model Collective Farm Rules, and also the legislation of the USSR and the Union Republics on collective farms.

ARTICLE 4. *Labour Legislation of the USSR and the Union Republics*

Labour legislation of the Union of Soviet Socialist Republics and the Union Republics shall consist of the present Fundamentals and other acts of labour legislation of the

USSR, codes of labour laws and other labour legislation enactments of the Union Republics passed in conformity with these Fundamentals.

The labour of factory and office workers with respect to questions covered by the present Fundamentals shall be governed by:

- legislation of the USSR;
- legislation of the USSR and the Union Republics;
- legislation of the Union Republics.

The jurisdiction of the USSR and the Union Republics with regard to the labour of factory and office workers shall be delineated in conformity with Article 107 and other articles of the present Fundamentals.

Matters pertaining to the labour of factory and office workers, which are not covered by the Fundamentals, shall be determined by the legislation of the USSR and the Union Republics.

#### ARTICLE 5. *Invalidation of Terms of Labour Contracts Which Run Counter to Labour Legislation*

The terms of labour contracts which worsen the conditions for factory and office workers as compared to those stipulated in the labour legislation of the USSR and the Union Republics, or in any way run counter to this legislation, shall be regarded as invalid.

### CHAPTER II COLLECTIVE AGREEMENT

#### ARTICLE 6. *Signing of the Collective Agreement and Its Operation*

The collective agreement shall be signed by a factory or office trade union committee on behalf of the collective of factory and office workers, with the management of the respective enterprise or organisation.

The signing of the collective agreement shall be preceded by discussion and approval of the draft agreement by meetings (conferences) of factory and office workers.

The terms of the collective agreement shall cover all the factory and office workers of the given enterprise or organisation, irrespective of whether they are trade unionists or not.

## ARTICLE 7. *Contents of the Collective Agreement*

The collective agreement must contain the fundamental provisions regarding labour and wages, established for the given enterprise or organisation in conformity with current labour legislation. It shall also contain provisions as to working hours, rest and leisure, labour remuneration and material incentives and labour protection, which have been drafted by the management together with the factory or office trade union committee within the scope of their competence. These provisions shall be of a normative character.

The collective agreement shall establish the mutual obligations of the management and the collective of factory and office workers in fulfilling production plans, improving production and labour organisation, introducing new technology and raising labour productivity, improving quality and lowering production costs, promoting socialist emulation, strengthening industrial and labour discipline, raising the skill of workers and on-the-job training of personnel.

The collective agreement shall contain the obligations of the management and the factory or office trade union committee with respect to the involvement of factory and office workers in production management, the adjustment of output quotas, improved forms of labour remuneration and material incentives, labour protection, the special terms and benefits for front-rank workers, the improvement of housing conditions, cultural and other fringe benefits for employees and the promotion of educational and cultural work among the masses.

### CHAPTER III

#### LABOUR CONTRACT

## ARTICLE 8. *Parties to the Labour Contract. Contents of the Contract*

The labour contract shall be an agreement between a worker and an enterprise, institution or organisation whereby the person employed shall undertake to do work in a definite trade, qualification or capacity in conformity with internal labour regulations, while the enterprise, institution or organisation shall undertake to pay the employee a wage or

salary and to provide for the labour conditions required by labour legislation, the collective agreement and the agreement signed by the parties concerned.

#### ARTICLE 9. *Guarantees of Employment*

Groundless refusal to grant a job shall be prohibited by the law.

In conformity with the Constitution of the USSR, any direct or indirect limitation of rights or direct or indirect preference shown in granting jobs because of sex, race, nationality or religious beliefs, shall be prohibited.

#### ARTICLE 10. *Terms of Labour Contract*

A labour contract shall be signed:

- 1) for an indefinite term;
- 2) for a definite term of up to three years;
- 3) for the time required to carry out a definite job.

#### ARTICLE 11. *A Period of Probation*

When a labour contract is signed, a period of probation may be stipulated to see whether the prospective employee suits the job.

The maximum terms of the probation period shall be established by the legislation of the USSR and the Union Republics.

#### ARTICLE 12. *Prohibition of Making the Employee Do the Work Not Stipulated in the Labour Contract*

The management shall not be entitled to demand that the factory or office worker do the work which is not stipulated in the labour contract.

#### ARTICLE 13. *Transfer to Another Job*

The transfer of a factory or office worker to another job at the same enterprise, institution or organisation as well as to another enterprise, institution or organisation or to a different locality even if the enterprise, institution or

organisation is moved there, shall be permitted only with the consent of the person concerned, except in cases provided for by Articles 14 and 56 of the present Fundamentals.

ARTICLE 14. *Temporary Transfer to Another Job Due to Production Need or Forced Idleness*

In case of a production need for an enterprise, institution or organisation the management shall have the right to transfer a factory or office worker for a period of up to one month to a job not stipulated in the labour contract, either at the same enterprise, institution or organisation or to a job at another enterprise, institution or organisation in the same locality. The person concerned shall be paid in keeping with the work performed, but not less than his average earnings at the job he had been doing. Such a transfer shall be permitted to prevent or overcome a natural calamity or an industrial breakdown or to quickly rectify their consequences; to prevent accidents, forced idleness, destruction or damage of state or social property, and in other emergencies, or to replace an employee. Temporary transfer to another job to replace an employee shall not exceed one month during a calendar year.

In the case of forced idleness, factory and office workers shall be transferred to other jobs at the same enterprise, institution or organisation (taking into account their trade and skill) for the entire period of forced idleness, or to another enterprise, institution or organisation in the same locality for a period of up to one month. If a factory or office worker is transferred to a lower paid job due to forced idleness he shall be paid the average earnings received at the previous job, provided he fulfils the production quotas. Should he fail to fulfil the production quotas, or if he has been transferred to a time-rate job, he shall retain his wage-rate (salary).

In the event of forced idleness or temporary replacement of a worker, the transfer of a skilled factory or office worker to unskilled jobs shall not be allowed.

ARTICLE 15. *Grounds for Cancelling a Labour Contract*

The following reasons shall be considered valid for cancelling a labour contract:

- 1) consent of the parties concerned;

2) expiry of the term (par. 2 and 3 of Article 10), except in cases when labour relations actually continue to exist and neither party wishes to discontinue them;

3) call-up or enlistment of the factory or office worker for military service;

4) annulment of the labour contract at the request of the factory or office worker (Article 16), on the initiative of the management (Article 17), or on the demand of a trade union body (Article 20);

5) transfer of the employee to another job with his consent or acceptance of an elective office;

6) refusal of the factory or office worker to be transferred to a job in another locality to which the enterprise, institution or organisation has been moved;

7) enforcement of a court sentence (except in the case of a suspended sentence) whereby the factory or office worker is to serve a prison term or a period of corrective work not at his normal place of work, or some other form of punishment which prevents him from doing his job.

#### ARTICLE 16. *Annulment of the Labour Contract at the Request of the Factory or Office Worker*

The factory or office workers shall have the right to cancel a labour contract signed for an indefinite term by giving the management two weeks' notice in writing.

A labour contract signed for a definite term (par. 2 and 3, Article 10) shall be cancelled before the expiry of the term by the employee in the event of sickness or disability which prevents him from doing the work as stipulated in the contract, in the event of violation by the management of labour legislation, the collective agreement or labour contract, or on other valid grounds.

#### ARTICLE 17. *Cancellation of Labour Contract on the Initiative of the Management*

The management of an enterprise, institution or organisation may cancel the labour contract signed for an indefinite term, or for a definite term before the term expires, only in the following cases:

1) closing down of the enterprise, institution or organisation or reduction in the staff;

2) unfitness of the factory or office worker to do the job due to lack of an adequate level of skill or poor state of health which prevent the normal execution of his work;

3) constant failure of the factory or office worker without valid reasons to carry out his duties as stipulated in the labour contract or internal labour regulations, provided disciplinary or public censure measures had previously been applied to the party concerned;

4) absenteeism without good reasons (including the breach of discipline by coming to work in a state of intoxication);

5) failure to appear at work for a period of more than four months in succession due to temporary disability, except in the case of maternity leave, unless the USSR legislation stipulates that the job (post) may be retained for a longer period in the event of certain specific illness. If a factory or office worker has been disabled as a result of an industrial accident or occupational disease, his job (post) shall be held open for him until complete recovery or until he is granted a disability pension;

6) reinstatement in a job of the factory or office worker who held it previously.

Dismissal from work on grounds set forth in par. 1, 2 and 6 of the present Article shall be allowed if it is impossible to transfer the employee concerned to another job with his consent.

ARTICLE 18. *Prohibition to Cancel a Labour Contract on the Initiative of the Management Without the Consent of the Factory or Office Trade Union Committee*

The management of an enterprise, institution of organisation shall not be entitled to cancel a labour contract on its own initiative without the prior consent of the factory or office trade union committee, except in cases provided for by the USSR legislation.

Cancellation of a labour contract in violation of the terms of the first part of the present Article shall be illegal. An employee thus discharged shall be reinstated in the job he has held heretofore (Article 91).

## ARTICLE 19. *Severance Pay*

If a labour contract has been cancelled on the grounds stipulated in par. 3 and 6, Article 15, and par. 1, 2 and 6, Article 17, of the present Fundamentals, or if it has been cancelled because of violation by the management of labour legislation, the collective agreement or labour contract (the second part of Article 16), the factory or office worker shall receive severance pay amounting to two weeks' average earnings.

## ARTICLE 20. *Annulment of the Labour Contract on the Demand by a Trade Union Body*

At the request of a trade union body (not below district level) the management shall be obliged to cancel a labour contract with an executive or to relieve him of his post, if he has violated labour legislation, failed to carry out the commitments specified in the collective agreement or if he has resorted to bureaucratic methods and red tape.

The executive or the management concerned may appeal to a higher trade union body whose decision shall be final against the relevant request of the trade union body.

### CHAPTER IV WORKING HOURS AND TIME OFF

## ARTICLE 21. *The Normal Length of Working Time*

The normal length of working time for factory and office workers working at an enterprise, institution or organisation shall not exceed 41 hours per week. As economic and other essential conditions permit, the working week shall be further reduced.

## ARTICLE 22. *Shorter Working Time*

Shorter working time shall be established for:

1) factory and office workers from 16 to 18 years of age—36 hours a week, from 15 to 16 years of age (Article 74)—24 hours a week;

2) factory and office workers engaged in health hazardous jobs—not more than 36 hours a week.

In addition to this, the USSR labour legislation shall establish shorter working hours for certain categories of workers, such as teachers, doctors and others.

ARTICLE 23. *The Five-Day and Six-Day Working Week and the Length of Daily Working Time*

A five-day working week with two days off shall be established for factory and office workers. With regard to the five-day working week, the number of working hours per day (per shift) shall be determined by the internal regulations or timetable of shifts to be confirmed by the management in agreement with a factory or office trade union committee, in keeping with the established number of working hours per week (Articles 21 and 22).

Enterprises, institutions and organisations where the nature of production or working conditions make a five-day working week inexpedient, shall operate on a six-day working week with one day off. For the six-day working week, the length of the working day shall not exceed 7 hours for the 41-hour week, 6 hours for the 36-hour week and 4 hours for the 24-hour working week.

ARTICLE 24. *Number of Working Hours on the Eve of Weekends and Holidays*

On the eve of holidays (Article 31) the length of the working day for factory and office workers shall be reduced by one hour, both in the case of the five-day and six-day working week, except for factory and office workers covered by Article 22 of the present Fundamentals.

On the eve of weekends the length of working time shall not exceed six hours in the case of the six-day working week.

ARTICLE 25. *The Length of Working Time at Night*

Persons doing night work shall work one hour less each working day than those employed on the day shift. This rule shall not apply to factory and office workers who have a shorter working day (par. 2, first part of Article 22, and second part of Article 22).

The time put in on the night shift shall be the same as on the day shift when the nature of production requires it as,

for instance, in the case of continuous production or shift work with a six-day working week with one day off.

Work done from 10 p. m. till 6 a. m. shall be considered night work.

#### ARTICLE 26. *Part-Time Work*

Under the agreement reached by the factory or office worker with the management, daily or weekly part-time work may be arranged either at the time of employment or later. In such cases the worker shall be paid in proportion to the actual working hours or depending on the output.

#### ARTICLE 27. *Restrictions Imposed on Overtime Work*

As a rule, overtime work shall not be allowed.

The management shall be allowed to practise overtime work only in exceptional cases provided for by the legislation of the Union Republics. Overtime work shall be allowed only with the permission of the factory or office trade union committee.

Overtime work shall not exceed four hours per factory or office worker two days in succession or 120 hours per year.

#### ARTICLE 28. *Total Working Hours*

Enterprises operating on a continuous schedule, as well as institutions, organisations, shops, sections, divisions and certain lines of work where production or working conditions make impossible the normal working day or working week established for a given category of factory or office workers, shall be allowed—upon agreement with a factory or office trade union committee—to sum up total working hours, provided the latter do not exceed the normal number of working hours for the given period of time (Articles 21 and 22).

#### ARTICLE 29. *Rest and Meal Breaks*

Factory and office workers shall be granted a break for rest and meals, which is not to exceed two hours. The break shall not be included in working time.

Provisions shall be made for factory and office workers doing work where production conditions rule out breaks for taking meals during working hours. A list of such jobs, as well as the place and time of taking meals shall be determined by the management in agreement with a factory or office trade union committee.

#### ARTICLE 30. *Days Off*

Factory and office workers on a five-day working week shall have two days off per week and those on a six-day working week shall have one day off.

Factory and office workers shall have not less than forty-two hours of continuous time off per week.

Work on days off shall be forbidden. It shall be permitted to enlist the services of individual employees for work on days off only with the permission of a factory or office trade union committee and only in exceptional cases provided for by the legislation of the Union Republics. For work on a day off the person concerned shall be granted a day of compensatory leave within the next two weeks.

Where it is impossible to grant a day of leave (if the factory or office worker concerned has been dismissed or for other reasons provided for by legislation), the person shall be compensated at double the rate for work on a day off.

#### ARTICLE 31. *Holidays*

Enterprises, institutions and organisations shall not work on the following holidays:

January 1st—New Year;

March 8th—International Women's Day;

May 1st and 2nd—International Working People's Solidarity Day;

May 9th—Victory Day;

November 7th and 8th—Anniversary of the Great October Socialist Revolution;

December 5th—USSR Constitution Day.

Work which cannot be stopped because of specific production conditions and technology (at continuously operating enterprises, institutions and organisations), provision of amenities to the population, and also emergency repairs and goods handling operations, shall be permitted on holidays.

## ARTICLE 32. *Annual Leave*

All factory and office workers shall be entitled to an annual leave with their job (post) and average earnings being retained (Articles 33 and 34).

The vacation schedule shall be established by the management in agreement with a factory or office trade union committee.

It shall be forbidden to substitute monetary compensation for an annual leave, except in the case where a factory or office worker is discharged from his job before using his annual leave.

## ARTICLE 33. *Length of Annual Leave*

Factory and office workers shall be entitled to at least 15 working days' leave a year. Gradually the annual leave shall be extended. The length of annual leave shall be determined in accordance with the USSR legislation.

Factory and office workers under eighteen years of age shall be eligible for one calendar month's leave a year.

## ARTICLE 34. *Additional Leave*

Additional annual leave shall be granted to:

- 1) factory and office workers engaged in health hazardous jobs;
- 2) factory and office workers working in certain industrial sectors after a long service at the same enterprise or organisation;
- 3) employees holding jobs with unspecified daily working hours;
- 4) employees working in the Far North and in areas with the same status;
- 5) other persons covered by legislation.

## ARTICLE 35. *Unpaid Leave*

The management may grant a short-term leave without a wage or salary to a factory or office worker at his or her request when required by personal (family) circumstances or other valid reason.

CHAPTER V  
WAGES AND SALARIES.  
GUARANTEES AND COMPENSATION

ARTICLE 36. *Payment According to Work. Minimum Wage or Salary*

The USSR Constitution stipulates that the labour of the factory and office workers shall be remunerated according to quantity and quality. No reductions in pay shall be allowed for reasons of sex, age, race or nationality.

The monthly amount of a wage or salary shall not be lower than the minimum wage established by the state.

ARTICLE 37. *The Fixing of Wages. Rates of Wages and Salaries*

Wages shall be fixed by the state with the participation of trade unions.

The labour of factory workers shall be remunerated on the basis of wage rates, approved by central bodies. Jobs shall be classified according to tariff categories and qualification ranks shall be awarded by the management of the enterprise or organisation in agreement with a factory or office trade union committee and in conformity with stipulations in the wage rate and qualification reference book.

Office employees shall be paid on the basis of salary schemes approved by central bodies. The salaries of office employees shall be established by the management of the enterprise, institution or organisation in accordance with the employee's qualification and the position held.

Persons employed in arduous and hazardous jobs or in localities with severe climatic conditions shall be entitled to higher pay.

ARTICLE 38. *Labour Remuneration Systems*

Factory and office workers shall be paid for their work by the time-rate or piece-rate system.

Bonus payments according to the time-rate or piece-rate system may be introduced for factory and office workers to

create additional material incentives in carrying out production plans and surpassing production targets, achieving greater production efficiency and profitability, securing higher labour productivity, improving quality and economising on resources.

The management of the enterprise or organisation shall establish payment by the time-rate or piece-rate system and shall approve the rules for awarding bonuses to factory and office workers in agreement with the factory or office trade union committee.

Besides payment according to the time-rate or piece-rate system factory and office workers may receive bonuses, depending on the annual results of the enterprise or organisation. These bonuses shall come from the fund made up of deductions from the profits obtained by the enterprise or organisation. The sum received by each factory or office worker shall depend on the quality of his or her labour and the total time he or she has been working at a given enterprise or organisation.

ARTICLE 39. *Standard Output Quotas (Standard Time Rates), Standard Operation Quotas, Personnel Employed and Piece-Rates*

Standard output quotas (standard time rates), standard operation quotas and the number of personnel employed shall be set in keeping with the technical level achieved, the scientific organisation of labour and production, and advanced labour experience. These quotas and rates shall be replaced by new ones as technical, economic and organisational improvements are introduced in industries to ensure higher labour productivity. Quotas and rates shall be introduced and revised by the management of the enterprise, institution or organisation in agreement with the factory or office trade union committee.

Uniform or standard (intersector, sector or departmental) quotas and rates shall be introduced for similar jobs.

In the case of piece-work the rates shall be determined on the basis of established categories of jobs, wage-rates and standard output quotas (standard time rates).

The factory or office worker paid on the time-rate system shall be required to meet the established quota with respect to the operation of a certain number of machine-tools or

units, or to carry out fixed production assignments within a given period of time. The number of personnel to be employed may be established to perform certain functions or to carry out a certain amount of work.

ARTICLE 40. *Remuneration for Overtime Work*

Employees paid on the time-rate system shall receive 150 per cent of the normal rate for the first two hours of overtime and double the rate after that.

For employees on piece-work and in sectors with uniform tariff rates for employees on piece-work or those paid by the hour, the persons concerned shall receive additional payment fixed by the USSR legislation.

ARTICLE 41. *Remuneration for Work on Holidays*

Work on holidays (second part of Article 31) shall be paid at the double rate.

The factory or office worker who has worked on a holiday may, if he so desires, have a day off in lieu of this day.

ARTICLE 42. *Remuneration for Work at Night*

Work at night (Article 25) shall be remunerated at a higher rate fixed by the USSR legislation.

ARTICLE 43. *Remuneration in Cases of Failing to Fulfil the Output Quotas or Turning Out Defective Products, and Payment for Idle Time*

Where the factory or office worker fails to fulfil standard production quotas, where he produces defective items or where he has been idle for a time through no fault of his own, he shall be paid at rates determined by the USSR legislation.

In the above cases his monthly wages or salaries shall not be below the minimum level (Article 36).

Where the factory or office worker has produced totally defective items or where he has been idle through his own fault, he shall not be paid for the work or time involved.

Where the employee has produced partially defective items, he shall be paid at a lower rate, depending on the extent to which the items can be used.

ARTICLE 44. *Retention of Pay in the Case of Permanent Transfer to a Lower Paid Job*

Where a factory or office worker is permanently transferred to a lower paid job, he shall continue to get his previous average earnings for two weeks since the date of transfer.

ARTICLE 45. *Regular Pay Days*

Wages or salaries shall be paid at least twice a month. The Union Republican legislation may establish other regular terms for payment of wages or salaries to certain categories of factory and office workers.

ARTICLE 46. *Guarantees to Factory and Office Workers Chosen for Elective Office*

A factory or office worker, who ceases to work at his job because he has been elected to an office in a state body, as well as in Party, trade union, Young Communist League, co-operative or other mass organisations, shall receive his job (post) after his term of office expires; where his job (post) has been filled, he shall be given an equivalent job (post) either at the same enterprise, institution or organisation, or elsewhere with his consent.

ARTICLE 47. *Guarantees to Factory and Office Workers Fulfilling Their Duty to the State or Society*

For the time a factory or office worker is fulfilling the duties required by the state or society (provided these duties under the USSR and Union Republican legislation may be carried out during normal working hours), he shall be guaranteed his job (post) and average earnings.

Factory and office workers who are called up under the USSR Law of Universal Military Service shall be provided with guarantees and privileges in keeping with the law.

ARTICLE 48. *Guarantees and Compensation to Factory and Office Workers Being on a Mission or Transferred to a New Job in Another Locality*

Factory and office workers shall have the right to compensation for their expenses and to other forms of compensation arising from business trips, transfer to a new job, being hired or being sent to a job in other localities.

Employees on business trips shall retain their jobs (posts) and their average earnings the whole time they are away.

ARTICLE 49. *Guarantees to Factory and Office Workers Financially Liable for Damages Sustained by the Enterprise, Institution or Organisation*

Factory and office workers who have caused damage to an enterprise, institution or organisation through their own fault in the course of their work shall be liable in proportion to the damage incurred; however, the maximum that can be deducted shall be one-third of their monthly tariff rate (salary).

A deduction from wages of over one-third of the monthly tariff rate (salary), but not above the value of the damage sustained, shall be made only in cases indicated in the USSR legislation.

Compensation for damages to the amount provided for in the first part of the present Article shall be deducted from wages on receipt of the worker's consent in writing, following an order issued by the management of the enterprise, institution or organisation. The management may issue an order for deductions from wages within a period of two weeks from the date of establishing the damage sustained. Where the worker has not given his consent in writing the deduction shall not be made. The management shall file its claim for damages sustained with the district (city) People's Court for its consideration.

In other cases compensation for damages shall be obtained through a suit filed by the management with the district (city) People's Court.

ARTICLE 50. *Limit to Deductions from Wages and Salaries*

Deductions from wages shall be permitted only in cases provided for by the legislation of the USSR and the Union Republics.

On payment of wages and salaries the total sum of deductions shall not exceed twenty per cent; however, in cases specially covered by the USSR and Union Republican legislation they shall not exceed fifty per cent of the wages and salaries that are paid out to the factory or office worker.

Where deductions are to be made from wages and salaries for more than one writ of execution, the employee shall be left with at least fifty per cent of his earnings.

The limitations stipulated in the second and third parts of the present Article shall not cover deductions from earnings of people serving the sentence of corrective labour.

No deductions shall be made from severance pay, compensation and other allowances which, according to legislation, are not subject to deductions.

CHAPTER VI  
LABOUR DISCIPLINE

ARTICLE 51. *Obligations of Factory and Office Workers*

It shall be the duty of the factory and office workers to work honestly and conscientiously, to observe labour discipline, carry out the orders of the management promptly and accurately, raise labour productivity, improve the quality of the products, fulfil the requirements of production technology and of labour protection, observe safety regulations and industrial sanitation rules, and preserve and strengthen socialist property.

ARTICLE 52. *Labour Discipline*

At the enterprises, institutions and organisations observance of labour discipline shall be ensured by a conscientious attitude towards labour, by persuasion, and by the encouragement of conscientious labour. If necessary, disciplinary and public censure measures shall be brought to bear on individual employees who are not conscientious.

### ARTICLE 53. *Responsibilities of Management*

The management of an enterprise, institution or organisation shall be responsible for an efficient organisation of labour of the factory and office workers, for higher labour productivity, for labour and industrial discipline, strict observance of labour legislation and labour protection regulations, concern for the needs and requirements of the employees and for improving their labour and living conditions.

### ARTICLE 54. *Internal Labour Regulations. Rules for Discipline*

At an enterprise, institution or organisation labour routine shall be determined by the internal labour regulations established by the management in agreement with the factory or office trade union committee, on the basis of standard regulations which shall be approved in the appropriate fashion.

In some sectors of the economy certain categories of factory and office workers shall come under the appropriate rules for discipline.

### ARTICLE 55. *Encouragement of Good Labour Performance*

The following encouragement measures shall be applied for exemplary execution of duties, achievements in socialist emulation, raising labour productivity, improving quality of products, long and faultless service, innovation in labour and for other labour achievements:

- 1) a vote of thanks;
- 2) awarding of a bonus;
- 3) awarding of a valuable gift;
- 4) presentation of an honour certificate;
- 5) entrance in the Honours' Book or Honours' Board.

Internal labour regulations and rules for discipline may provide for other measures of encouragement.

Such measures shall be taken by the management together with the factory or office trade union committee or on its consent.

Factory and office workers who work conscientiously and live up to their pledges shall be given privileges with respect to social welfare and cultural services and housing amenities

(including accommodation at sanatoriums and rest-homes, improvement of housing facilities, etc.). Preference shall be given to conscientious employees when it comes to promotion.

For outstanding achievements in labour, recommendations may be made to a higher authority to award orders, medals, honour certificates and badges to employees concerned; they may be awarded with honorary titles, including the title "Excellent Worker in the Trade".

#### ARTICLE 56. *Penalties for Breach of Labour Discipline*

The management of an enterprise, institution or organisation shall impose the following disciplinary penalties for breach of labour discipline:

- 1) reproof;
- 2) reprimand;
- 3) severe reprimand;
- 4) demotion to a lower paid job for a period of up to three months or to a lower post for the same period;
- 5) dismissal (par. 3 and 4, Article 17).

The legislation on disciplinary responsibility and the rules for discipline may provide for other penalties to be imposed on certain categories of factory and office workers.

The management shall also have the right to refer a case of breach of labour discipline to a comrades' court or to a mass organisation instead of imposing a penalty.

### CHAPTER VII LABOUR PROTECTION

#### ARTICLE 57. *Proper Working Conditions and Labour Safety*

Proper working conditions and labour safety shall be provided at all enterprises, institutions and organisations.

It is the responsibility of the management of an enterprise, institution or organisation to ensure proper working conditions and labour safety.

The management shall be responsible for the introduction of modern safety techniques to prevent industrial accidents and for the promotion of sanitary and hygienic conditions that prevent the incidence of occupational diseases among factory and office workers.

ARTICLE 58. *Observance of Labour Protection Requirements During the Construction and Use of Industrial Buildings, Structures and Equipment*

Industrial buildings, structures and equipment, as well as production technology, shall comply with requirements ensuring proper working conditions and labour safety.

These requirements shall cover rational utilisation of the grounds and industrial premises, efficient operation of equipment and organisation of production, protection of employees against ill effects stemming from hazardous labour conditions, maintenance of industrial premises and working places in keeping with sanitary and hygienic standards and regulations, and provision of sanitary and social welfare facilities.

Labour protection standards and regulations shall be observed in the designing, constructing and using of industrial buildings and structures.

ARTICLE 59. *Enterprises That Fail to Meet Labour Protection Requirements Shall Not Be Commissioned*

A newly built enterprise, shop, section or any other production unit shall not be approved and commissioned by the authority concerned if proper working conditions and labour safety are not ensured in it.

A newly built or reconstructed industrial unit shall not be commissioned if it has not been authorised by the bodies responsible for the enforcement of state sanitary and technical supervision, the trade union technical inspectorate (Article 104), the factory or office trade union committee of the enterprise, institution or organisation that commissions the said industrial project.

ARTICLE 60. *Labour Protection Regulations Obligatory for Management*

The management of the enterprise, institution or organisation shall be responsible for proper technical equipment of all working places, and for providing the conditions

required by the regulations on labour protection (safety regulations, sanitary standards and regulations, etc.). Such regulations (either uniform regulations for all economic sectors or intersector regulations) shall be approved by the USSR Council of Ministers or, on its instructions, by other state bodies, jointly with the All-Union Central Trade Union Council or with its agreement.

Labour protection regulations and standards for the given sector shall be approved according to the appropriate procedure by the Ministries, departments or state supervision bodies concerned (Article 104), jointly with the pertinent trade union central committees or with their agreement.

If the standard regulations fail to meet the requirements for ensuring labour safety, the management of the enterprise, institution or organisation shall take measures to ensure safe working conditions in agreement with the factory or office trade union committee.

Management shall be responsible for briefing factory and office workers on safety techniques, industrial sanitary requirements, fire prevention and other labour protection regulations. Management shall also be responsible for constant control over the observance by personnel of the requirements stated in the labour protection instructions.

#### ARTICLE 61. *Labour Protection Instructions for Factory and Office Workers*

Factory and office workers shall be obliged to observe the labour protection instructions which specify the rules of work and the behaviour of personnel in industrial premises and on building grounds. Such instructions shall be drawn up and approved by the management of the enterprise, institution or organisation jointly with the relevant factory or office trade union committee. The Ministries and departments in agreement with the trade union central committees and, if necessary, with the pertinent state supervision bodies (Article 104), may approve standard labour protection instructions for employees in the main trades.

The factory and office workers shall be also obliged to observe the established requirements for handling tools and other machinery; they shall use individual labour protection devices.

## ARTICLE 62. *Funds for Labour Protection*

Funds and materials shall be allocated in a statutory manner to carry out labour protection measures. It shall be prohibited to use these funds and materials for any other purpose.

The procedure for the utilisation of these funds and materials shall be specified in collective agreements or in special labour protection agreements signed by management and a factory or office trade union committee.

## ARTICLE 63. *Issue of Special Clothing and Other Means of Individual Protection. Issue of Soap and Decontaminants*

Factory and office workers working in health-hazardous jobs, in jobs performed in high or low temperatures, or jobs involving pollution shall be issued, free of charge, special clothing, special footwear and other means of individual protection, in keeping with statutory norms of wear.

Personnel employed in dirty jobs shall be issued soap free of charge, in keeping with statutory norms of use. Personnel employed in jobs involving the use of harmful substances shall be issued, free of charge, detergents or decontaminants in keeping with statutory norms of use.

## ARTICLE 64. *Issue of Milk and Special Food to Prevent Diseases*

Factory and office workers working in health-hazardous jobs shall be issued milk or other equivalent food free of charge, in keeping with statutory norms of consumption.

Factory and office workers working in particularly health-hazardous jobs shall be issued special food, free of charge, to prevent diseases, in keeping with statutory norms of consumption.

## ARTICLE 65. *Medical Examination of Certain Categories of Factory and Office Workers*

Factory and office workers engaged in arduous jobs or those hazardous for health or in jobs connected with transportation, shall undergo obligatory preliminary medical

examinations before being taken on, and regular periodic medical examinations to make sure they are fit to do the work entailed, and to prevent occupational diseases.

Persons employed in the food industry, public catering and trade networks, water supply systems, medical and child care institutions and at certain other enterprises, institutions and organisations shall undergo the said medical examinations for purposes of public health protection.

#### ARTICLE 66. *Transfer to Easier Jobs*

Management shall be obliged to transfer factory or office workers to easier jobs where the state of their health necessitates such a transfer. A temporary or indefinite transfer shall be effected with the consent of the individual concerned to a job that fits in medical recommendations.

Where an employee is transferred to an easier, lower paid job, he shall continue to draw his previous average earnings for a period of two weeks from the date of transfer. However, in cases provided for by the legislation of the USSR and the Union Republics he may draw the previous average earnings the whole time he is working at the lower paid job, or he may be given an allowance from the state social insurance funds.

#### ARTICLE 67. *Material Liability of an Enterprise, Institution or Organisation for Impairing the Health of Factory and Office Workers*

In keeping with the legislation of the USSR and the Union Republics, enterprises, institutions and organisations shall be financially liable for ill effects suffered by factory and office workers through maiming or other forms of impaired health arising from the fulfilment of their duties.

### CHAPTER VIII FEMALE LABOUR

#### ARTICLE 68. *Jobs Where Female Labour Is Prohibited*

It shall be prohibited to employ female labour on arduous jobs, jobs with unhealthy working conditions and underground jobs except for a few underground jobs (non-manual labour or jobs connected with sanitary and communal services).

ARTICLE 69. *Restrictions on Female Labour with Regard to Night and Overtime Work and Traveling on Assignments*

It shall not be permitted to employ women for night work, except in the sectors of the economy where there is a special need and where it is allowed only as a temporary measure.

It shall be prohibited to employ pregnant women, nursing mothers and women with children under one year of age on night and overtime work, for work on days off, or to send them on assignments.

It shall not be permitted to employ women with children from one to eight years of age on overtime work or to send them on assignments unless they give their consent.

ARTICLE 70. *Transfer of Pregnant Women, Nursing Mothers and Women with Children Under One Year of Age to Easier Jobs*

In conformity with a medical certificate, pregnant women shall be transferred to an easier job for the period of their pregnancy, and shall continue to draw their previous average pay.

Nursing mothers and women with children under one year of age shall, if they are unable to carry out their normal work, be transferred to easier jobs, and shall continue to draw their previous average earnings until their children are weaned, or until they reach the age of one.

ARTICLE 71. *Maternity Leaves*

Women shall be entitled to a maternity leave of fifty-six calendar days before and fifty-six days after giving birth; during this period they shall receive an allowance paid out of state social insurance funds. In the event of complications during childbirth, or the birth of two or more children, the length of the postnatal leave shall be extended to seventy calendar days.

In addition to the prenatal-postnatal leave a woman, on request, may be granted additional leave without pay until the child reaches one year of age.

## ARTICLE 72. *Daytime Intervals for Nursing Mothers*

In addition to the normal mealtime and rest intervals, nursing mothers and women with children under one year of age shall be entitled to additional intervals for nursing their children.

Such intervals shall be granted for not less than thirty minutes every three hours.

Intervals for nursing children shall be regarded as working time and paid at the mother's average rate of earnings.

## ARTICLE 73. *Guarantees to Pregnant Women, Nursing Mothers and Women with Children Under One Year of Age with Respect to Employment and Against Dismissal*

The law shall prohibit to refuse a pregnant woman or nursing mother employment, or to lower her earnings.

It shall be prohibited for management to dismiss a pregnant woman, nursing mother or mother with a child under one year of age unless the institution, enterprise or organisation is completely shut down. In this case dismissal shall be permitted and provision of another job shall be obligatory.

### CHAPTER IX TEENAGE LABOUR

## ARTICLE 74. *Legal Employment Age*

It shall not be permitted to employ persons under sixteen.

However, in exceptional cases, persons who have reached the age of fifteen shall be employed with the consent of the factory or office trade union committee.

## ARTICLE 75. *Non-Employable Persons Under Eighteen*

It shall be forbidden to employ persons under the age of eighteen on arduous jobs and on jobs with unhealthy or hazardous working conditions, and on underground work.

ARTICLE 76. *Medical Examination of Persons Under Eighteen*

Before employment all persons under eighteen shall undergo a preliminary medical examination; until reaching the age of eighteen they shall undergo a regular medical examination every year.

ARTICLE 77. *Remuneration of Factory and Office Workers Under Eighteen Who Work Shorter Hours*

Factory and office workers under eighteen who work shorter hours every day shall be paid in the amount of equally qualified factory and office workers who work regular hours.

Factory and office workers under eighteen taken on for piece-rate jobs shall be paid at piece rates established for adult employees and shall be paid additionally according to tariff rates to make the wages they would have received had they been put on a full working day schedule.

ARTICLE 78. *Prohibition to Put Factory and Office Workers Under Eighteen on Night and Overtime Work*

It shall be forbidden to put factory and office workers under eighteen on night and overtime work, and work on days off.

ARTICLE 79. *Leave for Factory and Office Workers Under Eighteen*

Annual leave shall be granted to factory and office workers under eighteen (Article 33) in the summer or, at their request, at any other time of the year.

ARTICLE 80. *Quotas of Vacancies for Employment and Industrial Training of Young People*

All enterprises and organisations shall have quotas of vacancies for employment and industrial training for young people who have completed general education or vocational and technical schools, and other young people under eighteen.

ARTICLE 81. *Ensuring Jobs for Young Factory Workers and Graduates Upon Completion of Educational Establishments in Keeping with Their Trade and Qualification*

Young workers who have completed vocational and technical schools and graduates from higher educational establishments and specialised secondary schools shall be provided with jobs in keeping with their trade and qualification.

ARTICLE 82. *Restrictions on the Dismissal of Factory and Office Workers Under Eighteen*

Dismissal of factory and office workers under eighteen on the initiative of management shall be permitted only in strict accordance with the general rules governing dismissal and only upon the consent of the district (town) minors commission. In these circumstances, for reasons specified in par. 1, 2 and 6, Article 17 of the present Fundamentals, dismissals shall be permitted in exceptional cases only, provided another job is found for the person to be dismissed.

CHAPTER X

PRIVILEGES FOR FACTORY AND OFFICE WORKERS  
WHO COMBINE WORK WITH STUDY

ARTICLE 83. *Organisation of Industrial Training and Provision of Conditions for Combining Work with Study*

To provide opportunities for vocational training and to improve the qualification of factory and office workers, particularly young people, the management of enterprises, organisations or institutions shall organise individual and team training, courses and other forms of industrial training at its own expense.

Factory and office workers obtaining industrial training or studying at educational establishments while keeping on with their job, shall enjoy requisite conditions provided by management to enable them to combine work with study.

When a factory or office worker has been recommended for a higher category or for promotion, his industrial training,

his progress in general or professional education and the completion of a higher or specialised secondary education shall be taken into account.

ARTICLE 84. *Privileges Enjoyed by Factory and Office Workers Studying at General Education and Vocational Schools*

Factory and office workers who combine work with study at general education and vocational schools shall be entitled to a shorter working week or shorter working day, and shall continue to draw their regular pay in keeping with the established rules, and also enjoy other privileges.

ARTICLE 85. *Privileges for Factory and Office Workers Studying at Higher Educational Establishments and Specialised Secondary Schools*

Factory and office workers who have been admitted to entrance examinations in higher educational establishments and specialised secondary schools shall be granted leave without regular pay.

Factory and office workers taking evening or correspondence courses at higher educational establishments or at specialised secondary schools shall be granted paid leave in keeping with the statutory rules for purposes of study and shall be granted other privileges.

CHAPTER XI  
LABOUR DISPUTES

ARTICLE 86. *Labour Arbitration Bodies*

Labour disputes shall be dealt with by:

- 1) labour disputes commissions set up at enterprises, institutions and organisations, in which the trade union committee and management shall be equally represented;
- 2) factory and office trade union committees;
- 3) district (town) people's courts.

Labour disputes with regard to certain categories of workers shall be examined by superior authority (Article 94).

## ARTICLE 87. *Labour Disputes Commissions*

The labour disputes commission shall be the obligatory primary body to deal with labour disputes between an employee and management at an enterprise, institution or organisation except for disputes which by law are to be brought directly before a district (town) people's court or other authority.

The commission shall settle disputes through agreement between the parties concerned.

## ARTICLE 88. *Examination of Labour Disputes by Factory and Office Trade Union Committees*

Factory and office trade union committees shall examine labour disputes at the request of the factory and office workers, if the labour disputes commissions have failed to reach an agreement between the parties concerned, or if factory and office workers file a complaint against the decision reached by the commission. The trade union committee may either keep the decision of the commission in force, or cancel it and pass its own decision on the matter.

The factory or office trade union committee may, on its own initiative or on the notification of the procurator, annul the commission's decision as being in contradiction to the laws in force and adopt a decision on the matter in hand.

## ARTICLE 89. *Adjudication of Labour Disputes by District (Town) People's Courts*

District (town) people's courts shall adjudicate the following cases of labour disputes:

1) at the request of factory or office workers, if they disagree with the decision of the factory or office trade union committee, or at the request of management, if it believes that the decision of the factory or office trade union committee runs counter to current legislation;

2) at the request of factory or office workers, if they disagree with the decision of the labour disputes commission consisting of the trade union organiser and the manager of the enterprise, institution or organisation, or if the commission has failed to get the parties concerned to agree, or if there

is no factory or office trade union committee or trade union organiser at the enterprise, institution or organisation.

In addition to the above, the district (town) people's courts shall adjudicate the following labour disputes directly, not via labour disputes commission and the factory or office trade union committee:

1) at the request of factory or office workers regarding reinstatement in a job following dismissal on the initiative of the management of an enterprise, institution or organisation, except for disputes concerning workers holding posts covered in a special list (Article 94);

2) at the request of management for compensation to be made by the factory or office workers for damage caused to the enterprise, institution or organisation.

#### ARTICLE 90. *Terms of Making Requests to Examine Labour Disputes*

Factory and office workers may apply to the labour disputes commission at any time, there being no time limits for submitting the application. With regard to a dismissal they may file an application to a district (town) people's court within one month from the date of receiving notice of dismissal.

Management may file suit with the court for compensation of damage caused by employees to the enterprise, institution or organisation in the following terms:

1) in cases covered by the first part of Article 49—within one month from the date of discovery of the damage caused by the employee;

2) in cases covered by the second part of Article 49—within one year from the date of discovery of the damage caused by the employee.

If application was not filed within the above time limits for valid reasons, the court shall have the right to renew them.

#### ARTICLE 91. *Reinstatement in Jobs*

If a factory or office worker has been dismissed without valid reason or in violation of the established procedure for dismissal, or if he has been transferred to another job in violation of the law, he shall be reinstated in his previous job by the arbitration body.

ARTICLE 92. *Compensation for Forced Idleness or Work on a Lower Paid Job*

A factory or office worker dismissed in violation of the law and then reinstated in his previous job shall, by court decision, receive his average earnings for the period of forced idleness from the date of his dismissal up to but not exceeding three months.

An employee who has been transferred to another job in violation of the law and then reinstated in his previous job shall, on the decision or ruling of the arbitrating body, receive his average earnings for the time of forced idleness, or the difference in pay for the time spent on the lower paid job, for a period not exceeding three months.

The decision or ruling of the arbitrating body on reinstating an employee dismissed or transferred to another job in violation of the law shall be executed without delay. If management has failed to do so in proper time the employee shall receive his average earnings, or the difference in earnings for the time of delay, from the date the decision or ruling was made until the day it was put into effect.

ARTICLE 93. *Financial Liability of the Official Guilty of Unlawful Dismissal or Transfer*

The court shall oblige the official guilty of an unlawful dismissal or transfer of an employee to another job to compensate the enterprise, institution or organisation for the damage sustained in having to pay the employee concerned for forced idleness or work on a lower paid job. The official shall be held liable if the dismissal or transfer was made in clear violation of the law, or if management has failed to execute the court decision to reinstate the employee in proper time. Compensation for the damage shall not exceed three months' pay of the official concerned.

ARTICLE 94. *Procedure to Be Followed in Considering Disputes Over the Dismissal or Transfer to Another Job of Workers Belonging to Certain Categories and in Imposing Disciplinary Penalties on Them*

Disputes over the dismissal or transfer to other jobs of workers holding posts included in a special list, and over disciplinary penalties imposed on them, shall be considered

by the appropriate superior authority. The same shall apply to disputes over disciplinary penalties imposed on workers bearing disciplinary responsibility under discipline rules.

If the worker is reinstated in his previous job, he shall, by decision of the superior body, receive compensation for the time of forced idleness from the date of dismissal, or for the time of work on a lower paid job, for a period not exceeding three months. In this case Articles 92 and 93 of the present Fundamentals shall be applied, respectively.

CHAPTER XII  
TRADE UNIONS. PARTICIPATION OF FACTORY  
AND OFFICE WORKERS  
IN MANAGEMENT OF PRODUCTION

ARTICLE 95. *The Right of Factory and Office Workers to Unite in Trade Unions*

In keeping with the Constitution of the USSR, factory and office workers shall be guaranteed freedom of association in trade unions.

Trade unions shall function in conformity with the rules they adopt and shall not be required to register with state bodies.

State bodies, enterprises, institutions and organisations shall be responsible for all-round assistance to trade unions in their work.

ARTICLE 96. *Trade Union Rights*

Trade unions shall represent the interests of the factory and office workers with regard to production, labour, living conditions and culture.

Trade unions shall participate in the drawing up and realisation of state economic development plans, in determining matters bearing on the distribution and utilisation of material and financial resources, involve factory and office workers in the management of production, organise socialist emulation, mass-scale promotion of new ideas in technology, and help to strengthen industrial and labour discipline.

The establishment of working conditions, the fixing of wages and salaries, the application of labour legislation, and

the utilisation of public consumption funds in cases stipulated by the legislation of the USSR and the Union Republics and by the decisions of the USSR Council of Ministers and the Councils of Ministers of the Union Republics, shall be the functions of the enterprises, institutions and organisations and their superior bodies effected jointly with the trade unions or with their agreement.

The trade unions shall exercise supervision and control over the observance of labour legislation and labour protection regulations; they shall also exercise control over the housing and social welfare services provided for factory and office workers.

The trade unions shall be in charge of state social insurance and shall run the sanatoriums, health protection establishments and rest-homes under their management, as well as cultural, educational, tourist and sports facilities.

The trade unions, as represented by the All-Union Central Council of Trade Unions, shall have the right to initiate legislation.

ARTICLE 97. *The Right of Factory and Office Workers to Take Part in Management of Production*

Factory and office workers shall have the right to take part in discussing and settling questions of developing production; they shall have the right to submit proposals on improving the work of enterprises, institutions and organisations as well as suggestions pertaining to social, cultural and communal services.

Factory and office workers shall participate in management of production through the trade unions and other mass organisations, people's control bodies, general meetings, production meetings, conferences, and other forms of public activity open to them.

It shall be the duty of the management of an enterprise, institution or organisation to promote the participation of factory and office workers in management of production. The officials of enterprises, institutions and organisations shall promptly consider proposals and criticisms made by factory and office workers, and inform them about the steps taken on these matters.

ARTICLE 98. *Relations Between Factory or Office Trade Union Committee and Management*

The relations between the factory or office trade union committee and the management of an enterprise, institution or organisation shall be governed by the law of the USSR on the rights of the factory and office trade union committees.

The enterprise or organisation concerned shall allocate funds to trade union bodies for mass cultural work and physical culture and sports activities.

ARTICLE 99. *Additional Guarantees for Elected Unionists*

Factory and office workers elected to a factory or office trade union committee who continue with their main job shall not be transferred to another job, neither shall a disciplinary penalty be imposed on them, without the preliminary consent of the pertinent trade union committee; chairmen of these committees or trade union organisers shall not be transferred to another job, neither shall a disciplinary penalty be imposed on them, without the preliminary consent of a higher trade union body.

The dismissal, on the initiative of management, of the chairman or members of a factory or office trade union committee who continue to work on their main job shall require the consent of a higher trade union body in addition to the general procedure governing dismissal. Trade union organisers shall be dismissed on the initiative of management only with the consent of a higher trade union body.

CHAPTER XIII  
STATE SOCIAL INSURANCE

ARTICLE 100. *Extension of Social Insurance to All Factory and Office Workers. Social Insurance Funds*

All factory and office workers shall be covered by obligatory state social insurance.

This social insurance shall be paid by the state from funds contributed by the enterprises, institutions and organisations.

No deductions shall be made from the wages and salaries of the factory and office workers. If an enterprise, institution or organisation fails to pay the insurance fee, the factory and office workers shall not be deprived of the right to maintenance from the state social insurance funds.

ARTICLE 101. *Forms of Maintenance Guaranteed by Social Insurance*

Factory and office workers, and in pertinent cases members of their families, shall be provided through state social insurance with the following:

1) temporary disability allowances; in addition, women shall be entitled to allowances in connection with pregnancy and childbirth;

2) allowances in connection with the birth of a child; allowances for the burial;

3) pensions for old age, disability, and loss of the breadwinner; pensions for a designated term of service established for certain categories of workers.

State social insurance funds shall be also spent on medical treatment of factory and office workers at sanatoriums and health resorts or services provided at health protection establishments and rest-homes, on dietary food, and the maintenance of Young Pioneer camps and other state social insurance measures.

ARTICLE 102. *Allowances for Temporary Disability, Pregnancy and Childbirth*

Allowances for temporary disability shall be paid in the event of sickness, injury, temporary transfer to another job as a result of sickness, the nursing of a sick member of the family, quarantine, medical treatment at a sanatorium or health resort, and the fitting of artificial limbs; the amount paid shall be up to the full earnings of the worker concerned. In case of sickness or injury the allowance shall be paid until the time of recovery or until invalidism is established.

Allowances on account of pregnancy and childbirth shall be paid for the entire period of the maternity leave; the amount paid shall be equal to full pay.

ARTICLE 103. *Pensions on Account of Old Age, Disability and Loss of the Breadwinner*

Factory and office workers shall be entitled to old-age and disability pensions, and members of their families to pensions for loss of the breadwinner, in conformity with the USSR State Pension Law.

CHAPTER XIV  
SUPERVISION AND CONTROL  
OVER THE OBSERVANCE OF LABOUR LEGISLATION

ARTICLE 104. *Bodies Responsible for Supervision and Control Over the Observance of Labour Legislation*

Supervision and control over the observance of labour legislation and labour protection regulations shall be the function of the following:

1) specially authorised state bodies and inspectorates who in the pursuance of their duties are independent of the management of an enterprise, institution or organisation, and their superior bodies;

2) trade unions and the technical and legal labour inspectorates under the trade unions—in keeping with the statutes governing the work of these inspectorates, which are approved by the All-Union Central Council of Trade Unions.

The Soviets of Working People's Deputies and their executive and administrative bodies shall exercise control over the observance of labour legislation in keeping with the procedures laid down by the USSR and Union Republican legislation.

The ministries and departments shall exercise internal departmental control over the observance of labour legislation with respect to the enterprises, institutions and organisations under their jurisdiction.

Supreme supervision over the scrupulous execution of labour laws by all the ministries and departments, enterprises, institutions and organisations and their officials, shall be the function of the Procurator-General of the USSR.

ARTICLE 105. *Legal Responsibility for Violation of Labour Legislation*

Officials guilty of violation of labour legislation and labour protection regulations, officials guilty of failure to carry out the terms of collective agreements and labour protection agreements or of obstructing the work of trade unions, shall be held legally responsible in conformity with the legislation of the USSR and the Union Republics.

CHAPTER XV  
FINAL PROVISIONS

ARTICLE 106. *Special Principles Governing the Labour of Certain Categories of Factory and Office Workers*

The legislation of the USSR and, within the limits of its jurisdiction, the legislation of the Union Republics shall establish:

1) privileges, with respect to labour, for factory and office workers working in the districts of the Far North and localities of a similar status, and for certain other categories of factory and office workers;

2) special regulations governing working time and the time of rest and leisure for employees in the transport service, at enterprises and organisations dealing with communications, and in agriculture, within norms fixed by the present Fundamentals;

3) special working conditions for factory and office workers in seasonal jobs, in the timber industry and forestry, temporary factory and office workers, and for persons working for private citizens on the basis of personal contracts (domestic help, etc.). For such employees there may be some exemptions from these Fundamentals with respect to working time and the time of rest and leisure, overtime work and work on days off, compensation for such work, temporary transfer to other jobs and dismissal;

4) additional grounds for cancelling labour contract for certain categories of factory and office workers under specific circumstances, such as an isolated case of the gross breach of labour duties by an employee bearing disciplinary responsibility to his superiors; an offence by an employee having

direct access to money or commodities, if his actions give grounds for depriving him of trust by management; an unethical act by someone employed in education which bars him from continuing to work in this sphere; direction of an employee to a medical labour establishment by court decision; violation of established rules on employment, etc.

The limits of financial responsibility imposed on factory and office workers for the damage caused to an enterprise, institution or organisation in cases when the actual damage is greater than its nominal evaluation, shall be established by the laws of the USSR and the decisions of the USSR Council of Ministers.

Other special principles governing the labour of certain categories of factory and office workers on separate matters may be established only by the laws of the USSR and the decisions of the USSR Council of Ministers.

ARTICLE 107. *Division of Powers Between the USSR and the Union Republics in Matters Covered by the Fundamentals of Legislation*

In addition to cases covered by separate articles of the present Fundamentals, it shall be the function of the USSR to establish the rules which determine the following: the unskilled jobs to which factory workers cannot be transferred in connection with idle time (third part of Article 14); duration of night work (second part of Article 25); minimum monthly wage or salary (second part of Article 36); remuneration for partially defective products (third part of Article 43); compensation for travelling on an assignment or transfer to a job in another locality (first part of Article 48); limitation on putting women on night work (first part of Article 69); categories of workers whose labour disputes shall be considered by a superior authority (first part of Article 94); procedure for making allocations to trade union bodies for mass cultural work, physical culture and sports activities, and the amount of these allocations (second part of Article 98); procedure for granting maintenance through state social insurance and amount thereof (Articles 100, 101, 102 and 103).

It shall be the function of the USSR, and within the limits of their jurisdiction, the function of the Union Republics, to establish the rules which govern: reduction of working

hours for certain categories of workers (par. 2, first part of Article 22); introduction of the six-day working week (second part of Article 23); cases when it is impossible to give compensatory time off for work on days off (fourth part of Article 30); work carried out on holidays (second part of Article 31); granting of additional annual leave and length thereof (Article 34); the fixing of wages and salaries (Article 37); the bonus system of labour remuneration (second and third parts of Article 38); remuneration for annual results achieved (fourth part of Article 38); unified or standard output quotas (second part of Article 39); granting of compensatory time off for work on holidays (second part of Article 41); limitation to deductions from wages and salaries (fifth part of Article 50); standard internal labour regulations, rules and statutes on discipline (Article 54, second part of Article 55, second part of Article 56); labour protection regulations (first part and second part of Article 60); allocation and spending of funds on labour protection measures (first part of Article 62); procedure for the issue of special clothing, milk and disease prevention foods (Articles 63 and 64); medical examinations (Article 65); jobs where female labour and labour of minors cannot be employed (Articles 68 and 75); quotas of vacancies to be reserved for young people (Article 80); ensuring jobs for young workers and graduates (Article 81); privileges for workers combining work with study (Articles 84 and 85); trade union rights (Article 96); bodies of state supervision and control over the observance of labour legislation (par. 1 of Article 104); special principles governing the labour of certain categories of factory and office workers (first part of Article 106).

It shall be the function of the Union Republics to establish regulations determining: cases of resorting to overtime work (second part of Article 27); cases of work on days off (third part of Article 30); terms of payment of wages and salaries (second part of Article 45).

**ON THE PROCEDURE  
FOR PUTTING INTO EFFECT  
THE FUNDAMENTALS OF LABOUR LEGISLATION  
OF THE USSR AND THE UNION REPUBLICS**

**Decree of the Presidium of the Supreme Soviet  
of the USSR of November 30, 1970**

*(Gazette of the Supreme Soviet of the USSR  
No. 48, 1970, Item 514)*

In conformity with the Law of the USSR on the Approval of the Fundamentals of Labour Legislation of the USSR and the Union Republics dated July 15, 1970 (*Gazette of the Supreme Soviet of the USSR* No. 29, 1970, Item 265), the Presidium of the Supreme Soviet of the USSR *decrees*:

1. Pending the time the legislation of the USSR and the Union Republics is brought in conformity with the Fundamentals of Labour Legislation of the USSR and the Union Republics, the operating enactments of labour legislation of the USSR, codes of labour laws and other labour legislation of the Union Republics shall be in force inasmuch as they do not run counter to the present Fundamentals. Moreover, the Union Republican enactments promulgated prior to the enforcement of the Fundamentals on matters coming under the jurisdiction of the USSR pursuant to the Fundamentals and within the limits defined by the latter under the jurisdiction of the Union Republics, shall be in force prior to the promulgation of all-Union enactments which would settle these matters differently.

2. As of January 1, 1971, the rights and duties of the parties in labour legal relations which arose prior to the enforcement of the Fundamentals of Labour Legislation of the USSR and the Union Republics shall be regulated in accordance with the present Fundamentals.

3. In cases of the transfer of factory and office workers to other jobs prior to January 1, 1971, due to idleness, the rules of the second part of Article 14 of the Fundamentals shall be applicable to the payment for labour since January 1, 1971.

4. In the event the labour contract ceases after the enforcement of the Fundamentals the grounds of terminating the labour contract shall be indicated pursuant to Articles 15, 16, 17 and 20 of the Fundamentals—prior to the enforcement of the codes of labour laws in the Union Republics. Additional grounds for terminating the labour contract for certain categories of factory and office workers (par. 3 and 4 of the first part of Article 106 of the Fundamentals) shall be indicated pursuant to the legislation of the USSR and the Union Republics, which establish such grounds.

5. The rule stipulated in par. 7 of Article 15 of the Fundamentals concerning the cancellation of the labour contract in view of the conviction of a factory or office worker by court sentence precluding the possibility of continuing this work shall be applicable also in cases of suspended sentences to deprivation of liberty with the compulsory enlistment of the convicted person in labour in accordance with the decree of the Presidium of the Supreme Soviet of the USSR dated June 12, 1970 (*Gazette of the USSR Supreme Soviet* No. 24, 1970, Item 204).

6. The rule stipulated in par. 5 of Article 17 of the Fundamentals concerning the annulment of the labour contract due to failure to report to work because of the temporary disability of a factory or office worker shall be applicable also in those cases when the temporary disability came into being before January 1, 1971 and continued after the enforcement of the Fundamentals.

7. The payment of a severance allowance pursuant to Article 19 of the Fundamentals shall be made in cases of the termination of the labour contract after the enforcement of the Fundamentals irrespective of the earlier warning about the dismissal.

8. The rule stipulated in the third part of Article 32 of the Fundamentals concerning the inadmissible substitution of pecuniary compensation for an annual leave shall not be applicable to the leaves in the working years that expired before January 1, 1971.

9. The payment of wages not below the established minimum, provided for by the second part of Article 43 of the Fundamentals, in cases of the non-fulfilment of output quotas, of the manufacture of defective items, and of idleness through no fault of a factory or office worker, shall be made for the time since the enforcement of the Fundamentals.

10. The material damage inflicted by factory or office workers to their enterprise, institution or organisation, prescribed by the third and fourth parts of Article 49 of the Fundamentals, shall be recovered after the enforcement of the Fundamentals also in cases of the recovery of the damage caused prior to January 1, 1971.

11. Labour disputes over the reinstatement of factory and office workers dismissed on the initiative of management and also over the recovery of the material damage, inflicted to the enterprise, institution or organisation (second part of Article 89 of the Fundamentals), not considered by labour disputes commissions and factory or office trade union committees prior to January 1, 1971, shall be subject to adjudication by the court of law.

12. The terms stipulated by the second part of Article 90 of the Fundamentals for the invocation of the court of law on claiming damages shall be also applicable to the compensation of damage inflicted and discovered prior to the enforcement of the Fundamentals, provided that a dispute is adjudicated after January 1, 1971. The terms in the said cases shall run as of January 1, 1971.

13. The rules for payment during the forced idleness or for the fulfilment of lower paid work during an unlawful transfer, stipulated by the first and second parts of Article 92 of the Fundamentals, and also by the second part of Article 94 of the Fundamentals, shall be applicable in the cases of the unlawful dismissals or transfers that took place after the enforcement of the Fundamentals.

14. The rule, stipulated by Article 93 of the Fundamentals, concerning the imposition on the official guilty of an unlawful dismissal or transfer of a worker to another job, the obligation to compensate for the damage inflicted to the enterprise, institution or organisation concerned in connection with the payment for the forced idleness or for the time of the fulfilment of lower paid work, shall be applicable in the cases of unauthorised dismissals or transfers that took place after the enforcement of the Fundamentals.

15. Up to the adoption of legislative enactments in conformity with par. 4 of the first part of Article 106 of the Fundamentals, it shall be prescribed that workers who discharge educational functions may be dismissed by management due to their performance of unethical acts which are incompatible with their jobs. Dismissals on these grounds

shall be made with the observance of the procedure established by Article 18 of the Fundamentals and without a severance pay.

16. The Council of Ministers of the USSR shall be instructed to bring the USSR Government decisions in conformity with the Fundamentals of Labour Legislation of the USSR and the Union Republics.

**THE LAW OF THE UNION  
OF SOVIET SOCIALIST REPUBLICS  
OF DECEMBER 25, 1958,  
ON THE APPROVAL OF THE FUNDAMENTALS  
OF LEGISLATION ON THE JUDICIAL SYSTEM  
OF THE USSR, AND THE UNION  
AND AUTONOMOUS REPUBLICS**

*(Gazette of the Supreme Soviet of the USSR  
No. 1, 1959, Item 12).*

[Extract]

The Supreme Soviet of the Union of Soviet Socialist Republics *decrees*:

- ARTICLE 1. To approve the Fundamentals of Legislation on the Judicial System of the USSR, and the Union and Autonomous Republics.
- ARTICLE 3. To entrust the Presidium of the Supreme Soviet of the USSR with establishing the list of legislative enactments of the USSR that have lost legal effect owing to the putting into effect of the Fundamentals of Legislation on the Judicial System of the USSR and the Union and Autonomous Republics.
- ARTICLE 4. To entrust the Supreme Soviets of the Union Republics with bringing the legislation of the Union Republics in conformity with the Fundamentals of Legislation on the Judicial System of the USSR and the Union and Autonomous Republics.

**FUNDAMENTALS OF LEGISLATION  
ON THE JUDICIAL SYSTEM OF THE USSR,  
AND THE UNION AND AUTONOMOUS REPUBLICS**

*ARTICLE 1. The Judicial System*

In accordance with Article 102 of the Constitution of the USSR, justice in the USSR shall be administered by the Supreme Court of the USSR, the Supreme Courts of the Union Republics, the Supreme Courts of the Autonomous Republics, by regional, territorial, and city courts, by the courts of Autonomous Regions and National Areas, by district (city) people's courts and also by military tribunals.

*ARTICLE 2. The Purposes of Justice*

Justice in the USSR shall serve to protect from any infringements:

a) the social and state system of the USSR established by the Constitution of the USSR and the Constitutions of the Union and Autonomous Republics, the socialist system of economy and socialist property;

b) the political, labour, housing and other personal and property rights and interests of citizens of the USSR guaranteed by the Constitution of the USSR and the Constitutions of the Union and Autonomous Republics;

c) the rights and legally protected interests of state institutions, enterprises, collective farms, co-operatives and other mass organisations.

Justice in the USSR shall have the task of ensuring strict and undeviating observance of the laws by all institutions, organisations, officials and citizens of the USSR.

### ARTICLE 3. *The Tasks of the Court*

All activity of the court shall educate citizens of the USSR in a spirit of loyalty to their motherland and to the cause of communism, in a spirit of strict and undeviating observance of the Soviet laws, of care and concern for socialist property, of observance of labour discipline, of honest attitude to state and social duty, and of respect for the rights, honour and dignity of citizens and for the rules of socialist community life.

In applying measures of criminal punishment, the court shall not only chastise criminals but shall also have as its purpose their correction and re-education.

### ARTICLE 4. *The Administration of Justice Through the Trial of Civil and Criminal Cases by the Court*

Justice in the USSR shall be administered through:

a) examination and decision in judicial session of civil cases involving disputes over the rights and interests of citizens, state enterprises, institutions, collective farms and co-operatives and other mass organisations;

b) examination in judicial session of criminal cases and either application of the measures of punishment established by the law to the persons guilty of commission of the crime or acquittal of the innocent.

### ARTICLE 5. *The Equality of Citizens Before the Law and the Court*

In the USSR, justice shall be administered on the principle of the equality of all citizens before the law and the court, regardless of their social, property or official status, nationality, race or creed.

### ARTICLE 6. *Administration of Justice in Strict Accordance with the Law*

In the USSR, justice shall be administered in strict accordance with the legislation of the USSR and the legislation of the Union and Autonomous Republics.

ARTICLE 7. *Constitution of All Courts on the Principle of Electivity*

In accordance with Articles 105-109 of the Constitution of the USSR, all courts in the USSR shall be constituted on the principle of electivity.

ARTICLE 8. *Collegial Examination of Cases in All the Courts*

There shall be collegial examination of cases in the courts.

The examination of cases in all the courts of first instance shall be carried out by a bench consisting of a judge and two people's assessors.

Cases on cassation or protest shall be examined by the judicial collegiums of higher courts by a bench consisting of three members of the respective court.

Cases on protest over the decisions, judgements, rulings and decrees of the courts which have taken legal effect shall be examined by the judicial collegiums of the Supreme Court of the USSR and the Supreme Courts of the Union Republics by a bench consisting of three members of the respective court.

The presidium of the court shall examine cases with the majority of the members of the presidium.

The plenary meeting of the court shall examine cases with not less than two-thirds of its membership attending.

ARTICLE 9. *The Independence of Judges and Their Subordination Only to the Law*

In the administration of justice, judges and people's assessors shall be independent and subordinate only to the law.

ARTICLE 10. *The Language in Which Judicial Proceedings Are Conducted*

In accordance with Article 110 of the Constitution of the USSR, judicial proceedings shall be conducted in the language of the Union or Autonomous Republic or Autonomous Region and, in the instances provided for by the Constitutions of the Union and Autonomous Republics, in the language of the National Area or the language of the majority

of the population of the district, with persons not having command of this language being given full opportunity to acquaint themselves with the material of the case through an interpreter, and also the right to speak in court in their native language.

ARTICLE 11. *Open Examination of Cases in All the Courts*

In accordance with Article 111 of the Constitution of the USSR, the examination of cases in all the courts of the USSR and the Union Republics shall be open, unless the law provides for some exemptions.

ARTICLE 12. *Assurance of the Accused of the Right of Defence*

In accordance with Article 111 of the Constitution of the USSR the accused shall be assured of the right of defence.

ARTICLE 13. *The Collegiums of Advocates*

Collegiums of advocates shall function for the purpose of providing defence in court and also for rendering other legal aid to citizens, enterprises, institutions and organisations.

Collegiums of advocates shall be voluntary associations of persons engaged in advocacy and shall function under a statute approved by the Supreme Soviet of the Union Republic.

The Ministry of Justice of the USSR, the ministries of justice of the Union and Autonomous Republics, and the justice departments of the Executive Committees of the regional, territory and town Soviets of Working People's Deputies shall exercise general guidance of the bar within the framework and in the manner established by the legislation of the USSR and the Union Republics.

ARTICLE 14. *Participation of the Procurator in the Trial*

The Procurator-General of the USSR and the procurators subordinate to him shall, on the basis and in the manner established by the legislation of the USSR and the Union

Republics, participate in administrative sessions and judicial sessions during the examination of criminal and civil cases, maintain the state accusation in court, present and maintain suits in court, and exercise supervision over the legality and validity of judgements, decisions, rulings and decrees rendered by judicial organs, and also over the execution of court judgements.

ARTICLE 15. *Public Accusers and Defenders*

In accordance with the procedure established by the legislation of the USSR and the Union Republics, public accusation and defence in court may be carried out by representatives of mass organisations.

In the instances provided for by the legislation of the USSR and the Union Republics, the victims of a crime may also maintain the accusation.

ARTICLE 16. *The Courts of the USSR and the Union Republics*

Courts of the USSR and courts of the Union Republics shall function in the Union of Soviet Socialist Republics.

ARTICLE 17. *The Courts of the USSR*

The Supreme Court of the USSR and military tribunals shall be courts of the USSR.

ARTICLE 18. *The Courts of the Union Republics*

Courts of the Union Republic shall be: the Supreme Court of the Union Republic, the Supreme Courts of the Autonomous Republics, the regional, territorial and city courts, the courts of the Autonomous Regions and National Areas, and the district (city) people's courts.

ARTICLE 19. *The Procedure Governing Election of District (City) People's Courts*

The people's judges of the district (city) people's courts shall be elected by the citizens of the district (city) on the basis of universal, equal and direct suffrage by secret ballot for a term of five years.

The people's assessors of the district (city) people's courts shall be elected at general meetings of industrial and office workers and peasants at their place of work or residence, and of persons in military service in their military units, for a term of two years.

The procedure governing the election of people's judges and people's assessors shall be established by the legislation of the Union Republics.

ARTICLE 20. *The Procedure Governing the Election of Regional, Territorial and City Courts, and the Courts of Autonomous Regions and National Areas*

The regional, territorial and city courts, and the courts of Autonomous Regions and National Areas shall be elected by the respective Soviets of Working People's Deputies for a term of five years.

ARTICLE 21. *The Composition of the Regional, Territorial and City Court, and the Court of the Autonomous Region and National Area*

The regional, territorial and city court, and the court of the Autonomous Region and National Area shall consist of a chairman, deputy chairmen, the members of the court and the people's assessors, and shall function through the following bodies:

- a) the judicial collegium for civil cases;
- b) the judicial collegium for criminal cases;
- c) the presidium of the court.

ARTICLE 22. *The Procedure Governing the Election and the Competence of the Supreme Court of the Autonomous Republic*

The Supreme Court of the Autonomous Republic shall be the highest judicial organ of the Autonomous Republic.

The Supreme Court of the Autonomous Republic shall exercise supervision over the judicial activity of all the judicial organs of the Autonomous Republic, in accordance with the procedure established by the legislation of the USSR and the Union Republics.

The Supreme Court of the Autonomous Republic shall be elected by the Supreme Soviet of the Autonomous Republic for a term of five years.

ARTICLE 23. *The Composition of the Supreme Court of the Autonomous Republic*

The Supreme Court of the Autonomous Republic shall consist of a chairman, deputy chairmen, the members of the Supreme Court and the people's assessors, and shall function through the following bodies:

- a) the judicial collegium for civil cases;
- b) the judicial collegium for criminal cases;
- c) the presidium of the Supreme Court.

ARTICLE 24. *The Procedure Governing the Election and the Competence of the Supreme Court of the Union Republic*

The Supreme Court of the Union Republic shall be the highest judicial organ of the Union Republic.

The Supreme Court of the Union Republic shall exercise supervision over the judicial activity of all the judicial organs of the Union Republic, in accordance with the procedure established by the legislation of the USSR and the Union Republics.

The Supreme Court of the Union Republic shall be elected by the Supreme Soviet of the Union Republic for a term of five years.

ARTICLE 25. *The Composition of the Supreme Court of the Union Republic*

The Supreme Court of the Union Republic shall consist of a chairman, deputy chairmen, the members of the Supreme Court and the people's assessors, and shall function through the following bodies:

- a) the judicial collegium for civil cases;
- b) the judicial collegium for criminal cases;
- c) the plenary session of the Supreme Court.

Presidiums may be set up by the Supreme Courts of the Union Republics in accordance with the legislation of the Union Republics.

The competence of the presidiums and plenary sessions of the Supreme Courts of the Union Republics shall be established by the legislation of the Union Republics.

ARTICLE 26. *The Procedure Governing the Election and the Competence of the Supreme Court of the USSR*

The Supreme Court of the USSR shall be the highest judicial organ of the Union of Soviet Socialist Republics.

The Supreme Court of the USSR shall exercise supervision over the judicial activity of the judicial organs of the USSR and also of the judicial organs of the Union Republics, within the limits established by the Statute on the Supreme Court of the USSR.

The Supreme Court of the USSR shall be elected by the Supreme Soviet of the USSR for a term of five years.

ARTICLE 27. *The Composition of the Supreme Court of the USSR*

The Supreme Court of the USSR shall consist of a chairman, deputy chairmen, the members of the Supreme Court of the USSR and the people's assessors elected by the Supreme Soviet of the USSR, and also of the chairmen of the Supreme Courts of the Union Republics who shall be *ex officio* members of the Supreme Court of the USSR.

The Supreme Court of the USSR shall function through the following bodies:

- a) the judicial collegium for civil cases;
- b) the judicial collegium for criminal cases;
- c) the military collegium;
- d) the plenary session of the Supreme Court of the USSR.

ARTICLE 28. *Military Tribunals*

The structure and competence, and also the procedure governing the election of military tribunals shall be determined by the Statute on Military Tribunals.

ARTICLE 29. *The Requirements Made Upon Candidates for the Office of Judges and People's Assessors*

Any citizen of the USSR who has electoral rights and who, by the day of the election, has attained the age of 25 years may be elected judge or people's assessor.

ARTICLE 30. *The Equal Rights of People's Assessors and Judges in the Administration of Justice*

In the discharge of their duties in court, people's assessors shall have the same rights as the judge.

ARTICLE 31. *The Term for Which the People's Assessors Are Empanelled to Perform Their Duties in Court*

The people's assessors shall be empanelled to perform their duties in court by rota for not more than two weeks a year, except where extension of this term may be due to the need to complete the examination of a court case begun with their participation.

ARTICLE 32. *Retention of Wages and Salaries for People's Assessors During the Performance of Their Duties in Court*

The people's assessors elected from among factory and office workers shall, during the performance of their duties in court, retain their wages and salaries.

The people's assessors who are not factory and office workers shall be recompensed for the costs incidental to the performance of their duties in court. The procedure and amount of recompense shall be established by the legislation of the Union Republics.

ARTICLE 33. *Reports by the People's Judges to Their Electors*

The people's judges shall regularly report to their electors on their work and the work of the people's court.

ARTICLE 34. *Accountability of the Courts to the Bodies Electing Them*

Regional, territorial and city courts and the courts of the Autonomous Regions and National Areas shall account to their respective Soviets of Working People's Deputies.

The Supreme Courts of the Union and Autonomous Republics shall account respectively to the Supreme Soviets of the Union and Autonomous Republics and, in the period between sessions, to the presidiums of the Supreme Soviets of the Union and Autonomous Republics.

The Supreme Court of the USSR shall account to the Supreme Soviet of the USSR and, in the period between sessions, to the Presidium of the Supreme Soviet of the USSR.

ARTICLE 35. *Recall of Judges and People's Assessors*

Judges and people's assessors may be deprived of their powers before the expiry of their term only through recall by their electors or by the body electing them or under a court judgement passed on them.

The procedure governing the recall, before the expiry of their term, of the judges and people's assessors of the courts of the USSR and the Union Republics shall be determined by the legislation of the USSR and the Union Republics, respectively.

ARTICLE 36. *The Procedure Governing the Institution of Criminal Proceedings Against Judges and People's Assessors*

Judges may not be charged with criminal responsibility, or, in this connection, removed from their office or subjected to arrest:

a) the people's judges, chairmen, deputy chairmen and members of regional, territorial and city courts, the courts of Autonomous Regions and National Areas and the Supreme Courts of the Autonomous Republics—without the consent of the Presidium of the Supreme Soviet of the Union Republic;

b) the chairmen, deputy chairmen and members of the Supreme Courts of the Union Republics and also the

people's assessors of these courts—without the consent of the Supreme Soviet of the Union Republic and, in the period between sessions, of the Presidium of the Supreme Soviet of the Union Republic;

c) the chairman, deputy chairmen and members of the Supreme Court of the USSR, and also the people's assessors of the Supreme Court of the USSR—without the consent of the Supreme Soviet of the USSR and, in the period between sessions, of the Presidium of the Supreme Soviet of the USSR;

d) the chairmen, deputy chairmen and members of military tribunals—without the consent of the Presidium of the Supreme Soviet of the USSR.

#### ARTICLE 37. *The Disciplinary Responsibility of Judges*

Judges shall bear disciplinary responsibility in accordance with the procedure established by the legislation of the USSR for the judges of the courts of the USSR, and by the legislation of the Union Republics for the judges of the courts of the Union Republics.

#### ARTICLE 38. *Execution of Court Decisions, Rulings and Interlocutory Orders*

Bailiffs attached to the courts shall carry out the execution of that part of judgements, rulings and interlocutory orders of civil cases and also of judgements, rulings and interlocutory orders in criminal cases which relate to property exactions. The bailiffs shall be appointed by the chiefs of the justice departments of the Executive Committees of the regional, territorial and city Soviets of Working People's Deputies, by the ministers of justice of the Autonomous Republics, and the ministers of justice of the Union Republics which have no regional division.

The demands presented by court bailiffs in the execution of court sentences, judgements, rulings and interlocutory orders shall be binding on all officials and citizens.

#### ARTICLE 38<sup>1</sup>. *Organisational Guidance of Courts of Law*

The organisational guidance of the courts of law shall be exercised within the framework and in the manner pro-

vided for by the legislation of the USSR, the Union and Autonomous Republics, by the following bodies:

the Ministry of Justice of the USSR—in respect of the courts of the Union Republics and military tribunals;

the ministries of justice of the Union Republics—in respect of the Supreme Courts of the Autonomous Republics, regional, territorial and town courts, the courts of the Autonomous Regions and National Areas, and district (city) people's courts;

the ministries of justice of the Autonomous Republics, the justice departments of the Executive Committees of regional, territorial, town Soviets of the Working People's Deputies—in respect of the district (city) people's courts.

The Ministry of Justice of the USSR shall discharge the following functions:

a) elaborate proposals on the organisation of judicial bodies, the election of judges and people's assessors;

b) guide the work with the judicial personnel;

c) verify the organisation of work of the judicial bodies;

d) study and generalise the judicial practice, and coordinate this activity with the Supreme Court of the USSR;

e) organise the work of compiling judicial statistics.

The Minister of Justice of the USSR shall have the right to submit to the plenary session of the Supreme Court of the USSR proposals on giving courts the guiding instructions on the application of legislation.

The Ministry of Justice of the USSR, the ministries of justice of the Union and Autonomous Republics, the justice departments of the Executive Committees of the regional, territorial and town Soviets of Working People's Deputies are called upon to promote in every way the implementation of the purposes of justice and the tasks of the courts by strictly observing the principle of independence of judges and their subordination only to the law.

ARTICLE 39. *Promulgation by the Union Republics of Laws on the Judicial System of the Union Republics*

In accordance with Article 14 (U) of the Constitution of the USSR, and in accordance with the present Fundamentals the Supreme Soviets of the Union Republics shall promulgate laws on the judicial system of the Union Republics.

**THE LAW OF THE UNION  
OF SOVIET SOCIALIST REPUBLICS  
OF DECEMBER 8, 1961,  
ON THE APPROVAL OF THE FUNDAMENTALS  
OF CIVIL LEGISLATION OF THE USSR  
AND THE UNION REPUBLICS**

*(Gazette of the Supreme Soviet of the USSR  
No. 50, 1961, Item 525)*

The Supreme Soviet of the Union of Soviet Socialist Republics *decrees*:

- ARTICLE 1. To approve the Fundamentals of Civil Legislation of the USSR and the Union Republics and declare them effective as of May 1, 1962.
- ARTICLE 2. To entrust the Presidium of the Supreme Soviet of the USSR with laying down the procedure for putting into effect the Fundamentals of Civil Legislation of the USSR and the Union Republics and with bringing the legislation of the USSR in conformity with the present Fundamentals.
- ARTICLE 3. To entrust the Supreme Soviets of the Union Republics with bringing the legislation of the Union Republics in conformity with the Fundamentals of Civil Legislation of the USSR and the Union Republics.

## FUNDAMENTALS OF CIVIL LEGISLATION OF THE USSR AND THE UNION REPUBLICS

With the complete and final victory of socialism, the Soviet Union has entered the period of full-scale communist construction.

The tasks of this period are to create the material and technical basis of communism, ensuring material and cultural abundance and the ever fuller satisfaction of the requirements of society and all its citizens; gradually to transform socialist social relations into communist relations; to educate citizens in the spirit of lofty communist ideals, and the communist attitude to labour and social property.

In the period of full-scale communist construction, the economy is based on socialist property in the means of production in the form of state property (property of the whole people) and collective-farm and co-operative property, the latter gradually drawing closer to the property of the whole people until the two are integrated in a single communist property in the means of production.

Personal property is a derivative of socialist property and is a means of satisfying the requirements of citizens. With the advance to communism, the personal requirements of citizens will be increasingly satisfied from social funds.

In communist construction, full use is being made of commodity-money relations in keeping with their new content under the planned socialist economy, and use is also made of such important instruments of economic development as economic accounting, money, price, cost, profit, trade, credit, and finance. Communist construction rests on the principle of material incentives for citizens, enterprises, collective farms, and other economic organisations.

The Soviet state guides the planned economic development of the USSR in accordance with the Leninist principle of democratic centralism, which gives ever freer play to the initiative of enterprises and other organisations in their economic operations and management of property, and extends their powers within the framework of a single national economic plan.

Soviet civil legislation regulates property relations, implying the use of commodity-money relations in communist construction, and the non-property personal relations connected with them.

Soviet civil legislation is an important means of further strengthening the rule of law in the sphere of property relations and safeguarding the rights of socialist organisations and citizens.

It is the purpose of Soviet civil legislation actively to promote the solution of the tasks of communist construction. It helps to consolidate the socialist system of economy and socialist property, and to develop its forms into one communist property; to enhance planning and contractual discipline, and economic accounting; to ensure timely and proper completion of deliveries, steady improvement of quality, fulfilment of capital construction projects and greater effectiveness of capital investments; to carry out state purchases of agricultural produce; to develop Soviet trade; to safeguard the material and cultural interests of citizens and balance them with those of society as a whole; and to stimulate inventiveness in science and technology, and creativity in literature and the arts.

## SECTION I GENERAL PROVISIONS

### ARTICLE 1. *Purposes of Soviet Civil Legislation*

Soviet civil legislation shall regulate property relations and related non-property personal relations for the purpose of creating the material and technical basis of communism and providing ever fuller satisfaction of the material and spiritual requirements of citizens. In the cases provided for by law, civil legislation shall likewise regulate other non-property personal relations.

Property relations in Soviet society shall be based on the socialist system of economy and socialist property in the means and instruments of production. The economic development of the USSR shall be determined and guided by the state national economic plan.

ARTICLE 2. *Relations Regulated by Soviet Civil Legislation*

Soviet civil legislation shall regulate the relations stated in Article 1 of the present Fundamentals:

between state, co-operative and mass organisations;  
between citizens and state, co-operative and mass organisations;

between citizens.

Other organisations may also be parties to the relations regulated by Soviet civil legislation, in cases provided for by the legislation of the USSR.

The civil legislation of the USSR and the Union Republics shall not apply to property relations based on the administrative subordination of one party to another, or to tax and budget relations.

Family, labour, and land relations, and also relations within collective farms arising from their Rules shall be regulated respectively by family, labour, land and collective-farm legislation.

ARTICLE 3. *Civil Legislation of the USSR and the Union Republics*

In accordance with the present Fundamentals, the Civil Codes and other acts of civil legislation of the Union Republics shall regulate property and non-property personal relations, whether or not provided for by the Fundamentals.

In conformity with the present Fundamentals, the civil legislation of the USSR shall regulate relations between socialist organisations in delivery of products, and capital construction; relations involving state purchase of agricultural produce from collective and state farms; relations of organisations in rail, sea, inland waterway, air and pipeline transport and communications, and credit establishments, with their clients and with each other; relations in state insurance; relations arising from discoveries, inventions and

technical improvements; and also other relations whose regulation is referred, by the Constitution of the USSR and the present Fundamentals, to the jurisdiction of the USSR. Within the sphere of these relations, the legislation of the Union Republics may decide matters referred to their jurisdiction by the legislation of the USSR.

Relations in foreign trade shall be determined by special legislation of the USSR regulating foreign trade, and by the general civil legislation of the USSR and the Union Republics.

#### ARTICLE 4. *Grounds from Which Civil Rights and Duties Arise*

Civil rights and duties shall arise from the grounds provided for by the legislation of the USSR and the Union Republics, and also from the acts of citizens and organisations which, while not provided for by law, give rise to civil rights and duties in virtue of the general principles and meaning of civil legislation.

Accordingly, civil rights and duties shall arise:

from transactions provided for by law, and also from transactions which, while not provided for by law, do not contradict it;

from administrative acts, including—for state, co-operative and mass organisations—planning acts;

from discoveries, inventions, technical improvements, and the production of scientific, literary and artistic works;

from injury caused to another person, and likewise from the acquisition or saving of property at the expense of another person, without sufficient grounds thereto;

from other acts of citizens and organisations;

from events to which the law attaches civil legal consequences.

#### ARTICLE 5. *Exercise of Civil Rights and Performance of Duties*

Civil rights shall be protected by law, except as they are exercised in contradiction to their purpose in socialist society in the period of communist construction.

In exercising their rights and performing their duties, citizens and organisations must observe the laws and respect

the rules of socialist community life and the ethical principles of the society building communism.

#### ARTICLE 6. *Protection of Civil Rights*

Civil rights shall be protected in the established manner by the courts or arbitration or mediation boards by means of: recognition of these rights; restoration of the condition existing prior to the infringement of the right, and arrestment of the acts infringing the right; adjudication of specific performance; termination or modification of legal relation; recovery, from the person infringing the right, of damages caused and, in cases provided for by law or contract, of penalty (fine, penal interest), and also by other means provided for by law.

Civil rights shall also be protected, in the cases and in the manner established by the legislation of the USSR and the Union Republics, by comrades' courts, and trade union and other mass organisations.

In cases specifically prescribed by law, civil rights shall be protected administratively.

#### ARTICLE 7. *Protection of Honour and Dignity*

Citizens and organisations shall have the right to sue by law for retraction of statements defamatory to their honour and dignity, where the person circulating such statements fails to prove them to be true.

Where such statements are circulated through the press, they must, if found untrue, be retracted also in the press. The manner of retraction in other cases shall be established by the court.

Where the court judgement has not been carried out, the court may order the wrongdoer to pay a fine which shall be collected for the benefit of the state. Payment of fine shall not relieve the wrongdoer from the duty to perform the act prescribed by the court judgement.

#### ARTICLE 8. *Legal Capacity and Legal Ability of Citizens*

The capacity of having civil rights and duties (civil legal capacity) shall belong equally to all citizens of the USSR. The citizen's legal capacity shall begin at birth and cease at death.

The citizen's full capacity by his acts to acquire civil rights and to create for himself civil duties (civil legal ability) shall arise at majority, i.e., upon his attainment of the age of eighteen years. The limited legal ability of minors, and also the cases and the manner of limiting the legal ability of adults, shall be determined by the legislation of the USSR and the Union Republics.

No one may be restricted in legal capacity or legal ability, except in the cases and in the manner established by law. Legal transactions seeking to limit legal capacity or legal ability shall be void.

#### ARTICLE 9. *Content of Legal Capacity of Citizens*

Citizens may, in conformity with the law, hold property in personal ownership; use dwelling premises and other property; inherit and bequeath property; choose their occupation and place of residence; have the rights of the author of a work of science, literature and art, discovery, invention and technical improvement, and also have other property and non-property personal rights.

#### ARTICLE 10. *Declaring a Citizen Absent or Dead*

A citizen may be declared absent, in a judicial proceeding, where no information concerning his whereabouts is available at the place of his permanent domicile for a period of one year.

A citizen may be declared dead, in a judicial proceeding, where no information concerning his whereabouts is available at the place of his permanent domicile for a period of three years; where he was missing in circumstances of mortal danger or circumstances warranting the presumption of his death in a definite accident, the period shall be six months.

A member of the armed forces or any citizen missing in connection with hostilities may be declared dead, in a judicial proceeding, not before the expiration of a period of two years from the day of termination of hostilities.

In the event of reappearance or discovery of the whereabouts of a citizen declared absent or dead, the pertinent declaration shall be annulled by the court. The restoration of the citizen's property rights shall be effected in accordance with the legislation of the Union Republics.

## ARTICLE 11. *Juridical Persons*

Organisations as possess separate property and may in their own name acquire property and non-property rights and assume duties, and appear as plaintiffs and defendants in a court of law or before an arbitration or mediation board shall be deemed to be juridical persons.

Juridical persons shall be:

state enterprises and other state organisations operating for their own account, having fixed and circulating assets assigned to them and a separate balance sheet; establishments and other state organisations financed from the state budget and having separate estimates, and whose executives are authorised to dispose of credits (except as provided for by law); state organisations financed from other sources and having separate estimates and a separate balance sheet;

collective farms, inter-collective-farm and other co-operative and mass organisations and their associations and, in cases provided for by the legislation of the USSR and the Union Republics, enterprises and establishments of these organisations and their associations with separate property and a separate balance sheet;

state-collective-farm and other state-co-operative organisations.

Juridical persons shall operate on the basis of their rules (statute). Establishments and other state organisations on the state budget and, in cases provided for by the legislation of the USSR and the Union Republics, other organisations as well may operate under a general statute for organisations of this type.

The establishments and other state organisations on the state budget enumerated in the present Article shall, in cases provided for by the legislation of the USSR and the Union Republics, operate either on behalf of the USSR or a Union Republic.

## ARTICLE 12. *Legal Capacity of Juridical Persons*

Juridical persons shall have civil legal capacity in accordance with the established purposes of their activity.

The rights and duties of economic organisations connected with the use of firm names, trade marks and trade signs shall be determined by the legislation of the USSR.

ARTICLE 13. *Liability of Juridical Persons for Their Obligations*

Juridical persons shall be liable for their obligations in the property they own (and state organisations, in the property assigned to them) which, in accordance with the legislation of the USSR and the Union Republics, is subject to attachment.

The state shall not be liable for the obligations of state organisations which are juridical persons, nor shall these organisations be liable for the obligations of the state.

The terms and procedure governing the allocation of funds to discharge the debts of establishments and other state organisations on the state budget, where such debts cannot be covered from their own estimates, shall be established by the legislation of the USSR and the Union Republics.

ARTICLE 14. *Legal Transactions*

Acts of citizens and organisations designed to establish, modify or terminate civil legal rights or duties shall be deemed to be legal transactions.

Legal transactions may be unilateral, bilateral or multi-lateral (contracts).

Legal transactions not conforming to the requirements of the law shall be invalid.

Failure to conform to the form prescribed by law shall entail invalidation of the legal transaction only where such consequence is expressly provided for by law. Non-compliance with the form of foreign trade transactions and the procedure governing their signature (Article 125 of the present Fundamentals) shall entail invalidation of the transaction.

Where a transaction is invalid, each of the parties shall restore to the other everything received under the transaction, and where the things received in kind cannot be restored, their value shall be compensated in cash, unless the law prescribes other consequences of invalidation of the transaction.

Where the legal transaction is made for a purpose known to be contrary to the interests of the socialist state and society and where there is intent on the part of both parties—in the event of both parties performing the transaction—all that was received by them under the transaction shall be collected for the benefit of the state, and in the event of performance of the transaction by one party, all that was received by the other party and that which was due from the other party to the first party in compensation for that which was received shall be collected for the benefit of the state; where there is intent on the part of only one party, all that was received by that party under the transaction shall be returned to the other party, and that which was received by the latter party or that which was due to that party in compensation of that which was performed shall be collected for the benefit of the state.

#### ARTICLE 15. *Agency*

A transaction performed by one party (the agent) in the name of another party (the principal) in virtue of powers based on the power-of-attorney, law or administrative act, shall immediately establish, modify or terminate the civil rights and duties of the principal.

#### ARTICLE 16. *Statute of Limitations*

The general period for action to enforce the right of the party aggrieved (statute of limitations) shall be three years; for action brought by state organisations, collective farms and other co-operative and mass organisations against each other, the period shall be one year.

For some types of claims arising from relations whose regulation is referred to the jurisdiction of the USSR shorter periods of limitation may be established by the legislation of the USSR, and for other claims, by the legislation of the Union Republics.

The running of the period of limitation shall commence with the accrual of the right to sue; the right to sue shall accrue from the day the person learns, or should have learned, of the infringement of his right. Exceptions to this rule, and also the grounds for interruption and suspension of the

running of periods of limitation, shall be established by the legislation of the USSR and the Union Republics.

The courts and arbitration or mediation boards shall take cognisance of claims for the protection of infringed rights regardless of the expiration of the period of limitation. The courts and arbitration or mediation boards shall apply the statute of limitations irrespective of the motions of the parties. Where the court or arbitration or mediation board finds that the reason for the failure to bring an action before the expiry of the period of limitation is valid, the infringed right shall be subject to protection.

ARTICLE 17. *Claims to Which the Statute of Limitations Does Not Apply*

The statute of limitations shall not apply to:

claims arising from infringement of non-property personal rights, except in cases provided for by law;

claims by organisations for the recovery of state property from the unlawful possession of collective farms and other co-operative and mass organisations or citizens;

claims by depositors for payment of deposits made in labour-savings state banks and in the State Bank of the USSR;

other claims, in the cases provided for by the legislation of the USSR.

ARTICLE 18. *Application of the Civil Legislation of One Union Republic in Another Union Republic*

The civil legislation of one Union Republic shall apply in another Union Republic in accordance with the following rules:

1) relations arising from the right in property shall be subject to the law of the place where the property is located;

2) in the conclusion of transactions, legal capacity and legal ability shall be determined by the law of the place where the transaction is concluded;

3) the form of transaction shall be determined by the law of the place where the transaction is concluded; the obligations arising from a transaction shall be subject to the law

of the place where the transaction is concluded, unless otherwise provided for by law or agreement of the parties;

4) obligations arising from injury caused to another shall be subject to the law of the place where the dispute is decided; at the request of the party aggrieved, the law of the place where the injury was caused shall apply;

5) relations arising from succession shall be subject to the law of the place of opening of succession;

6) matters of the statute of limitations shall be decided in accord with the law of the Union Republic whose legislation regulates the given relation.

## SECTION II LAW OF PROPERTY

### ARTICLE 19. *Powers of the Owner*

The owner shall have the powers of possession, use and disposal of property within the limits established by law.

### ARTICLE 20. *Socialist Property*

State property (property of the whole people); the property of the collective farms and other co-operative organisations and their associations; the property of mass organisations shall be socialist property.

### ARTICLE 21. *State Property*

The state shall be the sole owner of all state property.

State property assigned to state organisations shall be in the operative management of these organisations which shall exercise the powers of possession, use and disposal of the property within the limits established by law and in accordance with the aims of their activity, planned assignments and the designated purpose of the property.

Land, minerals, waters, forests, factories, mines, electric power stations; railway, water, air and motor transport; banks, means of communication, state-organised agricultural, commercial, public utility and other enterprises; and also the basic housing facilities in towns and townships shall be the property of the state. Any other property may also be in the ownership of the state.

Land, minerals, waters and forests, being the exclusive property of the state, may be made available only for use.

ARTICLE 22. *Disposal and Attachment of State Property*

The procedure governing the transfer of state enterprises, buildings, structures, plant and other property, constituting the fixed assets of state organisations, to other state organisations and also collective farms and other co-operative and mass organisations shall be determined by the legislation of the USSR and the Union Republics.

State enterprises, buildings and structures shall be transferred from one state organisation to another gratuitously.

The state property indicated in the present Article shall not be subject to alienation to citizens, with the exception of some types of property whose sale to citizens is allowed by the legislation of the USSR and the Union Republics.

Enterprises, buildings, structures, plant and other property constituting the fixed assets of state organisations may not be the object of mortgage, nor may they be attached to meet the claims of creditors. Attachment may be applied to other assets, except for the exemptions established by the legislation of the Union Republics, and in respect of cash resources, by the legislation of the USSR. The procedure governing attachment to satisfy the claims of credit institutions for repayment of loans granted by them shall be determined by the legislation of the USSR.

ARTICLE 23. *Property of Collective Farms, Other Co-operative Organisations and Their Associations*

The enterprises of collective farms, other co-operative organisations and their associations, their welfare and cultural establishments, buildings, structures, tractors, harvester combines, and other machinery, means of transport, draught animals and productive stock, the goods produced by these organisations and other assets corresponding to the aims of their activity, shall be the property of these organisations.

The enterprises, welfare and cultural establishments, buildings, structures, tractors, harvester combines and other machinery, means of transport and other property owned by collective farms, other co-operative organisations

and their associations and constituting their fixed assets, and also their seed and feed stocks, may not be attached to meet the claims of creditors. Attachment may be applied to other assets, except for the exemptions established by the legislation of the Union Republics, and in respect of cash resources, by the legislation of the USSR. The procedure governing attachment to satisfy the claims of credit institutions for repayment of loans granted by them shall be determined by the legislation of the USSR.

ARTICLE 24. *Property of Trade Union and Other Mass Organisations*

The enterprises of trade union and other mass organisations, their buildings, structures, sanatoriums, rest homes, houses of culture, clubs, stadiums and Young Pioneer camps and their equipment, and cultural and educational funds and other assets in keeping with the aims of the activity of these organisations, shall be their property.

The enterprises, buildings, structures, equipment and other property constituting the fixed assets of enterprises, sanatoriums, rest homes, houses of culture, clubs, stadiums and Young Pioneer camps owned by trade union and other mass organisations, and also their cultural and educational funds may not be attached to meet the claims of creditors. Attachment may be applied to other assets, except for the exemptions established by the legislation of the Union Republics, and in respect of cash resources, by the legislation of the USSR. The procedure governing attachment to satisfy the claims of credit institutions for repayment of loans granted by them shall be determined by the legislation of the USSR.

ARTICLE 25. *Personal Property*

Property designed to satisfy the material and cultural requirements of citizens may be in their personal ownership. Every citizen may have in his personal ownership income and savings earned by his labour, a dwelling house (or part thereof) and subsidiary husbandry, household effects and furnishings and articles of personal use and convenience. The personal property of citizens may not be used to derive unearned income.

Every citizen may have one dwelling house as his personal property. Cohabiting spouses and their minor children may have only one dwelling house which one of them owns by right in personal property, or which they own as common property. The maximum size of dwelling house which may be in the personal ownership of a citizen and the terms and manner of leasing premises in such houses shall be established by the legislation of the Union Republics.

The legislation of the Union Republics shall establish the maximum number of livestock which may be the personal property of a citizen.

A citizen who is a member of a collective-farm household may not have in his personal ownership any property which, in keeping with the collective farm's rules, may be owned only by a collective-farm household.

#### ARTICLE 26. *Common Property*

Property may belong by right in common property to two or more collective farms or other co-operative and mass organisations, or to the state and one or more collective farms or other co-operative and mass organisations, or to two or more citizens.

A distinction shall be made between common property held in shares (share property) and property without demarcation of shares (joint property).

#### ARTICLE 27. *Property of the Collective-Farm Household*

The property of the collective-farm household shall belong to its members by right in joint property (Article 26 of the present Fundamentals).

The collective-farm household may, in keeping with the collective farm's rules, own a subsidiary husbandry on the house-and-garden plot in its use, a dwelling house, livestock, poultry and minor farm implements.

In addition, the collective-farm household shall own the income conveyed to it by members of the household which they earn by working in the farm's collective economy, or any other property conveyed to the household, and also any articles of domestic utility and personal use paid for out of common funds.

The procedure governing possession, use and disposal of the property of the collective-farm household, and also the separation of the shares of members and the partition of the household shall be established by the legislation of the Union Republics.

ARTICLE 28. *Protection of the Right in Property*

The owner shall have the right to recover his property from the unlawful possession of another.

Where the property has been acquired for value from a person not entitled to alienate it, of which the buyer did not know and was not required to know (holder in good faith), the owner shall have the right to recover his property from the buyer only where the property was lost by the owner or by a person into whose possession the property had been conveyed by the owner, or was stolen from either, or in any other way withdrawn from their possession without their knowledge.

Where the property has been acquired gratuitously from a person not entitled to alienate it, the owner shall have the right to recover the property in any case.

State property, and also the property of collective farms and other co-operative and mass organisations unlawfully alienated by any means whatsoever may be recovered by the organisations concerned from any holder.

Money and bearer securities may not be recovered from a holder in good faith.

The owner shall have the right to demand that all breaches of his right be remedied, even where such breaches do not involve dispossession.

ARTICLE 29. *Protection of the Rights of Holders Other Than Owners*

The rights provided for in Article 28 of the present Fundamentals shall also belong to persons who, while not being owners, are in possession of the property in virtue of law or contract.

ARTICLE 30. *Accrual of Title for the Party Acquiring Property Under Contract*

Title for the party acquiring property under contract (and for state organisations—the right of operative manage-

ment of property) shall arise from the moment the thing is delivered, unless the law or contract provides otherwise.

Delivery shall be deemed accomplished by handing over the things to the acquiring party, or by handing over the things to a carrier for despatch to the acquiring party, or by deposit with the post office for despatch to the acquiring party of things alienated without obligation to deliver. Delivery of the bill of lading or other warrant shall be deemed equivalent to delivery of the things.

#### ARTICLE 31. *Requisition and Confiscation*

Dispossession of the owner of his property by the state in the state or public interest, with payment to him of the value of the property (requisition), and also the seizure of property by the state without compensation, as a penalty for an offence (confiscation), shall be allowed only in the cases and in the manner established by the legislation of the USSR and the Union Republics.

#### ARTICLE 32. *Ownerless Property*

Property which has no owner or whose owner is unknown (ownerless property) shall revert to the ownership of the state. Ownerless property which belonged to a collective-farm household shall revert to the ownership of the collective farm. The procedure governing transfer of ownerless property to the ownership of the state or the collective farm shall be established by the legislation of the Union Republics.

### SECTION III

## LAW OF OBLIGATION

### CHAPTER 1

## GENERAL PROVISIONS

#### ARTICLE 33. *Obligations and Their Performance*

By virtue of an obligation, one person (the debtor) must perform for the benefit of another (the creditor) a specific act, such as to deliver property, do work, pay money, etc., or abstain from performing a specific act, and the creditor shall have the right to claim from the debtor the performance of his duty.

Obligations shall arise from contract or from the other grounds specified in Article 4 of the present Fundamentals.

Obligations must be performed in the proper manner and at the specified time, as stated in law, planning act, or contract and, in the absence of such indications, in accordance with the usual requirements.

Unilateral refusal to perform an obligation and unilateral alteration of the terms of the contract shall not be permitted, except in the cases provided for by law.

#### ARTICLE 34. *Conclusion of Contracts*

A contract shall be deemed concluded when the parties have reached agreement, in the form required by law for the appropriate cases, on all the essential points thereof. The essential points shall be those which are specified by law or are necessary to the given type of contract, and also all other particulars on which, according to the declaration of either party, agreement is to be reached.

The content of a contract concluded on the basis of a planned assignment must correspond to that assignment.

Disputes arising at the making of a contract based on a planned assignment which is mandatory for either party shall be decided by the court of law where one of the parties is a collective farm or an inter-collective-farm organisation and by the appropriate arbitration (mediation) board where the parties are state, co-operative (except collective farms and inter-collective-farm organisations) and other non-government organisations, unless the law provides otherwise.

Disputes between the said organisations arising at the making of a contract not based on a planned assignment which is binding on either party may be decided by a court or an arbitration board, respectively, where this is specifically provided for by law or agreement between the parties.

#### ARTICLE 35. *Securing Performance of Obligations*

Performance of obligations may be secured in accordance with law or contract by means of penalty (fine, penal interest), pledge and surety. In addition, obligations between citizens or with their participation may be secured by means of earnest, and obligations between socialist organisations, by means of guarantee.

## ARTICLE 36. *Liability for Breach of Obligations*

In the event of non-performance or improper performance of the obligation by the debtor he must compensate the creditor for the damages caused thereby. Damages shall be deemed the expenses incurred by the creditor, the damage to, or loss of, his property, and also the income which the creditor did not receive but which he would have received had the obligation been performed by the debtor.

Where a penalty (fine, penal interest) is stipulated for non-performance or improper performance of the obligation, damages shall be paid in the amount not covered by the penalty (fine, penal interest).

The law or contract may provide for cases in which only penalty (fine, penal interest) but not damages may be collected; in which damages may be collected in the full amount over and above the penalty (fine, penal interest); in which the creditor may choose to collect either penalty (fine, penal interest) or damages.

The legislation of the USSR and the Union Republics may establish limited liability for non-performance or improper performance of some types of obligations.

Socialist organisations shall make no agreement limiting their liability where the extent of liability for obligations of the given type is specifically stated by law.

Payment of penalty (fine, penal interest) fixed for delay or other improper performance of obligations and payment of damages caused by improper performance shall not relieve the debtor from the specific performance of the obligation, except in cases where the planned assignment on which the obligation between socialist organisations is based has become inoperative.

## ARTICLE 37. *Fault as the Condition of Liability for Breach of Obligations*

A person failing to perform an obligation or performing it improperly shall incur material liability for damages (Article 36 of the present Fundamentals) only in the presence of fault (intent or negligence), except in the cases provided for by law or contract. Onus of proving absence of fault shall fall on the person violating the obligation.

Where non-performance or improper performance of an obligation occurs through the fault of both parties, the court, or arbitration or mediation board shall reduce the amount of the debtor's liability accordingly.

ARTICLE 38. *Assigning Performance of Obligation to a Third Party*

Performance of an obligation arising from contract may be assigned, in whole or in part, to a third party, where this is provided for by the established rules or where the third party is connected with one of the parties through administrative subordination or relevant contract.

In that event, liability for non-performance or improper performance of the obligation shall fall on the party to the contract from which it has arisen, provided the legislation of the USSR and the Union Republics does not impose liability on the actual performer.

CHAPTER 2

SALE

ARTICLE 39. *Contract for Sale*

By contract for sale, the seller shall undertake to convey the goods to the ownership of the buyer, and the buyer to accept the goods and to pay a definite amount of money thereof.

Where the buyer is a state organisation it shall acquire the right of operative management of the property (Article 21 of the present Fundamentals).

ARTICLE 40. *Price*

State, co-operative and mass organisations shall sell goods at the established state prices, except in the cases provided for by the legislation of the USSR and, within the limits prescribed by it, by the legislation of the Union Republics.

The sale by collective farms of their surplus agricultural produce which is not bought by the state, and also the sale by citizens of their property, shall be effected at prices fixed by agreement of the parties.

ARTICLE 41. *Liability of the Seller for Improper Quality of the Things Sold*

The quality of the thing sold must be in keeping with the terms of the contract, and in the absence of any stipulation in the contract, with the usual requirements. The thing sold by a trading organisation must correspond to the state standard, technical specifications or samples established for things of this type, unless the contrary follows from the nature of the given sale.

The buyer who has been sold a thing of improper quality, where its defects had not been specified by the seller, may elect to demand either substitution of a thing of proper quality for the thing determined in the contract by generic characteristics, or proportionate reduction in the purchase price, or gratuitous removal of the defects of the thing by the seller, or compensation for the expenses incurred by the buyer in repairing them, or rescission of the contract and payment of damages to the buyer.

The manner in which these rights are exercised by a person buying a thing in a retail trading enterprise shall be determined by the legislation of the Union Republics.

ARTICLE 42. *Periods for Filing Claims and Periods of Limitation for Actions Over Defects of Things Sold*

The periods within which claims may be filed over the defects of a thing sold and also the periods of limitation for action on claims connected with such defects shall be established by the legislation of the USSR and the Union Republics.

Where, in accordance with Article 48 of the present Fundamentals, guarantee periods are established for things sold through retail trading organisations, such periods shall run from the day of the retail sale. Within the guarantee period, the buyer may file a claim with the seller over the defects of the thing sold hindering its normal use. The seller must ensure gratuitous removal of the defects of the thing or substitute for it a thing of proper quality, or accept it back with repayment to the buyer of the amount paid for it, where he fails to prove that the defects are due to the buyer's breach of the rules governing the use or safekeeping of the thing.

### ARTICLE 43. *Sale of Goods on Credit*

Durable goods may be sold to citizens by retail trading enterprises on credit (with payment by instalments) in the cases and in the manner established by the legislation of the Union Republics.

Title to goods sold on credit shall arise for the buyer in accordance with the rules of Article 30 of the present Fundamentals.

## CHAPTER 3

### DELIVERY

### ARTICLE 44. *Contract for Delivery*

By contract for delivery, the supplier organisation shall undertake to convey by a definite date or dates to the ownership of the buyer organisation (customer) or, in conformity with Articles 21 and 30 of the present Fundamentals, into its operative management, specified goods in accordance with the planning act of distribution of goods which is binding on both organisations; the customer shall undertake to accept the goods and to pay for them at the established prices. A contract concluded between the organisations at their discretion by which the supplier undertakes to convey to the buyer goods which are not subject to planned distribution within a period not coincident with the moment of the making of the contract, shall also be deemed to be contract for delivery.

Delivery of goods without the making of a contract shall be effected only in the cases established by the Council of Ministers of the USSR or the Council of Ministers of a Union Republic.

### ARTICLE 45. *Short Delivery or Short Collection*

The quantity of goods short delivered by the supplier or short collected by the customer within the stipulated time must be delivered (collected) in the manner and within the periods specified in the Regulations for Delivery, Special Terms of Delivery for Separate Types of Goods (Article 50 of the present Fundamentals) or in contract.

The customer, after notifying the supplier, shall have the right to refuse to accept the goods whose delivery has

been delayed, except as the contract provides otherwise. Goods despatched by the supplier before the receipt of notification from the customer must be accepted and paid for by the latter.

#### ARTICLE 46. *Assortment of Goods Delivered*

Goods must be delivered in accordance with the assortment specified in the contract.

Delivery of some types of goods listed in the assortment in excess of the quantity specified in the contract shall not be included to cover short delivery of other types of goods, except where such delivery is made with the customer's consent.

For short delivery of some types of goods listed in the assortment, the supplier shall pay the fixed penalty, even where delivery of the goods in total value has been completed within the period specified by the contract.

#### ARTICLE 47. *Quality of Goods Delivered*

The quality of goods delivered must correspond to state standards, technical specifications or samples. Contract may provide for delivery of goods of higher quality than that specified by state standards, approved technical specifications or samples.

In the event of delivery of goods of lower quality than that required by state standards, approved technical specifications or samples, the buyer must refuse to receive or pay for the goods, and where the goods have been paid for by the buyer, the amount paid shall be subject to refund.

However, where the defects of the delivered goods can be removed without returning them to the supplier, the buyer shall have the right to demand of the supplier correction of the defects at the place where the goods are located, or to correct the defects by his own means for the supplier's account.

Where the delivered goods correspond to state standards or technical specifications but prove to be of a lower grade than has been specified, the buyer shall have the right to accept the goods with payment at the price established for goods of the corresponding grade, or to refuse acceptance of, and payment for, the goods.

For actions arising from delivery of goods of improper quality, a six-month period of limitation shall be established to run from the day the buyer discovers, in the proper manner, the existence of defects in the goods delivered to him.

ARTICLE 48. *Periods for Filing Claims Over Defects of Delivered Goods*

The periods and procedure for disclosure by the buyer of defects of goods delivered to him which could not be discovered under the usual method of accepting goods, and for presentation to the supplier of claims arising from delivery of goods of improper quality, shall be determined by the legislation of the USSR.

In respect of goods designed for long-term use or storage, state standards or technical specifications may provide longer periods for disclosure by the buyer, in the established manner, of the said defects (guarantee periods) with subsequent presentation to the supplier of claims for removal of these defects or replacement of the goods. The supplier must gratuitously repair the defects of goods covered by a guarantee period, or replace them, unless he proves that the defects have been caused by the buyer's breach of the rules governing their use or safe-keeping.

Contracts may fix guarantee periods, where such are not provided for by standards or technical specifications, and also longer guarantee periods than those provided for by standards or technical specifications. In respect of consumer goods sold through retail trading organisations, the running of the guarantee period shall commence from the day of the retail sale of the thing (Article 42 of the present Fundamentals).

ARTICLE 49. *Delivery of Goods in Complete Sets*

Goods must be delivered in complete sets, in accordance with the requirements of state standards, technical specifications or price lists. The contract may provide for the delivery of products with some items (parts) supplementary to the set or without some items (parts) in the set which are not needed by the buyer. Where completeness is not determined by state standards, approved technical specifications

or price lists it may, where necessary, be determined by contract.

In the event of delivery of incomplete sets of goods, the buyer must demand that the sets be completed or that the incomplete sets of goods be replaced, and until the sets are completed or replaced he must refuse to pay for them, and where payment has been made, demand a refund of the amounts paid for them.

Where the supplier fails to complete the sets of goods by the date fixed by agreement of the parties, the buyer shall have the right to reject the goods.

ARTICLE 50. *Regulations for Delivery and, Special Terms of Delivery. Liability for Breach of Delivery Contract*

Contracts for delivery shall be made and performed in accordance with the Regulations for Delivery, approved by the Council of Ministers of the USSR, and the Special Terms of Delivery for Separate Types of Goods, approved in the manner established by the Council of Ministers of the USSR, and, in the cases provided for by it, by the Councils of Ministers of the Union Republics.

In conformity with these Regulations and Special Terms, breach of contract for delivery shall entail payment of penalty (fine, penal interest) and damages.

In the event of delivery of goods of improper quality or in incomplete sets, the buyer shall collect from the supplier the fixed penalty (fine) and, in addition, damages caused by such delivery without any set-off for the penalty (fine).

CHAPTER 4

STATE PURCHASE OF AGRICULTURAL PRODUCE  
FROM COLLECTIVE AND STATE FARMS

ARTICLE 51. *Contract for Delivery of Agricultural Produce*

State purchase of agricultural produce from collective and state farms shall be made by contracts for delivery of agricultural produce, which are concluded on the basis of plans for state purchase of agricultural produce and plans for

the development of agricultural production on collective and state farms.

ARTICLE 52. *Content of Contract for Delivery of Agricultural Produce*

Contracts for delivery of agricultural produce must specify: quantity (by type of produce), quality, delivery dates, the manner and terms of delivery, and place of delivery of agricultural produce;

the duty of purchasing organisations and enterprises to accept the produce and pay for it at the fixed prices and in due time, and also the amounts and the dates of advance cash payments to collective farms;

the duties in helping the collective and state farms to organise the raising of agricultural produce and its transportation to receiving centres and enterprises;

reciprocal material liability of the parties in the event of non-performance of their duties.

Standard contracts for delivery of agricultural produce shall be approved in the manner established by the Council of Ministers of the USSR.

CHAPTER 5

LEASE OF PROPERTY

ARTICLE 53. *Contract for Lease of Property*

By contract for lease of property, the lessor shall undertake to make available property for temporary use by the lessee for a reward.

The lessor must convey the property to the lessee in a condition which is in keeping with the terms of the contract and with the designated purpose of the property and must make extensive repairs to the property at his own expense, unless law or contract provides otherwise.

The lessee must make payments for the use of the property at the proper time; use the property in keeping with the contract and with the designated purpose of the property; maintain it in good repair; make current repairs at his own expense, unless otherwise provided for by law or contract; and upon the termination of the contract for lease return the

property in the condition he had received it, subject to normal wear and tear, or in the condition specified in the contract.

ARTICLE 54. *Continuation in Force of Lease Contract  
Where Property Is Transferred to Another  
Owner*

Where the title to leased property is transferred from the lessor to another party, the lease contract shall be binding on the new owner. The lease contract shall also continue to be effective where the property is transferred from one state organisation (lessor) to another.

ARTICLE 55. *Letting to Hire of Everyday Things*

The terms and manner of letting by state, co-operative and mass organisations to citizens of household articles, musical instruments, sports goods, passenger cars and other property for temporary use for a price (the letting to hire of everyday things) shall be established by the legislation of the Union Republics.

Standard contracts for the several types of letting to hire of everyday things shall be approved by the Councils of Ministers of the Union Republics. Departures from the terms of the standard contracts limiting the rights of hirers shall be invalid.

CHAPTER 6  
LEASE OF HOUSING

ARTICLE 56. *Procedure Governing Allocation of Housing  
and Contract for Lease of Housing*

Allocation of housing in buildings belonging to local Soviets of Working People's Deputies shall be made by the Executive Committee of the local Soviet with the participation of representatives of mass organisations. In buildings belonging to state, co-operative and mass organisations, allocation of housing shall be made by joint decision of the management and the factory or office committee of the trade union, and approved by the Executive Committee of the Soviet of Working People's Deputies, and in the cases provided for by the Council of Ministers of the USSR, by

joint decision of the management and the factory or office committee of the trade union, with subsequent communication to the Executive Committee of the Soviet of Working People's Deputies concerning the dwelling premises made available for occupation. The use of dwelling premises in houses belonging to local Soviets of Working People's Deputies and in houses belonging to state, co-operative and mass organisations shall be formalised in a lease of housing contract with the house management office concerned.

Contracts for lease of dwelling premises in houses belonging to citizens by right in personal property shall be made between the tenant and the houseowner.

Members of the tenant's family who live with him shall acquire rights and duties arising from the lease contract equally with the tenant.

The contract shall determine the rights and duties of the parties. Articles 53 and 54 of the present Fundamentals shall, wherever relevant, apply to contract for lease of housing.

#### ARTICLE 57. *Rent*

Pending the introduction of gratuitous use of housing, the lessee shall pay rent at the proper time.

The amount of rent shall be established by the legislation of the USSR.

Payment for the use of dwelling space in houses belonging to citizens by right in personal property shall be determined by agreement of the parties but may not be higher than the maximum rates established for such houses by the legislation of the Union Republics.

#### ARTICLE 58. *Right of the Lessee to Renew the Contract*

Where the contract for lease of housing in a building belonging to the local Soviet of Working People's Deputies or a building belonging to a state, co-operative or mass organisation has been made for a definite period, the lessee, upon the expiration of the term of the contract, shall have the right to renew the contract. This right can be contested by the lessor in a court of law only in the event of the lessee's systematic non-performance of his contractual duties.

The same right shall belong to the lessee of dwelling premises in a house belonging to a citizen by right in personal property, except:

where the lessee lives on premises under a contract made for a period of not more than one year, with an obligation to vacate the premises upon the expiration of that period;

where the court establishes that the houseowner and members of his family require the premises for their own use.

ARTICLE 59. *Modification of Contract for Lease of Housing*

The legislation of the Union Republics may provide for the possibility of withdrawal by the court of excess living space (in excess of the standard space) in the form of a separate isolated room. In such cases, the living-space standard established by the legislation of the Union Republics may not be less than nine square metres per person. Additional living-space standards shall be established for some categories of lessees.

Surplus isolated rooms in buildings belonging to local Soviets of Working People's Deputies may be withdrawn only where the lessee fails to fill the vacant premises himself within three months after being served a written notice by the housing agency.

Where the surplus isolated room develops in a flat in the use of a single family, the lessee shall have the right either to occupy it, in accordance with the rules of the present Article, or to demand removal to a smaller separate flat.

The legislation of the Union Republics may also establish other cases in which the withdrawal of a surplus isolated room shall not be permitted.

Where a room which is not isolated from the dwelling premises the lessee occupies and which adjoins them is vacated in the flat in which the lessee lives that room shall be conveyed into his use.

ARTICLE 60. *Rescission of Contract by the Lessee. Exchange and Subletting of Dwelling Premises*

The lessee of dwelling premises shall have the right to rescind the contract at any time.

The lessee of dwelling premises shall have the right to exchange the premises he occupies.

Exchange of dwelling premises in buildings belonging to state, co-operative and mass organisations, and also in buildings belonging to citizens by right in personal property, shall be permitted only with the consent of the lessor. The procedure governing the exchange of dwelling premises shall be established by the legislation of the Union Republics.

The lessee may sublet dwelling premises in the cases and in the manner established by the legislation of the Union Republics.

#### ARTICLE 61. *Rescission of Contract by the Lessor*

Contract for lease of housing may not be rescinded and the lessee may not be evicted from the dwelling premises he occupies otherwise than in a judicial proceeding (apart from the exemptions listed in Article 63) and on the grounds established by law.

A lessee evicted on the grounds provided for by law from a building belonging to a local Soviet of Working People's Deputies, or from a building belonging to a state, co-operative or mass organisation, shall be provided by the lessor with other modern dwelling premises, except in the cases specified below.

Where the lessee or members of his family systematically destroy or damage the dwelling premises, or by their constant violation of the rules of socialist community life make it impossible for others to continue joint habitation with them in the same flat or house, and where warnings and measures of public influence have proved to have no effect, the offenders shall be evicted without provision of other dwelling premises.

The legislation of the Union Republics shall establish the grounds for rescission of the lease contract without provision of other dwelling premises also where the lessee and members of his family are absent for a long time; where the lessee possesses by right in personal property in the same populated locality a dwelling house which is fit for permanent habitation, and which he can occupy; and also where lessees of dwelling premises in buildings belonging to citizens by right in personal property systematically fail to pay rent.

ARTICLE 62. *Special Cases of Eviction from Buildings  
Belonging to Enterprises and Establishments*

The Council of Ministers of the USSR and the Councils of Ministers of the Union Republics may list the enterprises and establishments in key sectors of the economy and under particular departments from whose buildings industrial and office workers who have terminated their labour relations in connection with dismissal at their own request, or for breaches of labour discipline, or for the commission of a crime, may be evicted in a judicial proceeding, without provision of dwelling premises.

However, eviction without provision of dwelling premises in such cases shall not apply to disabled war veterans, Group I and II disabled workers, old-age pensioners, persons receiving a personal pension, the families of persons serving in the Armed Forces of the USSR, and also the families of servicemen and partisans killed or missing in action in the defence of the USSR or in the performance of other duties on military service.

ARTICLE 63. *Eviction by Administrative Order*

Eviction of citizens by administrative order shall not be permitted, except in respect of persons who occupy dwelling premises without authorisation, and also of lessees from buildings threatened with collapse. Lessees evicted from buildings threatened with collapse shall be provided with other modern dwelling premises.

The legislation of the Union Republics may establish the administrative procedure governing eviction from official buildings, hostels and hotels.

CHAPTER 7

CONTRACTING

ARTICLE 64. *Contractor's Agreement*

By contractor's agreement, the contractor shall undertake to perform a job at his own risk and on the instructions of the customer from his own or the latter's materials, and the customer shall undertake to accept and pay for the work performed.

The contractor must take all steps to ensure the safety of the property entrusted to him by the customer and shall be liable for any want of care resulting in damage to, or loss of, the said property.

ARTICLE 65. *Rights of the Customer in the Event of Breach of Contract by the Contractor*

Where the contractor departs from the terms of the contract, thereby lowering the quality of the work, or allows any other defects in the job, the customer may elect to demand: gratuitous correction of the defects within an appropriate time, or reimbursement of the customer for the necessary expenses incurred by him in correcting the defects of the work, where the contract provides for such right of the customer, or a corresponding reduction of the reward for the work.

In the presence of essential departures from the contract or other essential defects in the work, the customer shall have the right to demand rescission of the contract and compensation for the damages sustained.

ARTICLE 66. *The Rules Governing Contractor's Agreements for the Provision of Everyday Services to Citizens*

The rules governing contractor's agreements for the provision of everyday services to citizens (everyday services order) shall be established by the legislation of the Union Republics.

The Councils of Ministers of the Union Republics shall approve standard contracts for certain types of services offered to citizens. Departures from the terms of the standard contracts limiting the rights of customers shall be invalid.

CHAPTER 8

CONTRACTING FOR CAPITAL CONSTRUCTION

ARTICLE 67. *Contractor's Agreement for Capital Construction*

By contractor's agreement for capital construction, the contractor organisation shall undertake to build at its own

cost and expense the planned project and to deliver it to the customer organisation, in accordance with the approved estimates and blueprints and within the fixed time, and the customer shall undertake to place at the disposal of the contractor the building site, to provide him with the approved estimates and blueprints, to ensure the proper financing of building operations, and to accept the completed units and to pay for them.

It shall be the duty of the customer to supply the building site with technological, power, electrotechnical and general industrial equipment and apparatuses, except in the cases provided for by special decisions. Special decisions may bind the customer to supply the building site with materials.

#### ARTICLE 68. *Prime Contractor and Subcontractor*

Contractor's agreement for capital construction shall be made by the customer with one building organisation, and in the cases and manner determined by the Council of Ministers of the USSR, with two building organisations or more. These organisations, acting as the prime contractor, shall have the right, on the basis of subcontractor's agreement, to assign fulfilment of separate parts of the work to specialised organisations (Article 38 of the present Fundamentals).

Contract for assembly of equipment shall be made by the customer either with the prime contractor or with the supplier of the equipment.

With the consent of the prime contractor, contracts for assembly or other special operations may be made by the customer with organisations specialising in assembly or other operations.

#### ARTICLE 69. *Rights of the Customer*

The customer shall exercise control and technical supervision over how the volume, cost and quality of the work being done conforms to the estimates and blueprints. He shall have the right at any time to check up on the progress and quality of the building and assembly operations, and also on the quality of the materials used, without, however, interfering in the contractor's business activity.

Defects in performance of the work or in the materials used in the operations arising through the fault of the contractor (or subcontractor) must be corrected by the contractor at his own expense.

ARTICLE 70. *Liability of the Parties for Breach of Contractor's Agreement for Capital Construction*

For non-performance or improper performance of duties under contractor's agreement for capital construction, the party responsible shall pay the established penalty (penal interest), and shall make good, in the amount in excess of the penalty, the damages sustained by the other party in the form of expenses, or damage to, or loss of, its property.

The penalty (penal interest) paid by the contractor for delay in the performance of separate operations shall be refunded to the contractor, where all the operations under the project are completed by the final date fixed by the contract.

ARTICLE 71. *Rules Governing Contractor's Agreements for Capital Construction*

Contractor's agreements for capital construction shall be made and performed in accordance with the rules approved by the Council of Ministers of the USSR or in the manner it lays down. The legislation of the Union Republics may establish special rules governing contractor's agreements for capital construction in collective farms.

CHAPTER 9

CARRIAGE

ARTICLE 72. *Contract for Carriage*

By contract for carriage of goods, the carrier (a transport organisation) shall undertake to deliver the goods entrusted to it by the consignor to their destination and issue them to the person authorised to receive them (the consignee), and the consignor shall undertake to pay the fixed charge for the carriage of the goods.

By contract for carriage of passengers, the carrier shall undertake to carry the passenger to his destination and, in the event of the passenger's registering luggage, also to de-

liver such luggage to its destination, and to issue it to the person authorised to receive the luggage; the passenger shall undertake to pay the fixed fare for the passage, and when registering luggage, also for the carriage of such luggage.

The terms of carriage of goods, passengers and luggage and the liability of the parties in such carriage shall, in conformity with the present Fundamentals, be determined by the statutes (codes) for the different types of transport and by the regulations issued in the established manner.

ARTICLE 73. *Plan for the Carriage of Goods and Liability for Its Non-Performance*

Contract for the carriage of goods belonging to state, co-operative and mass organisations shall be made on the basis of the goods haulage plan which is binding on both parties.

Contracts for carriage of goods not provided for by the plan may be made in the manner established by the transport statutes (codes).

The carrier and the consignor shall be held materially liable for failure to supply the means of conveyance, failure to deliver the goods for carriage, and other breaches of duty arising from the goods haulage plan, and also for similar violations in the cases provided for by the second part of the present Article.

ARTICLE 74. *Liability of the Carrier for Damage to, and Shortage and Loss of, Goods or Luggage*

The carrier shall be liable for damage to, and shortage and loss of, the goods and luggage he has undertaken to carry, unless he proves that the damage, shortage or loss has not occurred through his fault (Article 37 of the present Fundamentals).

The transport statutes (codes) may provide for cases where onus of proving the carrier at fault for damage to, or shortage or loss of, goods may be placed on the consignor or the consignee.

ARTICLE 75. *Period for Delivery of Goods and Luggage and Liability for Delay*

The carrier must deliver the goods or luggage at the destination within the period established by the transport statutes (codes) or regulations issued in the established

manner. Where the period of delivery has not been established in the said manner, the parties shall have the right to stipulate such period in the contract.

The carrier shall be relieved of liability for delay in delivery of goods or luggage, where the delay has not been caused by his fault.

#### ARTICLE 76. *Claims and Actions Arising from Carriage*

Before an action arising from carriage is brought against the carrier, the claim must be presented to him.

Claims may be filed within a period of six months, and claims for the payment of fines and bonuses, within 45 days. The carrier must examine the claim and notify the claimant concerning the satisfaction or rejection of his claim within three months, and in respect of claims in connection with carriage performed by carriers using different types of transport under one instrument, within six months, and of claims for the payment of fines or bonuses, within 45 days.

Where the claim has been rejected or the reply has not been received within the period established by the present Article, the claimant shall have two months in which to bring action, from the day of receipt of the reply or the expiration of the period established for the reply.

The carrier shall have six months in which to bring an action, arising from carriage, against the consignors, consignees or passengers.

The period of limitation and the procedure of bringing an action in disputes arising from carriage on foreign service, shall be established by the transport statutes (codes) or international agreements.

#### ARTICLE 77. *Liability of the Carrier for Causing Death or Injury to Health of Passengers*

The carrier's liability for causing death or injury to health of passengers shall be determined by the rules of Chapter 12 of the present Section, unless the law provides for increased liability.

CHAPTER 10  
STATE INSURANCE

ARTICLE 78. *Types of Insurance*

State insurance shall take the form of mandatory and voluntary insurance.

ARTICLE 79. *Mandatory Insurance*

Property specified by law shall be subject to mandatory insurance on the terms established by the law.

Under mandatory insurance, the insurance agency shall, upon the happening of the event provided by law (the insurable event), reimburse the insurant or a third party to whom the insured property belongs, for the damages sustained by him: to the full insurance amount, where the property is a total loss, and within the limits of the corresponding part of the insurance amount, in the event of partial damage. The insurant shall pay the stipulated insurance premiums.

The types of mandatory personal insurance shall be established by the legislation of the USSR.

ARTICLE 80. *Contract for Voluntary Insurance*

By contract for voluntary insurance, the insurance agency shall undertake, upon the happening of the event specified in the contract (the insurable event):

in the case of property insurance—to reimburse the insurant or a third party (the beneficiary) for the damages sustained (to pay the insurance compensation) within the limits of the amount fixed by the contract (insurance amount), and where the property has not been insured to its full value, to pay the corresponding part of the damages, unless otherwise provided for by the insurance rules;

in the case of life and accident insurance—to pay the insurant or a third party (the beneficiary) the insurance amount fixed by the contract, regardless of any amounts due him under state social insurance, or social security, or amounts due by way of reimbursement for damages.

The insurant shall undertake to pay the insurance premiums stipulated by the contract.

ARTICLE 81. *Transfer to the Insurance Agency of the Insurant's Rights in Respect of the Person Liable for the Damage Caused*

The insurance agency which has paid the insurance compensation in the case of property insurance shall acquire, within the limits of that amount, the right of claim which the insurant (or a third party who has received the insurance compensation) has against the person liable for the damage caused.

ARTICLE 82. *Rules of Insurance*

The rules of insurance shall be approved in the manner established by the Council of Ministers of the USSR.

CHAPTER 11

PAYMENTS AND CREDIT

ARTICLE 83. *Payments Between Organisations*

Payments in discharge of obligations between state organisations, collective farms and other co-operative and mass organisations shall be made by written order to credit institutions in which the said organisations keep their accounts, in accordance with the law. The forms and procedure governing payments shall be determined by the legislation of the USSR.

Payments in cash between state organisations, collective farms and other co-operative and mass organisations shall be permitted only in the cases and within the limits established by the legislation of the USSR.

ARTICLE 84. *Disposal of Accounts of Organisations at Credit Institutions*

Organisations shall be authorised to dispose of the cash on their accounts in credit institutions, in accordance with the designated purposes of the funds in question.

Cash necessary for the payment of wages and equated disbursements shall be paid from an organisation's account, regardless of any outstanding claims against the owner of

the account. Exemptions from this rule may be established by the Council of Ministers of the USSR.

Cash on the account of an organisation in a credit institution may be written off without its consent only in the cases provided for by the legislation of the USSR.

Claims shall be satisfied in the order of priority established by the legislation of the USSR.

#### ARTICLE 85. *Extension of Credits to Organisations*

Extension of credits to state organisations, collective farms and other co-operative and mass organisations shall be made in accordance with approved plans through the issue of time loans for a specified purpose by the State Bank of the USSR and other banks of the USSR, in the manner established by the legislation of the USSR.

Extension of credit by one organisation to another in cash or in kind, including advance payments on account, shall be permitted only in the cases established by the legislation of the USSR.

The terms and the order governing extension of credit by one collective farm to another, when rendering assistance in production, shall be established by the legislation of the Union Republics.

#### ARTICLE 86. *Bank Loans to Citizens*

Loans to citizens shall be granted by the banks of the USSR, in the cases and in the manner determined by the legislation of the USSR.

#### ARTICLE 87. *Citizens' Deposits in Credit Institutions*

Citizens may keep their money in labour savings state banks and other credit institutions, dispose of their deposits, earn income on their deposits in the form of interest or winnings, and settle their accounts by written order, in accordance with the statutes of the credit institutions and regulations issued in the established manner.

The state shall guarantee secrecy of deposits, their safe-keeping and payment at call.

The procedure governing disposal of deposits at labour savings state banks and other credit institutions shall be

determined by their statutes and the rules listed in the first part of the present Article.

Citizens' deposits at labour savings state banks and the State Bank of the USSR may be attached in virtue of a court sentence or judgement satisfying a civil suit arising from a criminal case, or a court judgement in a suit for alimony (in the absence of earnings or other property which may be attached), or for the separation of a deposit which is marital communal property. Citizens' deposits in the said credit institutions may be confiscated on the strength of a sentence that has acquired legal force or an order of confiscation of property made in accordance with the law.

## CHAPTER 12

### OBLIGATIONS ARISING FROM INJURY CAUSED TO ANOTHER PERSON

#### ARTICLE 88. *General Grounds for Liability for Injury Caused to Another Person*

Injury caused to the person or property of a citizen, and also injury caused to an organisation, shall be subject to indemnisation in full by the person causing the injury.

The person causing the injury shall be absolved from indemnisation, where he proves that the injury was not caused by his fault.

An organisation shall repair the injury caused by the fault of its functionaries in the performance of their labour (official) duties.

Injury caused by lawful acts shall be subject to indemnisation only in the cases provided for by law.

#### ARTICLE 89. *Liability of State Establishments for Injury Caused by the Acts of Their Functionaries*

State establishments shall be liable for the injury caused to citizens by the improper official acts of their functionaries in the sphere of administrative management, in accordance with the general rules (Article 88 of the present Fundamentals), unless a special statute provides otherwise. For injury caused to organisations by such acts of their functionaries,

state establishments shall be liable in the manner established by law.

For injury caused by the improper official acts of functionaries of organs of inquiry, preliminary investigation, the procurator's office and the court, the state organs concerned shall be materially liable in the cases and within the limits expressly provided for by law.

ARTICLE 90. *Liability for Injury Caused by Sources of Increased Hazard*

Organisations and citizens whose activity is attended with increased hazard to other persons (transport organisations, industrial enterprises, building sites, owners of motor-cars, etc.) must repair the injury caused by the source of increased hazard, unless they prove that the injury was the result of *force majeure* or intent on the part of the injured person.

ARTICLE 91. *Liability for Death or Injury to Health of Person for Whom the Person or Organisation Causing the Injury Is Bound to Pay Insurance Contribution*

Where a worker, in the performance of his labour (official) duties, has been crippled or has suffered any other injury to health through the fault of an organisation or citizen bound to pay contribution for him under state social insurance, such organisation or citizen must make reparation to the injured person for the injury in the amount over and above the allowance he receives or the pension which was awarded to him after the injury caused to his health and which he actually receives. Exemptions from this rule may be established by the legislation of the USSR.

In the event of the death of the injured person, the right to receive reparation for the injury shall belong to persons who are unable to earn and who had been the deceased person's dependents, or who at the time of his death were entitled to receive maintenance from him, and also the posthumous child of the deceased.

ARTICLE 92. *Liability for Death or Injury to Health of Person for Whom the Person or Organisation Causing the Injury Is Not Bound to Pay Insurance Contribution*

Where crippling or any other injury to health has been caused by an organisation or citizen not bound to pay contribution for the injured person under state social insurance, such organisation or citizen must make reparation to the injured person for the injury caused, in accordance with the rules of Articles 88 and 90 of the present Fundamentals, in the amount over and above the allowance he receives or the pension which was awarded to him after the injury caused to his health and which he actually receives.

In the event of the death of the injured person, the right to receive reparation for the injury shall belong to the persons listed in the second part of Article 91 of the present Fundamentals.

ARTICLE 93. *Fault of the Injured Person and Property Status of the Party Causing the Injury*

Where gross negligence on the part of the person injured has contributed to the occurrence of, or increase in, the injury, the amount of compensation, depending on the degree of fault of the injured person (and where the person causing the injury is at fault, depending on the degree of his fault), must be reduced or reparation of injury must be denied altogether.

The court may reduce the amount of compensation for injury caused by a citizen, depending on his property status.

ARTICLE 94. *Subrogated Claims*

An organisation or citizen liable for injury caused must, in answer to a subrogated claim filed by a state social insurance or social security agency, reimburse the amounts of allowance or pensions which have been paid to persons listed in Articles 91 and 92 of the present Fundamentals.

Where the amount of the compensation for injury has been reduced (Article 93 of the present Fundamentals), the amount of reimbursement under a subrogated claim shall be reduced accordingly.

## CHAPTER 13

### OBLIGATIONS ARISING FROM RESCUE OF SOCIALIST PROPERTY

#### ARTICLE 95. *Reparation of Injury Sustained in the Rescue of Socialist Property*

Injury sustained by a citizen in rescuing socialist property from impending danger must be compensated by the organisation whose property the injured person was in the act of rescuing.

The procedure governing compensation for the injury shall be established by the legislation of the Union Republics.

## SECTION IV

### COPYRIGHT

#### ARTICLE 96. *Works to Which Copyright Applies*

Copyright shall apply to any scientific, literary or artistic work, regardless of form, purpose or value, or of the manner of reproduction.

Copyright shall apply to works, whether published or unpublished, but available in some presentable form allowing the reproduction of the product of the author's creative activity (manuscript, drawing, image, public recital or performance, film, mechanical or magnetic recording, etc.).

#### ARTICLE 97. *Copyright to Works Published on the Territory of the USSR and Abroad*

Copyright to works first published on the territory of the USSR, or unpublished but located within the territory of the USSR in some presentable form, shall be recognised as belonging to the author and his successors, regardless of their citizenship, and also to other successors in law.

Copyright shall also be recognised as belonging to citizens of the USSR whose works are first published or are located in any presentable form on the territory of a foreign country, and also to their successors in law.

Copyright to works first published or located in some presentable form on the territory of a foreign country shall be recognised as belonging to other persons in accordance with international treaties or agreements to which the USSR is a signatory.

Copyright on the territory of the USSR shall be recognised as belonging to foreign successors to the authors who are citizens of the USSR also in the case it has been transferred to them in the manner established by the legislation of the USSR.

#### ARTICLE 98. *Rights of the Author*

The author shall have the right:

to publish, reproduce and circulate his work under his own name, under an assumed name (pseudonym) or without indication of name (anonymously), by any legal means; to the integrity of the work;

to receive remuneration for the use of his work by other persons, with the exception of cases expressly provided for by law. The rates of author's remuneration shall be established by the legislation of the USSR and the Union Republics.

The procedure by which the author who is a citizen of the USSR transfers his right to the use of his works on the territory of a foreign state, shall be established by the legislation of the USSR.

#### ARTICLE 99. *Co-authorship*

Copyright in a work produced jointly by two or more persons (collective work) shall belong to the co-authors jointly, regardless of whether such work forms an integral whole or consists of parts each of which also has independent value. Each of the co-authors shall retain the copyright to his part of the collective work which is of independent value.

#### ARTICLE 100. *Copyright of Juridical Persons. Copyright in a Work Produced as an Official Assignment*

Copyright shall be recognised as belonging to juridical persons in the cases and within the limits established by the legislation of the USSR and the Union Republics.

The author of a work produced as an official assignment in a scientific or other organisation shall have copyright in that work. The procedure governing the use by the organisation of such work and the cases of payment of remuneration to the author shall be established by the legislation of the USSR and the Union Republics.

ARTICLE 101. *Use of the Author's Work by Other Persons*

Use of the author's work, including its translation in any other language, by other persons shall not be permitted otherwise than under contract with the author or his successors in law, except in the cases specified by law.

Standard contracts for the use of a work (publishing, production, script and other author's contracts) shall be approved in the manner established by the legislation of the USSR and the Union Republics.

Any terms of a contract made with the author which place him in a position less advantageous than that accorded by law or standard contract shall be invalid and shall be substituted by the terms established by law or standard contract.

ARTICLE 102. *Translation of Works in Any Other Language*

A work may be translated in any other language with the purpose of its publication only with the consent of the author or his successors in law.

Competent organs of the USSR may permit, in the manner established by the legislation of the USSR, to translate a work in any other language and to publish it with the observance in appropriate cases of the terms of international treaties or agreements to which the USSR is a signatory.

ARTICLE 103. *Use of the Work Without the Author's Consent and Without Payment of Remuneration*

It shall be permitted, without the author's consent and without payment of remuneration, but with an obligatory indication of the name of the author of the work used, and the source of the borrowing:

1) to use the published work of another to produce a new, creatively independent work, with the exception of the rewriting of a story in dramatic form or a motion-picture script and vice versa, and also the rewriting of a play into a motion-picture script and vice versa;

2) to reproduce in scientific and critical works, educational and politico-educational publications any published scientific, literary and artistic writings, in whole or in part, within the limits established by the legislation of the Union Republics;

3) to give information in the periodical press, on the screen, radio and television about published literary, scientific and artistic works;

4) to reproduce on the screen, radio and television public speeches, reports, and also published literary, scientific and artistic works;

5) to reproduce in newspapers public speeches and reports, and also published works of literature, science and art in original form or in translation;

6) to reproduce in any manner, with the exception of copying by mechanical contact methods, artistic works on display in places open to the public, except exhibitions and museums;

7) to reproduce published works for non-profit scientific, instructional or educational purposes.

#### ARTICLE 104. *Use of the Work Without the Author's Consent With Payment of Remuneration*

The following shall be permitted without the author's consent but with an indication of his name and payment of remuneration:

1) public performance of published works; however, where no admission fee is charged, the author shall have the right to remuneration only in the cases established by the legislation of the Union Republics;

2) recordings for the purpose of public reproduction or circulation of published works on film, records, magnetic tape or other device, with the exception of the use of works on the screen, radio and television (par. 4 of Article 103 of the present Fundamentals);

3) use by a composer of published literary works for the creation of musical works with text;

4) use of artistic works and also of photographic works on manufactured articles; in such cases, mention of the author's name is not compulsory.

#### ARTICLE 105. *Duration of Copyright*

Copyright shall be effective during the lifetime of the author and 25 years after his death, beginning with January 1 of the year that follows the year of his death.

The legislation of the Union Republics may provide for reduced periods of copyright in photographic works and works of applied art. The periods may not be less than 10 years since the date of reproducing such works.

Copyright shall descend by inheritance. Where the period of copyright has been reduced, it shall pass to the heirs for the remainder of the period still running on the day of the author's death.

The legislation of the Union Republics shall establish the author's rights that do not descend by inheritance.

#### ARTICLE 106. *Purchase of Copyright by the State*

Copyright to the publication, public performance and other use of a work may be compulsorily purchased by the state from the author or his heirs, in the manner provided for by the legislation of the Union Republics.

### SECTION V

#### LAW OF DISCOVERY

#### ARTICLE 107. *Rights of the Author of a Discovery*

The author of a discovery shall have the right to demand recognition of his authorship and priority of discovery, which is certified by a diploma issued in the cases and in the manner specified by the Statute on Discoveries, Inventions and Technical Improvements, approved by the Council of Ministers of the USSR.

The author of a discovery shall be entitled to remuneration payable to him at the issue of the diploma and also

to the privileges stated in the Statute on Discoveries, Inventions and Technical Improvements.

ARTICLE 108. *Descent by Inheritance of the Rights of the Author of a Discovery*

The right to receive the diploma of the deceased author of a discovery and also remuneration for the discovery shall descend by inheritance, in the manner established by law.

ARTICLE 109. *Disputes Concerning the Authorship of a Discovery*

Disputes concerning the authorship (co-authorship) of a discovery shall be decided in a court of law.

SECTION VI  
LAW OF INVENTION

ARTICLE 110. *Certificate of Authorship and Patent*

The author of an invention may, at his discretion, request either simple recognition of his authorship, or recognition of his authorship and of his exclusive right to the invention. In the first instance, a certificate of authorship is issued for the invention; in the second instance, a patent. Certificates of authorship and patents shall be issued on the terms and in the manner specified in the Statute on Discoveries, Inventions and Technical Improvements.

The patenting abroad of inventions made within the territory of the USSR, and of inventions made abroad by Soviet citizens, and also any transfer of Soviet inventions abroad shall be permitted only in the manner established by the Council of Ministers of the USSR.

ARTICLE 111. *Use of Invention for Which a Certificate of Authorship Is Issued*

Where a certificate of authorship is issued for the invention, the right to use the invention shall belong to the

state, which makes provision to realise the invention with due regard for the appropriateness of its application.

Co-operative and mass organisations may use the inventions falling within their ambit on equal terms with state organisations.

An inventor to whom a certificate of authorship is issued shall, in the event his invention is accepted for realisation, have the right to remuneration, depending on the economic or other positive effect resulting from the realisation of his invention, and also the right to the privileges stated in the Statute on Discoveries, Inventions and Technical Improvements.

#### ARTICLE 112. *Rights of the Patent Owner*

Patents shall be issued for fifteen years from the date of filing of the application. From the same date, the right of the applicant shall be protected. No one may use the invention without the consent of the person to whom the patent belongs (patent owner). The patent owner may issue a licence for the use of the invention or surrender the patent to another.

An organisation which before the filing of the application for the invention had applied the said invention within the territory of the USSR, independently of the inventor, or had made all the necessary preparations for doing so, shall retain the right to continued gratuitous use of the said invention. Disputes on this question shall be decided in a judicial proceeding.

Where the invention is of special importance to the state, but where no agreement has been reached with the patent owner concerning the transfer of the patent or the issue of a licence, the Council of Ministers of the USSR may buy out the patent without fail or give the organisation concerned a permit to use the invention and establish the amount of remuneration to the patent owner.

#### ARTICLE 113. *Rights of the Author of a Technical Improvement*

The author of a technical improvement accepted for realisation shall be issued a certificate establishing his author-

ship. He shall have the right to remuneration, depending on the economic or other positive effect resulting from the realisation of his improvement, and also the right to the privileges stated in the Statute on Discoveries, Inventions and Technical Improvements.

ARTICLE 114. *Participation of the Inventor and the Rationaliser in Realising Their Proposals*

Inventors and rationalisers must actively co-operate in the realisation and further development of their proposals, and shall have the right to take part in the operations to realise their proposals, in accordance with the procedure established by the Statute on Discoveries, Inventions and Technical Improvements.

ARTICLE 115. *Descent by Inheritance of the Rights of the Author of an Invention and Technical Improvement*

The right to obtain a certificate of authorship or a patent for an invention, a certificate for a technical improvement and remuneration for the invention and technical improvement, and also the exclusive right to the invention based on a patent, shall descend by inheritance in the manner established by law.

ARTICLE 116. *Disputes Concerning Authorship and Payment of Remuneration*

Disputes concerning the authorship (co-authorship) of an invention shall be decided in a court of law. Disputes concerning priority of technical improvements, where such are not settled in the organisation realising the proposal, shall also be decided in a court of law.

Disputes concerning the amount, the manner of calculation and the dates of payment of the remuneration for inventions and technical improvements shall be decided in accordance with the procedure established by the Statute

on Discoveries, Inventions and Technical Improvements, with the inventor or rationaliser who considers the adopted decision incorrect having the right to apply to a court of law.

SECTION VII  
LAW OF SUCCESSION

ARTICLE 117. *Grounds for Succession*

Inheritance shall be effected by operation of law and under a will.

Inheritance by operation of law shall take place where, and insofar as, it is not modified by a will.

Where there are no heirs-at-law or testamentary beneficiaries, or the heirs do not accept the inheritance, or are disinherited by the testator, the property of the decedent shall pass to the state by right of succession.

ARTICLE 118. *Inheritance by Operation of Law*

Where inheritance is by operation of law, the children (including the adopted children), the spouse and the parents (adoptive parents) of the decedent shall be heirs of the first class, in equal shares. The posthumous child of the decedent shall also be an heir of the first class.

The grandchildren and great-grandchildren of the decedent shall be his heirs-at-law, where their parent who would have been heir is no longer alive by the time of the opening of succession; they shall take equal shares of the portion which would have been due to their deceased parent under intestate succession.

The legislation of the Union Republics may establish the subsequent classes of heirs-at-law. Heirs of each class shall be entitled to inherit by operation of law only in the absence of heirs of the preceding class or in the event of their non-acceptance of the inheritance.

Persons who are unable to earn and who had been dependents of the decedent for not less than one year prior to his death shall be heirs-at-law. In the presence of other heirs, they shall take equally with heirs of the class upon whom the estate devolves.

Ordinary household effects and furnishings shall pass

to the heirs-at-law who lived together with the decedent, regardless of their class or share in the estate. The terms of inheritance of such property shall be established by the legislation of the Union Republics.

#### ARTICLE 119. *Inheritance Under a Will*

Every citizen may bequeath by will all his property or a part thereof (not excluding ordinary household effects and furnishings) to one or several persons who may or may not be his heirs-at-law, and also to the state or to any state, co-operative and mass organisation.

Children of the decedent (including adopted children) who are minors or who are unable to earn, and also the spouse, the parents (adoptive parents) and dependents of the decedent who are unable to earn, shall inherit, regardless of the content of the testamentary disposition, not less than two-thirds of the portion which would have been due to each of them under intestate succession (*portio legitima*). In determining the size of the portion secured to them, the value of the part of the estate consisting of ordinary household effects and furnishings shall also be taken into consideration.

The procedure governing disposal *causa mortis* of deposits in labour savings state banks and the State Bank of the USSR by special assignments of depositors shall be determined by the statutes of the said credit institutions and the rules laid down in the established manner.

#### ARTICLE 120. *Liability of Heir for the Debts of the Decedent*

An heir who accepts the inheritance shall be liable for the debts of the decedent within the limits of the actual value of the estate which passes to him by inheritance. The state, where it receives property under Articles 117 and 119 of the present Fundamentals, shall be liable on the same grounds.

#### ARTICLE 121. *Place of the Opening of Succession*

The last permanent domicile of the decedent, and where that is unknown, the place where the property, or its prin-

cial part, is located shall be deemed to be the place of the opening of succession.

SECTION VIII  
LEGAL CAPACITY OF ALIENS  
AND STATELESS PERSONS.  
APPLICATION OF FOREIGN CIVIL LAWS,  
INTERNATIONAL TREATIES AND AGREEMENTS

ARTICLE 122. *Civil Legal Capacity of Aliens*

Aliens shall enjoy in the USSR legal capacity equally with Soviet citizens. Exemptions may be established by law of the USSR.

The Council of Ministers of the USSR may impose retaliatory restrictions on citizens of countries imposing special limitations on the civil legal capacity of Soviet citizens.

ARTICLE 123. *Civil Legal Capacity of Stateless Persons*

Stateless persons resident in the USSR shall enjoy civil legal capacity equally with Soviet citizens. Exemptions may be established by law of the USSR.

ARTICLE 124. *Foreign Trade Transactions of Alien Organisations*

Alien enterprises and organisations may, without special permission, conclude in the USSR foreign trade transactions and related payments, insurance and other operations with Soviet foreign trade associations and other Soviet organisations authorised to conclude such transactions.

ARTICLE 125. *Law Applying to the Form of Transaction*

The form of transaction concluded abroad shall be governed by the law of the place where it is made. However, a transaction cannot be deemed invalid by reason of non-observance of the form, where it complies with the requirements of the legislation of the USSR and the Union Republic concerned.

The form of foreign trade transactions concluded by Soviet organisations, and the procedure governing their signature,

regardless of the place where such transactions are concluded, shall be determined by the legislation of the USSR.

The form of transactions relating to structures located in the USSR shall be governed by the legislation of the USSR and the Union Republic concerned.

ARTICLE 126. *Law Applying to Obligations Arising from Foreign Trade Transactions*

The rights and duties of the parties to a foreign trade transaction shall be determined pursuant to the laws of the place where it is concluded, unless otherwise provided for by agreement of the parties.

The place of conclusion of the transaction shall be determined pursuant to Soviet law.

ARTICLE 127. *Law Applying to Succession*

Relations arising from succession shall be determined by the law of the country where the decedent had his last permanent domicile.<sup>4</sup>

The capacity of a person to make and revoke his will, and also the form of bequest and the act of its revocation, shall be determined by the law of the country in which the testator had his permanent domicile at the moment of making the act. However, a will or its revocation may not be deemed invalid by reason of non-compliance with the form, where the latter satisfies the requirements of the law of the place where the act was made, or the requirements of Soviet law.

Inheritance of structures located in the USSR shall, in any case, be determined by Soviet law. The same law shall determine the capacity of a person to make or revoke a will, and also the form of the latter, where a structure located in the USSR is bequeathed.

ARTICLE 128. *Limitation to the Application of Foreign Law*

A foreign law shall not apply where its application would contradict the fundamental principles of the Soviet system.

ARTICLE 129. *International Treaties and Agreements*

Where an international treaty or international agreement to which the USSR is party establishes rules other than those contained in Soviet civil legislation, the rules of the international treaty or international agreement shall apply.

The same provision shall apply in the territory of a Union Republic, where an international treaty or international agreement to which the Union Republic is party establishes rules other than those provided for by the civil legislation of the Union Republic.

**THE LAW OF THE UNION  
OF SOVIET SOCIALIST REPUBLICS  
OF DECEMBER 8, 1961, ON THE APPROVAL  
OF THE FUNDAMENTALS  
OF CIVIL PROCEDURE  
OF THE USSR AND THE UNION REPUBLICS**

*(Gazette of the Supreme Soviet of the USSR  
No. 50, 1961, Item 526)*

The Supreme Soviet of the Union of Soviet Socialist Republics *decrees*:

- ARTICLE 1. To approve the Fundamentals of Civil Procedure of the USSR and the Union Republics and declare them effective as of May 1, 1962.
- ARTICLE 2. To entrust the Presidium of the Supreme Soviet of the USSR with laying down the procedure for putting into effect the Fundamentals of Civil Procedure of the USSR and the Union Republics, and with bringing the USSR legislation in conformity with the present Fundamentals.
- ARTICLE 3. To entrust the Supreme Soviets of the Union Republics with bringing the legislation of the Union Republics in conformity with the Fundamentals of Civil Procedure of the USSR and the Union Republics.

**FUNDAMENTALS  
OF CIVIL PROCEDURE  
OF THE USSR AND THE UNION REPUBLICS**

**SECTION I  
GENERAL PROVISIONS**

**ARTICLE 1. *Legislation on Civil Procedure***

The procedure in civil cases shall be governed by the present Fundamentals and by other laws of the USSR and the codes of civil procedure of the Union Republics issued in accordance with them.

Legislation on civil procedure shall govern the trial of cases arising from civil, family, labour and collective-farm legal relations, cases arising out of administrative legal relations, and cases subject to the rules for special proceedings. Cases arising from administrative legal relations and cases coming under the rules for special proceedings shall be tried under the general rules of civil procedure, subject to certain exemptions established by the legislation of the USSR and the Union Republics.

**ARTICLE 2. *Purposes of Civil Procedure***

The purposes of Soviet civil procedure shall be the correct and expeditious trial and adjudication of civil cases for the purpose of safeguarding the social and state system of the USSR, the socialist system of economy and socialist property, protecting the political, labour, housing and other personal and property rights and lawful interests of citizens, and also the rights and lawful interests of state establishments, enterprises, collective farms and other co-operative and mass organisations.

Civil procedure must promote the strengthening of the socialist rule of law, prevention of infringements of the law, and education of citizens in a spirit of undeviating

observance of Soviet laws and respect for the rules of socialist community life.

### ARTICLE 3. *Procedure in Civil Cases*

The procedure in civil cases in courts of the Union Republics shall be governed by the laws of civil procedure of the USSR and the Union Republic whose courts hear the case, perform several acts of procedure or execute the judgement of the court.

The procedure in civil cases in the Supreme Court of the USSR shall be governed by the laws of civil procedure of the USSR and the Union Republic whose courts heard, or should have heard, the case, in accordance with the rules of territorial cognisance.

The procedure in civil cases shall be governed by the laws of civil procedure in force at the time the case is tried, the separate acts of procedure are performed or the court judgement is executed.

### ARTICLE 4. *Cognisance of Civil Cases*

The courts shall have cognisance over disputes arising out of civil, family, labour and collective-farm legal relations, where at least one of the parties to the dispute is a citizen, collective farm, or an inter-collective-farm organisation, except where the law refers the settlement of such disputes to administrative or other organs.

In the cases provided for by law, civil suits may be heard by comrades' courts. The procedure governing the operation of comrades' courts shall be established by the legislation of the Union Republics.

The courts shall have cognisance over suits upon complaints concerning incorrect entries in electoral rolls, acts of administrative organs in connection with the imposition of fines and other cases arising out of administrative legal relations referred by the law to the jurisdiction of judicial organs.

The courts shall have cognisance over suits subject to the rules for special proceedings: to establish facts having juridical significance, unless the law provides for another proceeding for their establishment; to declare a citizen ab-

sent or dead, to declare a citizen legally incompetent in consequence of mental disorder or feeble-mindedness.

The courts shall have cognisance over other cases referred by the law to the jurisdiction of judicial organs.

The courts shall also adjudicate cases involving aliens or foreign enterprises or organisations.

#### ARTICLE 5. *Right to Invoke the Court for Judicial Protection*

Any party in interest shall have the right, in the manner established by law, to invoke the court for protection of an infringed or contested right or lawful interest.

Renunciation of the right to sue shall be invalid.

#### ARTICLE 6. *Institution of Civil Proceedings*

The court shall commence the trial of a civil case:

1) upon motion by a person applying for protection of his right or lawful interest;

2) upon motion by the procurator;

3) upon motion by organs of state administration, trade unions, state establishments, enterprises, collective farms and other co-operative and mass organisations or individual citizens, where the law allows them to apply to the court for protection of the rights and interests of other persons.

#### ARTICLE 7. *Administration of Justice Only by the Court and on the Principles of Equality of Citizens Before the Law and the Court*

The court alone shall administer justice in civil cases on the principles of equality before the law and the court of all citizens, irrespective of their social, property and official status, national and racial origin, and religious beliefs.

#### ARTICLE 8. *Participation of People's Assessors and Collegial Trial of Cases*

Civil cases in all courts shall be tried by judges and people's assessors elected in the manner established by law.

Civil cases in all courts of first instance shall be heard by a bench consisting of a judge and two people's assessors.

People's assessors shall enjoy equal rights with the judge presiding at the sitting of the court in deciding all matters which arise in hearing the case and rendering judgement.

Cases on appeal for cassation shall be heard by a bench of three judges, and cases reviewed by way of judicial supervision, by a bench of not less than three judges.

#### ARTICLE 9. *Independence of Judges and Their Subordination Only to the Law*

In administering justice in civil cases, judges and people's assessors shall be independent and subject only to the law. Judges and people's assessors shall adjudicate civil cases on the basis of the law, in accordance with the socialist concept of justice and in conditions precluding any external influence on the judges.

#### ARTICLE 10. *Language of Judicial Proceedings*

Judicial proceedings shall be conducted in the language of the Union or Autonomous Republic or Autonomous Region, and, in the cases provided for by the Constitutions of the Union or Autonomous Republics, in the language of the National Area or the language of the majority of the local population.

Persons unfamiliar with the language in which the judicial proceedings are being conducted shall have the right to enter motions, give explanations and submit testimonies, plead in court and file petitions in their native language, and also to have the services of an interpreter, in the manner established by law.

Judicial documents shall, in accordance with the procedure established by law, be served on the participants in the trial in a translation into their native language or into some other language with which they are familiar.

#### ARTICLE 11. *Public Nature of Trials*

Cases in all courts shall be heard in public, except where this is contrary to the interest of protecting state secrets.

In addition, by a motivated ruling of the court, cases may be heard in camera, in order to avoid publicity concerning the intimate life of participants in the trial.

The judgement of the court shall, in any event, be made public.

ARTICLE 12. *Adjudication of Cases on the Basis of the Laws in Force*

It shall be the duty of the court to adjudicate cases on the basis of the laws of the USSR, the Union and Autonomous Republics, decrees of the Presidium of the Supreme Soviet of the USSR, the Presidiums of the Supreme Soviets of the Union and Autonomous Republics, the decrees of higher organs of state administration of the USSR, the Union and Autonomous Republics. The court shall also apply acts issued by other organs of state power and administration within the jurisdiction vested in them.

The court shall, in accordance with the law, apply the rules of foreign law.

In the absence of any law regulating a contested relation the court shall apply the law regulating analogous relations, and in the absence of such law, the court shall proceed from the general principles and substance of Soviet legislation.

ARTICLE 13. *Supervision of Judicial Activity by the Supreme Court of the USSR, the Supreme Courts of the Union and Autonomous Republics*

The Supreme Court of the USSR shall exercise supervision of the judicial activity of judicial bodies of the USSR, and also of the judicial bodies of the Union Republics, within the limits established by law.

The Supreme Courts of the Union Republics and the Supreme Courts of the Autonomous Republics shall exercise supervision of the judicial activity of the judicial bodies of their respective Republics.

ARTICLE 14. *Procurator's Supervision in Civil Procedure*

Supervision of the faithful observance of the laws of the USSR and the Union and Autonomous Republics in civil procedure shall be exercised by the Procurator-General of the USSR, either directly or through subordinate procurators.

It shall be the duty of the procurator at every stage of civil proceedings to take timely measures provided by law to eliminate any infringements of the law, whosoever may be the source of such infringements.

The procurator shall exercise his powers in civil procedure independently of any organs or functionaries, being subject only to the law and guided by the instructions of the Procurator-General of the USSR.

ARTICLE 15. *Mandatory Nature of Court Judgements, Rulings and Orders*

Judgements, rulings and orders of the court which have become final shall be mandatory for all state establishments, enterprises, collective farms and other co-operative and mass organisations, persons in office and citizens, and shall be subject to execution throughout the entire territory of the USSR.

The mandatory nature of judgements, rulings and orders shall not deprive the parties in interest of the possibility of invoking the court for protection of rights and lawful interests litigation over which has not been examined and decided by the court.

ARTICLE 16. *Clarification by the Court of the Actual Circumstances of the Case, and the Rights and Duties of the Parties*

It shall be the duty of the court, without confining itself to the pleadings and materials submitted, to take all the measures prescribed by law for the full, comprehensive and fair clarification of the actual facts of the case, and the rights and duties of the parties. It shall be the duty of the court to explain to the litigants their rights and duties, to warn them of the consequences of procedural acts and omissions, and to help litigants in the exercise of their rights.

ARTICLE 17. *Evidence*

Evidence in a civil case shall consist of any facts on the basis of which, in the manner established by law, the court ascertains the existence or non-existence of circumstances proving the parties' claims and defences, and other circumstances relevant to a correct decision of the case.

These facts shall be established by the following means: pleadings of litigants and third parties, testimony of witnesses, documentary proof, exhibits and expert findings.

Circumstances of the case which the law requires to be proved by one type of evidence may not be proved by any other type of evidence.

#### ARTICLE 18. *Onus of Proving and Presenting Evidence*

Each party must prove the facts on which he relies as the basis for his claims and defences.

Evidence shall be submitted by the parties and other participants in the case. Where the evidence submitted is inadequate, the court may order the parties and other participants in the case to submit additional evidence or may collect it on its own initiative.

#### ARTICLE 19. *Assessment of Evidence*

The court shall assess the evidence in accordance with their inner convictions based on a full, comprehensive and objective examination, in the judicial proceedings, of all the facts of the case in their totality, being guided by the law and by the socialist concept of justice.

No evidence shall have predetermined value for the court.

#### ARTICLE 20. *Letters Rogatory*

The court hearing a case may, where the need arises to collect evidence in another town or district, present letters rogatory to the appropriate court to perform certain acts of procedure.

Records and all materials collected in the execution of letters rogatory shall be immediately transmitted to the trial court.

#### ARTICLE 21. *Binding Nature of Judgements in Criminal Cases for Courts Hearing Civil Cases*

The final judgement in a criminal case shall be binding on the court trying a case, concerning the civil consequences of acts performed by the person in respect of whom the judgement was rendered in the criminal case, only as to

whether such acts had taken place and whether they had been committed by the person in question.

ARTICLE 22. *Challenges to the Judge, Procurator, and Other Participants in the Trial*

The judge, people's assessor, procurator, clerk of session, expert and interpreter may not participate in the trial and shall be removed from the proceedings where they have, directly or indirectly, a personal interest in the outcome of the case, or where other circumstances cast doubt on their impartiality.

ARTICLE 23. *Court Costs*

Court costs shall consist of a state fee and the costs incurred in the proceedings.

Court costs for the benefit of the state shall not be collected from:

1) plaintiffs who are industrial, office or professional workers and who sue for recovery of wages or file other claims arising out of labour legal relations, or who are collective farmers and sue collective farms for remuneration of work done;

2) plaintiffs in suits flowing from copyright, and also from the right to discovery, invention or technical improvement;

3) plaintiffs in suits for alimony;

4) plaintiffs in suits for damages caused by maiming or other injury to health, and also death of breadwinner.

The legislation of the USSR and the Union Republics may provide for other instances in which parties are excused from payment of court costs for the benefit of the state.

The court or judge may, depending on the citizen's property status, excuse him from the payment of court costs for the benefit of the state.

SECTION II  
PARTICIPANTS IN THE TRIAL:  
THEIR RIGHTS AND DUTIES

ARTICLE 24. *The Parties, Their Rights and Duties*

Citizens, and also state establishments, enterprises, collective farms and other co-operative and mass organisations,

enjoying the rights of juridical persons, may be parties to civil proceedings—plaintiffs or defendants.

The parties shall enjoy equal procedural rights. The parties may study the material on record in the case, make challenges, submit evidence, take part in the examination of evidence, make motions and file petitions, deliver oral and written pleadings, present their arguments and considerations, enter their objections to the motions, petitions, arguments and considerations of the adverse party, appeal from the court's decisions and rulings, demand compulsory execution of court judgements, be present at the execution of the judgement by the officer of the court, and also perform other procedural acts provided by law.

It shall be the duty of the parties to exercise honestly the procedural rights belonging to them.

Persons taking part in cases arising from administrative legal relations and in cases subject to the rules for special proceedings shall enjoy the rights and assume the duties of parties, except for the exemptions established by law.

Plaintiff shall have the right to modify the cause or the subject matter of the claim, to increase or reduce the amount of the claim, or to abandon the claim. Defendant shall have the right to admit the claim. The parties may end the litigation by a composition.

The court shall not accept plaintiff's abandonment of the claim, or defendant's admission of the claim, and shall not endorse a composition between the parties, where such acts contradict the law or infringe another's rights and lawful interests.

#### ARTICLE 25. *Plurality of Plaintiffs or Defendants in the Case*

Suits may be filed jointly by several plaintiffs or against several defendants. With respect to the adverse party, each of the plaintiffs or defendants shall appear in the case independently.

#### ARTICLE 26. *Substitution in Misjoinder*

The court, having established in the course of the proceedings that the complaint has been filed by a party other than he who has the right to sue, or against a party other

than he who should answer the claim, may, with the plaintiff's consent and without dismissing the case, permit the substitution of proper plaintiff or defendant for the original plaintiff or defendant.

Where the plaintiff does not consent to the substitution of another person for the defendant, the court may order that person to join the suit as a second defendant.

#### ARTICLE 27. *Third Parties*

Third parties who file independent claims to the subject matter of the dispute may join the suit prior to the rendering of the judgement by the court. They shall enjoy all the rights and assume all the duties of plaintiff.

Third parties who do not file independent claims to the subject matter of the dispute may join the suit either as parties plaintiff or parties defendant prior to the rendering of the judgement by the court, where the decision in the case may affect their rights or duties in respect of either litigant. They may also be called to join the suit on the motion of the parties or the procurator, or the court's own motion. Third parties who do not file independent claims shall enjoy the procedural rights and assume the procedural duties of parties, except for the right to modify the cause and subject matter of the claim, to increase or reduce the amount of the claim, or the right to abandon the claim, to admit a claim or make a composition.

#### ARTICLE 28. *Representation in Court*

Citizens may plead their causes in court either personally or through their representatives. The causes of incompetents shall be pleaded by their legal representatives.

The causes of juridical persons shall be pleaded by their agencies or their representatives.

#### ARTICLE 29. *Procurator's Participation in the Proceedings*

The procurator shall have the right to initiate or enter a civil case at any stage of the proceedings, wherever this is required for the protection of state or public interests or of the rights and lawful interests of citizens.

The procurator's participation in the trial of civil cases shall be mandatory, where this is prescribed by law, or where the procurator's participation in a given case is recognised as necessary by the court.

The procurator taking part in a case shall acquaint himself with the material of the case, make challenges, submit evidence, take part in the examination of evidence, file petitions, present his opinion on matters arising in the course of the trial and on the merits of the case as a whole, and also take other procedural steps provided for by law.

ARTICLE 30. *Participation in the Trial of Organs of State Administration, Trade Unions, Establishments, Enterprises, Organisations and Citizens in Defence of the Rights of Others*

In the cases provided for by law, organs of state administration, trade unions, state establishments, enterprises, collective farms and other co-operative and mass organisations or citizens may take action in defence of the rights and lawful interests of others.

Organs of state administration, in the cases provided for by law, may be caused by the court to join the suit or may join the suit on their own motion to present their opinion on the case in order to perform their duties or to act in defence of the rights of citizens or interests of the state.

The organs of state administration, establishments, enterprises and organisations enumerated in the present Article, through their representatives, and citizens may acquaint themselves with the materials of the case, make challenges, deliver pleadings, submit evidence, take part in the examination of evidence, file petitions, and also perform other procedural acts provided for by law.

SECTION III  
PROCEEDINGS  
IN COURTS OF FIRST INSTANCE

ARTICLE 31. *Taking Cognisance of Complaints in Civil Suits*

The judge, sitting alone, shall decide whether or not to take cognisance of a motion in a civil suit.

The judge shall refuse to take cognisance of the motion:

1) where the cause is not subject to trial by judicial bodies;

2) where the plaintiff has failed to comply with the procedure for preliminary extra-judicial settlement of dispute established by law for the given category of causes;

3) where there is a final court judgement or ruling which has been rendered in a dispute between the same parties, over the same subject matter and on the same grounds, stating acceptance of the plaintiff's abandonment of the claim or endorsing a composition by the parties;

4) where there is a suit pending in court on a dispute between the same parties, over the same subject matter and on the same grounds;

5) where a decision has been handed down by a comrades' court, within the limits of its jurisdiction, in a dispute between the same parties, over the same subject matter and on the same grounds;

6) where the parties have made a contract to submit the said dispute to a mediation board;

7) where the cause is not subject to the jurisdiction of the given court;

8) where the complaint has been filed by an incompetent person;

9) where the complaint has been filed on behalf of plaintiff by a person not empowered to plead the cause.

The judge, in rejecting the motion, shall enter a motivated ruling to that effect.

The judge's rejection of a motion on the grounds enumerated in par. 2, 7, 8 and 9 of the present Article shall not be a bar to a fresh application to the court with the same suit, provided the defects are corrected.

### ARTICLE 32. *Securing Collection of the Claim*

The court or the judge, on the motion of participants in the case or on its own motion, may take steps to secure collection of the claim. Collection of the claim may be secured at any stage of the proceedings, where failure to take such steps may render execution of the court judgement more difficult or impossible,

### ARTICLE 33. *Preparation of Civil Cases for Trial*

Upon sustaining a motion, the judge shall make preparations for the trial of the case in order to ensure its expeditious and correct adjudication.

### ARTICLE 34. *Judicial Investigation*

Civil cases shall be heard in a trial session of the court, with due notice to that effect being served on the participants in the case.

The court shall hear the pleadings of the parties and other participants in the case, examine other evidence and take other procedural steps.

After hearing the pleadings and the opinion of the procurator, the court shall retire to the conference room to render judgement.

### ARTICLE 35. *Direct, Oral and Uninterrupted Trial*

A court of first instance, in trying a case, must make direct examination of the evidence on record in the case: hear the pleadings of the participants in the case, the testimony of witnesses and the findings of experts, read documentary proof and inspect exhibits. Exemptions from the present rule shall be allowed only in the cases established by the legislation of the Union Republics.

The trial of a case shall be oral and without any changes in the bench. In the event of substitution of a judge during the proceedings, the hearing of the case must be recommenced.

The trial of every case shall be conducted without interruption except for the time allotted for rest. The court may not hear other cases before the termination or adjournment of the trial of a case which has been commenced.

### ARTICLE 36. *Participation of the Public in the Trial*

Duly authorised representatives of mass organisations and working people's collectives which are not parties to the case may, by an interlocutory order of the court, be permitted to take part in the trial in order to present to the

court the opinion of their organisations and collectives concerning the case before the court.

The rights and duties of representatives of mass organisations and working people's collectives shall be determined by the legislation of the Union Republics.

#### ARTICLE 37. *The Court's Judgement*

The judgement of the court must be legally correct and valid.

The court shall base its judgement only on the evidence examined at the trial. In any event, the judgement must state: the circumstances established by the court; the evidence on which the court's conclusions are based, and the reasons for which the court has rejected any evidence; the laws by which the court was guided; the court's decision satisfying or denying the claim in full or in part; the time limit and the manner in which appeal may be taken from the judgement.

Depending on the circumstances established in the case, the court may adjudicate in excess of plaintiff's claim, where this is necessary for the protection of the rights and lawful interests of state establishments, enterprises, collective farms and other co-operative and mass organisations or citizens.

The judgement of the court shall be made by a majority of votes, in written form, and signed by all the judges. Each judge may attach to the record his dissenting opinion.

The Supreme Court of the USSR shall pronounce judgement in the name of the Union of Soviet Socialist Republics, and the courts of the Union Republics, in the name of the respective Union Republic.

The court, having rendered its judgement in a case, may determine the manner of its execution, postpone its execution, or permit execution in instalments, explain its judgement without modifying its content, and also enter a supplementary decision on a claim examined at the trial session but not decided by the court.

#### ARTICLE 38. *Riders to Court Judgements*

The court, having discovered in the trial of a civil case infringements of the law or the rules of socialist community

life by officials or citizens, or essential shortcomings in the work of state establishments, enterprises, collective farms and other co-operative and mass organisations, shall add a rider to its judgement and transmit it to the establishments, enterprises, organisations, officials or working people's collectives concerned, which must inform the court of the measures they have taken.

Where, in the trial of a civil case, the court discovers indicia of a crime in the acts of a party or another person, it shall inform the procurator thereof, or shall institute criminal proceedings.

#### ARTICLE 39. *Entry of Court Judgements into Force*

The court judgement shall become final upon the expiration of the period for bringing a cassation appeal or protest, where no appeal or protest has been filed against it. Where a cassation appeal or cassation protest has been brought, the judgement, unless it has been revoked, shall become final upon its examination by a higher court.

Judgements rendered by the Supreme Court of the USSR and the Supreme Courts of the Union Republics shall become final immediately upon pronouncement.

Where the judgement has become final, the parties and other participants in the case or their successors may not bring again the same actions, on the same grounds, nor contest in another trial the facts and legal relations established by the court.

#### ARTICLE 40. *Suspension of Proceedings*

The court must suspend proceedings in the following cases:

- 1) death of a citizen, where the disputed legal relation allows succession, or the extinction of a juridical person who was party to the suit;
- 2) loss of legal ability by a party;
- 3) defendant's service in a field unit of the Armed Forces of the USSR, or motion of plaintiff who is in a field unit of the Armed Forces of the USSR;
- 4) impossibility to examine the case prior to the adjudication of another case which is being tried in a civil, criminal or administrative proceeding.

The legislation of the Union Republics may establish other grounds on which the court may, on the motion of the participants or on its own motion, suspend proceedings in a case.

#### ARTICLE 41. *Dismissal of Action*

The court shall dismiss an action:

- 1) where the cause is not subject to judicial investigation;
- 2) where plaintiff has failed to observe the procedure for preliminary extra-judicial settlement of the dispute, as established for the given category of suits, and where it is no longer possible to resort to such a proceeding;
- 3) where there is a final decision taken in a dispute between the same parties, over the same subject matter and on the same grounds, or a ruling concerning plaintiff's abandonment of the claim or endorsement of a composition;
- 4) where plaintiff has abandoned the claim and the abandonment has been accepted by the court;
- 5) where the parties have made a composition and it has been approved by the court;
- 6) where a decision has been handed down by a comrades' court, within its jurisdiction, in a dispute between the same parties, over the same subject matter and on the same grounds;
- 7) where the parties have made a contract to submit the given dispute to a mediation board;
- 8) where, upon the death of a citizen who was a party to the case, the contested legal relation does not allow of succession.

In the event an action is dismissed the same parties may not bring an action over the same subject matter and on the same grounds.

#### ARTICLE 42. *Refusal to Proceed in a Case*

The court shall refuse to proceed in a case:

- 1) where plaintiff has failed to observe the procedure for preliminary extra-judicial settlement of the dispute, as established for the given category of suits, and it is still possible to resort to such a proceeding;
- 2) where the action has been brought by a legally incompetent person;
- 3) where the motion on behalf of plaintiff has been filed by a person who is not empowered to plead the case,

The legislation of the Union Republics may establish other grounds on which the court may refuse to proceed in the case.

When the causes serving as grounds for refusal to proceed in the case are eliminated, plaintiff shall have the right to file the same suit in accordance with the general rules.

ARTICLE 43. *Change of Venue from the Court of One Union Republic to the Court of Another Union Republic*

Change of venue from the court of one Union Republic to the court of another Union Republic shall be effected on the strength of a court ruling upon the expiration of the time limit allowed for appeal or protest against the ruling, and in the event of the filing of an appeal or a protest, upon the entry of a ruling rejecting the appeal or protest.

In the event of a dispute arising between courts of different Union Republics over the venue of a case, the matter shall be decided by the Supreme Court of the USSR.

SECTION IV  
CASSATION AND SUPERVISION PROCEEDINGS

ARTICLE 44. *Right of Cassation Appeal and Protest Against Judgements*

Appeals for cassation of judgements rendered by all courts, with the exception of the judgements of the Supreme Court of the USSR and the Supreme Courts of the Union Republics, may be filed by the parties and other participants in the case, within the time limits established by the legislation of the Union Republics.

The procurator shall lodge his protest against a legally incorrect or invalid judgement, irrespective of whether or not he has participated in the given case.

Copies of the appeals or protests filed in the case must be served on the parties and other participants in the case. Notice of the time and place of the review of the case in a cassation proceeding shall be served on the parties and other participants in the case.

The procedure governing the service of copies of the appeal and protest and the procedure governing the service of notice

of the time and place of the cassation proceeding shall be established by the legislation of the Union Republics.

#### ARTICLE 45. *Review of Cases in Cassation Proceedings*

In reviewing a case in a cassation proceeding, the court, on the ground of the materials on record in the case and those additionally submitted by the parties and other participants in the case, shall examine whether the judgement of the court of first instance is legally correct and valid, both in its contested and uncontested parts, and also with regard to persons who have filed no appeal.

The court shall not be bound by the grounds specified in the cassation appeal or protest, and must verify the whole case.

When a case is reviewed in a cassation proceeding, the procurator shall enter his opinion as to whether the judgement is legally correct and valid.

#### ARTICLE 46. *Powers of the Cassation Court*

The court, having reviewed the case in a cassation proceeding, may enter a ruling:

- 1) leaving the judgement without modification, and the appeal or protest, without satisfaction;
- 2) quashing the judgement, in full or in part, and remanding the case for a new trial by the court of first instance;
- 3) quashing the judgement, in full or in part, and dismissing the case, or refusing to proceed in the case;
- 4) modifying the judgement or rendering a new judgement, without remanding the case for a new trial, where the case does not require any collection or additional verification of evidence, and where the facts in the case have been established by the court of first instance fully and correctly, but where an error has been made in the application of the rules of substantive law.

#### ARTICLE 47. *Grounds for Quashing Judgements in Cassation Proceedings*

The following shall be grounds for quashing a judgement in a cassation proceeding and remanding the case for a new trial by the court of first instance: the facts of the case are

not sufficiently clear; the facts of the case which the court deems established are unproven; the conclusions of the court set forth in the judgement do not correspond to the facts of the case; the rules of substantive law or the rules of adjective law are incorrectly applied or violated.

Court judgements shall be subject to quashing by way of cassation, with the court dismissing the case or refusing to proceed in the case, on the grounds enumerated in Articles 41 and 42 of the present Fundamentals.

No judgement which is essentially correct may be reversed for purely formal reasons.

ARTICLE 48. *Appeals and Protests Against the Rulings of the Courts of First Instance*

Appeals may be filed by the parties and other participants in the case, and protests lodged by the procurator, with a court of second instance against the rulings of a court of first instance, separately from the judgement, with the exception of the rulings of the Supreme Court of the USSR and the Supreme Courts of the Union Republics, in the instances specified by law, and also where the ruling bars further proceedings in the case.

ARTICLE 49. *Ex officio Review of Final Judgements, Rulings and Interlocutory Orders*

Judgements, rulings and interlocutory orders which have become final may be reviewed *ex officio* on protests lodged by procurators, chairmen of the courts and their deputies in whom this power is vested by law.

Judicial officers who are authorised to lodge protests *ex officio* may suspend the execution of judgements, rulings and interlocutory orders pending the termination of the *ex officio* review.

In an *ex officio* review of a case, the court, on the ground of the materials on record in the case and those additionally submitted, shall verify whether the judgement, ruling or interlocutory order is legally correct and valid, both in its contested and uncontested parts, and also with regard to persons not specified in the protest.

The court shall not be bound by the grounds specified in the protest and must verify the whole case.

The procurator shall participate in the supervision proceeding and shall maintain his protest or the protest lodged by a superior procurator, or shall enter his opinion on the case being reviewed upon protest by the chairman of the court or his deputy.

Copies of the protest lodged in the case shall be served on the parties and other participants in the case. Notices of the time and place of the supervision proceeding shall, where necessary, be served on the parties and other participants in the case.

The procedure governing the service of copies of protests, and the procedure governing the service of notice of the time and place of the *ex officio* review shall be established by the legislation of the Union Republics.

#### ARTICLE 50. *Powers of the Court Reviewing a Case Ex Officio*

The court, having reviewed a case *ex officio*, may enter a ruling or order:

1) leaving the judgement, ruling or interlocutory order without modification, and the protest, without satisfaction;

2) quashing the judgement, ruling or interlocutory order, in full or in part, and remanding the case for a new trial by the court of first instance or the cassation court;

3) quashing the judgement, ruling or interlocutory order, in full or in part, and dismissing the proceedings, or refusing to proceed in the case;

4) leaving one of the earlier judgements, rulings or interlocutory orders in the case in force;

5) modifying the judgement, ruling or interlocutory order, or entering a new judgement, without remanding the case for a new trial, where the case does not require any collection or additional verification of evidence and where the facts of the case have been established by the court of first instance in full and correctly, but where an error has been made in the application of the rules of substantive law.

ARTICLE 51. *Grounds for Reversal of Judgements, Rulings and Interlocutory Orders in Ex Officio Review*

Invalidity of judgements, rulings or interlocutory orders or essential violations of the rules of substantive or adjective law shall be grounds for the reversal in an *ex officio* review.

A court judgement, ruling or interlocutory order shall be subject to reversal in an *ex officio* review, with the court dismissing the case or refusing to proceed in the case, on the grounds enumerated in Articles 41 and 42 of the present Fundamentals.

ARTICLE 52. *Mandatory Nature of Instructions of Higher Courts*

Instructions set forth in a ruling or order of a court reviewing a case in cassation proceedings or by way of judicial supervision shall be mandatory upon the court retrying the case.

The court reviewing a case in a cassation proceeding or by way of judicial supervision may not establish or consider proven facts which had not been established in the judgement or had been rejected by it, or predetermine the authenticity or unauthenticity of any evidence, the relative value of any evidence, or the application of any rules of substantive law, or the decision to be entered in a fresh hearing of the case.

Nor may the court, in reversing a cassation ruling in an *ex officio* review of the case, predetermine the conclusions which may be drawn by the cassation court in a fresh examination of the case.

ARTICLE 53. *Review of Final Judgements, Rulings and Interlocutory Orders by Reason of Newly Discovered Circumstances*

Judgements, rulings and interlocutory orders which have become final may be reviewed by reason of newly discovered circumstances.

The following shall be grounds for a review of judgements, rulings and interlocutory orders by reason of newly discovered circumstances:

1) facts material to the case which were not known, and could not have been known, to the petitioner;

2) false testimony of witness, false findings of expert, deliberately incorrect translation, and forged documents or exhibits, as established in a final judgement of the court, which have resulted in the rendition of a legally incorrect or invalid decision;

3) criminal acts of parties, other participants in the case or their representatives, or criminal acts of judges committed in the hearing of the case and established by a final judgement of the court;

4) reversal of the court judgement, sentence, ruling or interlocutory order or decision of any other body which served as ground for the given judgement, ruling or interlocutory order.

The period of limitation and the procedure governing the review of judgements, rulings and interlocutory orders by reason of newly discovered circumstances shall be established by the legislation of the Union Republics.

## SECTION V

### EXECUTION OF COURT JUDGEMENTS

#### ARTICLE 54. *Execution of Final Judgements*

Court judgement shall be executed upon becoming final, with the exception of cases of immediate execution, as established by the legislation of the Union Republics.

Compulsory execution of court judgements shall be made upon the expiration of the period allowed debtors for voluntary execution of court judgements, in accordance with the legislation of the Union Republics.

Judgement in a case in which at least one of the parties is a citizen may be presented for compulsory execution within three years from the date it becomes final, and for all other cases, within one year.

The legislation of the USSR and the Union Republics may lay down other periods for execution of court judgements for the several categories of cases.

ARTICLE 55. *Mandatory Nature of Orders in Execution of Court Judgements*

Orders given by the officer of the court executing court judgements shall be mandatory upon all state establishments, enterprises, collective farms and other co-operative and mass organisations, officials and citizens throughout the entire territory of the USSR.

ARTICLE 56. *Control Over Correct and Timely Execution of Court Judgements*

Control over correct and timely execution of court judgements shall be exercised by the judge.

The parties and other participants in the case may appeal against the executory acts of the officer of the court. The procedure governing the examination of such appeals shall be established by the legislation of the Union Republics.

ARTICLE 57. *Attachment of Property of Citizens, State Establishments, Enterprises, Collective Farms and Other Co-operative and Mass Organisations*

Recovery from citizens shall be effected by attachment of the debtor's personal property, and of his part of common property, and marital community property, and also of the property of a collective-farm household or an individual peasant farm.

Recovery of damages caused by a crime may also be effected by attachment of property which is marital community property or the property of a collective-farm household or an individual peasant farm, where the judgement in a criminal case has established that the said property was acquired for money obtained by criminal means.

The deposits of citizens in labour savings state banks and the State Bank of the USSR may be attached on the strength of a court sentence or judgement satisfying a civil suit which arose out of a criminal case or a court judgement in action for alimony (in the absence of earnings or other property which may be attached), or for partition of a deposit which is marital community property.

The debtor's wages or other earnings, pension or grant may be attached, where the debtor does not possess any property or where the amount of such property is insufficient for full recovery.

The debtor's property shall not be attached, where the amount to be recovered is not greater than the part of the monthly wage or other earnings, pension or grant which may be attached under law.

Social insurance benefits paid during temporary disability, and also allowances paid from collective-farm mutual aid funds may be attached only by a court order for recovery of alimony or compensation of damages caused by maiming or other injury to health, and also by death of breadwinner.

Recovery from state establishments, enterprises, collective farms and other co-operative and mass organisations shall be effected above all by attachment of the debtor's cash resources in credit institutions, in accordance with the rules established by the legislation of the USSR.

Enumeration of the types of property of citizens, state establishments, enterprises, collective farms and other co-operative and mass organisations, the proportion of wages or other earnings, pensions and students' grants which may not be attached, and also the order of priority for satisfaction of claims for recovery in the event of insufficiency of the amounts attached, shall be established by the legislation of the USSR and the Union Republics.

ARTICLE 58. *Execution of Judgements in Parts Relating to the Collection of Property, Compositions in Court, and Other Decisions and Orders*

Execution of judgements in parts relating to collection of property, court rulings and orders, compositions in court, awards of mediation boards, awards of maritime and foreign trade arbitration commissions, decisions of labour disputes commissions, decisions on labour disputes made by factory and office trade union committees; execution clauses issued by notarial offices; and also decisions of arbitration agencies and other decisions and orders in the cases provided for by law, shall be effected in the manner established for the execution of court judgements.

SECTION VI

CIVIL PROCEDURAL RIGHTS OF ALIENS  
AND STATELESS PERSONS.

SUITS AGAINST FOREIGN COUNTRIES.

LETTERS ROGATORY AND JUDGEMENTS  
OF FOREIGN COURTS.

INTERNATIONAL TREATIES AND AGREEMENTS

ARTICLE 59. *Civil Procedural Rights of Aliens, and  
Foreign Enterprises and Organisations*

Aliens shall have the right to apply to the courts of the USSR and shall enjoy civil procedural rights equally with Soviet citizens.

Foreign enterprises and organisations shall have the right to apply to the courts of the USSR and shall enjoy procedural rights for the protection of their interests.

The Council of Ministers of the USSR may impose retaliatory limitations on citizens, enterprises and organisations of countries allowing special limitations on the civil procedural rights of Soviet citizens, enterprises or organisations.

ARTICLE 60. *Civil Procedural Rights of Stateless Persons*

Stateless persons resident in the USSR shall have the right to apply to the court and shall enjoy civil procedural rights equally with Soviet citizens.

ARTICLE 61. *Suits Against Foreign Countries. Diplomatic Immunity*

Filing of a suit against a foreign country, securing collection of a claim against it and attachment of its property located in the USSR may be permitted only with the consent of the competent organs of the country concerned.

Diplomatic representatives of foreign countries accredited in the USSR and other persons specified in relevant laws and international agreements shall be subject to the jurisdiction of the Soviet court in civil cases, only within the limits determined by the rules of international law or agreements with the countries concerned.

Where a foreign country does not accord the Soviet state, its representatives or its property the same judicial immunity which, in accordance with the present Article, is accorded foreign countries, their representatives or their property in the USSR, the Council of Ministers of the USSR or other authorised organ may impose retaliatory measures in respect of that country, its representatives or the property of that country.

ARTICLE 62. *Execution of Letters Rogatory from Foreign Courts and Presentation of Letters Rogatory by the Courts of the USSR to Foreign Courts*

The courts of the USSR shall execute letters rogatory requesting performance of certain procedural acts (service of summons and other instruments, interrogation of parties and witnesses, performance of expertise and view of the premises, etc.), presented to them in the established manner by foreign courts, with the exception of cases where:

1) performance of the request would contradict the sovereignty of the USSR, or jeopardise the security of the USSR;

2) performance of the request is outside the jurisdiction of the court.'

Letters rogatory from foreign courts requesting performance of several procedural acts shall be executed on the basis of Soviet legislation.

The courts of the USSR may present letters rogatory to foreign courts requesting performance of certain procedural acts. The procedure governing relations between Soviet and foreign courts shall be determined by the legislation of the USSR and the Union Republics and by international agreements of the USSR and the Union Republics.

ARTICLE 63. *Execution in the USSR of Judgements of Foreign Courts and Arbitration Boards*

The procedure governing execution in the USSR of judgements of foreign courts and arbitration boards shall be determined by relevant agreements between the USSR and foreign countries or by international conventions of which the USSR is a signatory. Judgements of foreign courts or

arbitration boards may be presented for compulsory execution in the USSR within three years from the date the judgement has become final.

ARTICLE 64. *International Treaties and Agreements*

Where the international treaty or international agreement to which the USSR is party establishes other rules than those contained in the present Fundamentals, the rules of the international treaty or international agreement shall apply.

\* The same provision shall apply in the territory of a Union Republic where an international treaty or international agreement to which the Union Republic is party establishes other rules than those provided for by the legislation on civil procedure of the Union Republic.

**ON THE PROCEDURE  
FOR PUTTING INTO EFFECT THE FUNDAMENTALS  
OF CIVIL LEGISLATION  
AND THE FUNDAMENTALS OF CIVIL PROCEDURE**

**Decree of the Presidium of the Supreme Soviet  
of the USSR of April 10, 1962**

*(Gazette of the Supreme Soviet of the USSR  
No. 15, 1962, Item 156)*

In accordance with the Law of the USSR on the Approval of the Fundamentals of Civil Legislation of the USSR and the Union Republics of December 8, 1961 (*Gazette of the Supreme Soviet of the USSR* No. 50, 1961, Item 525) and the Law of the USSR on the Approval of the Fundamentals of Civil Procedure of the USSR and the Union Republics of December 8, 1961 (*Gazette of the Supreme Soviet of the USSR* No. 50, 1961, Item 526), the Presidium of the Supreme Soviet of the USSR *decrees*:

1. Pending the bringing of the civil and civil procedural legislation of the USSR and the Union Republics in conformity with the Fundamentals of Civil Legislation and the Fundamentals of Civil Procedure, the civil and civil procedural legislation of the USSR, civil and civil procedural codes and civil and civil procedural enactments of the Union Republics now in force shall be applied insofar as they do not run counter to the Fundamentals.

2. The Fundamentals of Civil Legislation of the USSR and the Union Republics shall apply to civil legal relations that arose after the Fundamentals were put into effect, i.e., from May 1, 1962. The Fundamentals of Civil Legislation shall apply to contractual and other civil legal relations that arose prior to May 1, 1962, as regards the rights and duties that will arise after the Fundamentals have come into effect.

3. The cases referred by the Fundamentals of Civil Legislation of the USSR and the Union Republics and the Fundamentals of Civil Procedure of the USSR and the

Union Republics to the jurisdiction of the courts, the adjudication of which cases had not been completed in administrative and other bodies by May 1, 1962, shall be passed by these bodies to the courts according to the rules of liability for trial.

4. Declaring a citizen absent or dead shall be made after May 1, 1962, according to the provisions of Article 10 of the Fundamentals of Civil Legislation of the USSR and the Union Republics, regardless of the time when the latest information was available on the person's whereabouts, or of the time he was reported missing.

5. The provisions of Article 14 of the Fundamentals of Civil Legislation of the USSR and the Union Republics on the consequences of declaring transactions invalid shall be applied to transactions deemed invalid after the enforcement of the Fundamentals, regardless of the time these transactions were made.

6. The general and contracted periods of limitation and the periods for bringing and considering claims established by the Fundamentals of Civil Legislation of the USSR and the Union Republics (Articles 16 and 76), shall apply to actions and claims the right to bring which arose after May 1, 1962.

7. The right of collective farms and other co-operative and mass organisations to recover their unlawfully alienated property from any holder, regardless of the way this property was withdrawn from their possession or from the possession of the persons to whom they conveyed this property, which right is provided for in the fourth part of Article 28 of the Fundamentals of Civil Legislation of the USSR and the Union Republics, shall extend to cover the property unlawfully alienated prior to the enforcement of the Fundamentals if the period of limitations for bringing an action which is established by these Fundamentals, has not expired.

8. The provisions contained in the second and third parts of Article 59 of the Fundamentals of Civil Legislation of the USSR and the Union Republics shall also apply when excess living space in the form of a separate isolated room had developed prior to May 1, 1962, and had not been occupied in the established manner prior to that time.

The provision contained in the fifth part of Article 59 of the Fundamentals of Civil Legislation to the effect that

where a room which is not isolated from the dwelling premises the lessee occupies and which adjoins them is vacated in the flat in which the lessee lives this room shall be conveyed into his use, shall be extended to instances where such room was vacated prior to the enforcement of the Fundamentals.

9. The provisions of Article 62 of the Fundamentals of Civil Legislation of the USSR and the Union Republics on the procedure of eviction from the buildings belonging to enterprises and establishments in key sectors of the economy, or to particular departments, shall be extended to cover instances when factory or office workers are evicted after May 1, 1962, regardless of the time when the grounds for eviction arose.

10. Deposits of citizens in the labour savings state banks and in the State Bank of the USSR may be attached in the instances determined in the fourth part of Article 87 of the Fundamentals of Civil Legislation of the USSR and the Union Republics and the third part of Article 57 of the Fundamentals of Civil Procedure of the USSR and the Union Republics, regardless of when these deposits were made.

The citizens' deposits may also be attached in executing the courts' judgements and, prior to May 1, 1962, in suits for alimony (in the absence of earnings or other property which can be attached).

Citizens' deposits may be attached in suits for separation of deposits which are marital communal property according to the courts' judgements made after May 1, 1962.

11. Pensions, temporary disability benefits and allowances paid from collective-farm mutual aid funds may be attached in the instances determined in Article 57 of the Fundamentals of Civil Procedure of the USSR and the Union Republics, in executing the judgements of the court made before May 1, 1962.

12. The provisions of Articles 117-121 of the Fundamentals of Civil Legislation of the USSR and the Union Republics shall also apply to successions opened prior to the enforcement of the Fundamentals but which were not taken by the heirs and were not passed to the state before May 1, 1962, by the right of inheritance.

13. Pending the bringing of the legislation of the Union Republics in conformity with the Fundamentals of Civil

Legislation of the USSR and the Union Republics, the Presidium of the Supreme Soviets of the Union Republics shall be entrusted with establishing:

a) the order and time limits of implementing the provision of the second part of Article 25 of the Fundamentals of Civil Legislation which states that a citizen may have one dwelling house as his personal property and cohabiting spouses and their minor children may have only one dwelling house which one of them owns by right in personal property, or which they own as common property;

b) the order and the time limits of discontinuation of common property which is, counter to the provisions of Article 26 of the Fundamentals of Civil Legislation, jointly held by the state and a citizen, or a co-operative or mass organisation and a citizen;

c) the manner of reparation in conformity with Article 95 of the Fundamentals of Civil Legislation, of injury sustained in the rescue of socialist property.

14. The Council of Ministers of the USSR shall be entrusted with bringing the decisions of the Soviet Government in conformity with the Fundamentals of Civil Legislation of the USSR and the Union Republics and the Fundamentals of Civil Procedure of the USSR and the Union Republics.

**THE LAW OF THE UNION  
OF SOVIET SOCIALIST REPUBLICS  
OF DECEMBER 25, 1958,  
ON THE APPROVAL OF THE FUNDAMENTALS  
OF CRIMINAL LEGISLATION OF THE USSR  
AND THE UNION REPUBLICS**

*(Gazette of the Supreme Soviet of the USSR  
No. 1, 1959, Item 6)*

The Supreme Soviet of the Union of Soviet Socialist Republics *decrees*:

ARTICLE 1. To approve the Fundamentals of Criminal Legislation of the USSR and the Union Republics.

ARTICLE 2. To establish that Article 23 of the Fundamentals of Criminal Legislation of the USSR and the Union Republics shall not extend, as regards the period of the deprivation of liberty, to persons convicted before the promulgation of the Fundamentals of Criminal Legislation of the USSR and the Union Republics, for especially dangerous crimes against the state, mentioned in the Law on Criminal Responsibility for Crimes Against the State, for banditry, intentional homicide under aggravating circumstances, stealing of state or social property on a large scale, and assault.

ARTICLE 3. To entrust the Presidium of the Supreme Soviet of the USSR with establishing the procedure for putting into effect the Fundamentals of Criminal Legislation of the USSR and the Union Republics and with compiling the list of legislative enact-

ments that have lost legal force in connection with the enforcement of the present Fundamentals.

ARTICLE 4. To entrust the Supreme Soviets of the Union Republics with bringing the Republican legislation in conformity with the Fundamentals of Criminal Legislation of the USSR and the Union Republics.

**FUNDAMENTALS  
OF CRIMINAL LEGISLATION OF THE USSR  
AND THE UNION REPUBLICS**

**SECTION I  
GENERAL PROVISIONS**

*ARTICLE 1. The Tasks of Soviet Criminal Legislation*

Criminal legislation of the USSR and the Union Republics shall have as its task the protection, against criminal infringements, of the Soviet social and state system, socialist property, the person and rights of citizens and the whole of the socialist legal order.

To carry out this task, criminal legislation of the USSR and the Union Republics shall determine which socially dangerous acts are criminal, and shall establish the punishments to be applied to persons who have committed crimes.

*ARTICLE 2. Criminal Legislation of the USSR and the Union Republics*

Criminal legislation of the USSR and the Union Republics shall consist of the present Fundamentals, which define the principles and lay down the general provisions of the criminal legislation of the USSR and the Union Republics; of all-Union laws which determine responsibility for individual crimes; and of the Criminal Codes of the Union Republics.

All-Union criminal laws shall determine the responsibility for crimes against the state and for military crimes and, whenever necessary, also for other crimes aimed against the interests of the USSR.

*ARTICLE 3. The Basis of Criminal Responsibility*

Only a person guilty of committing a crime, that is, one who has, either intentionally or negligently, committed a socially dangerous act provided for by the criminal law,

shall be subject to criminal responsibility and punishment.

Criminal punishment shall be applied only by a judgement of the court.

ARTICLE 4. *The Operation of the Criminal Laws of the USSR and the Union Republics with Respect to Acts Committed on the Territory of the USSR*

All persons who have committed crimes on the territory of the USSR shall be subject to responsibility under the criminal laws in force at the place of the crime.

The question of the criminal responsibility of diplomatic representatives of foreign states and of other citizens who, under the laws and international agreements in force, do not come within the jurisdiction of Soviet judicial institutions in criminal cases, shall, in the event of such persons committing a crime on the territory of the USSR, be decided by diplomatic means.

ARTICLE 5. *The Operation of the Criminal Laws of the USSR and the Union Republics with Respect to Acts Committed Outside the Boundaries of the USSR*

Citizens of the USSR who have committed crimes abroad shall be subject to criminal responsibility under the criminal laws in force in the Union Republic on whose territory criminal proceedings have been instituted against them or where they have been committed for trial.

Stateless persons staying in the USSR who have committed crimes outside the boundaries of the USSR shall incur responsibility on the same basis.

Where the said persons have undergone punishment abroad for the crimes they have committed, the court may make a corresponding mitigation of the punishment it has assigned, or completely relieve the guilty person from serving the punishment.

For crimes committed outside the boundaries of the USSR, aliens shall be subject to responsibility under the Soviet criminal laws in the instances provided for by international agreements.

## ARTICLE 6. *The Operation of a Criminal Law in Time*

The criminality and punishability of an act shall be determined by the law in force at the time of the commission of the act.

A law eliminating the punishability of an act or mitigating a punishment shall have retroactive force, that is, it shall also apply to acts committed before its promulgation.

A law establishing the punishability of an act or increasing a punishment shall have no retroactive force.

### SECTION II CRIME

## ARTICLE 7. *The Concept of Crime*

A socially dangerous act (commission or omission), provided for by the criminal law, which infringes the Soviet social or state system, the socialist economic system, socialist property, the person or the political, labour, property and other rights of citizens, or any other socially dangerous act provided for by the criminal law, which infringes the socialist legal order, shall be deemed to be a crime.

A commission or omission, even one formally containing the indicia of an act which is provided for by the criminal law but which, by reason of its insignificance, does not represent a social danger, shall not be deemed to be a crime.

## ARTICLE 7<sup>1</sup>. *The Concept of a Grave Crime*

Intentional acts enumerated in the second part of this Article, which are of heightened social danger, shall be deemed grave crimes.

These shall be: especially dangerous crimes against the state; banditry; actions disorganising the work of corrective labour institutions; smuggling; mass disorders; damage of communication lines and of the means of transport; the making and uttering of counterfeit money or securities; violation of the rules on currency operations and speculation in currency or securities under aggravating circumstances; stealing of state or social property on a large or an espe-

cially large scale; open stealing under aggravating circumstances; assault; intentional damage of state or social property or the personal property of citizens under aggravating circumstances; intentional homicide (with the exception of homicide involving excess of necessary defence or in a state of strong mental agitation); intentional grave bodily injury (with the exception of grave bodily injury involving excess of necessary defence or in a state of strong mental agitation); rape; speculation under aggravating circumstances; giving a bribe or intermediacy in bribery under aggravating circumstances; taking a bribe; bringing of a clearly innocent person to criminal responsibility under aggravating circumstances; passing of an obviously unjust sentence, ruling or interlocutory order which has entailed grave consequences; forcing to give evidence under aggravating circumstances; attempt on the life of a militiaman or a people's patrolman; malicious or especially malicious hooliganism; stealing of firearms, ammunition or explosives; stealing, making, acquiring or keeping narcotics for the purpose of sale, and also sale of such substances; disobedience under aggravating circumstances; resistance to the chief or forcing him to violate his official duties; violent action in respect of a chief; desertion; intentional destruction or damage of military property under aggravating circumstances; violation of the rules of military patrol duty under aggravating circumstances.

#### ARTICLE 8. *Intentional Commission of a Crime*

A crime shall be deemed committed intentionally where the person who has committed it was conscious of the socially dangerous nature of his act or omission, anticipated its socially dangerous consequences, and willed or consciously allowed such consequences to ensue.

#### ARTICLE 9. *Commission of a Crime by Negligence*

A crime shall be deemed committed by negligence where the person who has committed it anticipated the possibility of socially dangerous consequences ensuing from his commission or omission, but thoughtlessly relied on their being prevented, or failed to anticipate the possibility of socially dangerous consequences ensuing, although he could and should have anticipated them.

## ARTICLE 10. *The Responsibility of Minors*

Persons who, before the commission of a crime, have attained the age of sixteen years, shall be subject to criminal responsibility.

Persons who have committed crimes between the ages of fourteen and sixteen years shall be subject to criminal responsibility only for homicide, intentional infliction of bodily injury causing an impairment of health, rape, assault with intent to rob, theft, malicious hooliganism, intentional destruction or damage of state or social property, or the personal property of citizens, entailing grave consequences, and also for the intentional commission of actions which may cause a train wreck.

Where the court finds that a person who, while under the age of eighteen years, has committed a crime not representing a great social danger can be reformed without the application of criminal punishment, it may apply to such a person compulsory educational measures which are not criminal punishment.

The types of compulsory educational measures and the manner of their application shall be established by the legislation of the Union Republics.

## ARTICLE 11. *Non-Imputability*

A person who, at the time of the commission of a socially dangerous act, was in a state of non-imputability, that is, was unable to account for his actions or to govern them in consequence of a chronic mental illness, temporary mental derangement, mental deficiency, or other morbid condition, shall not be subject to criminal responsibility. Compulsory medical measures, established by the legislation of the Union Republics, may be applied to such a person by order of the court.

A person who has committed a crime while in a state of imputability but who, before judgement is rendered by the court, is afflicted with a mental illness depriving him of the possibility of accounting for or governing his actions, shall also not be subject to punishment. Compulsory medical measures may be applied to such a person by order of the court, and, upon his recovery, he may be subject to punishment.

ARTICLE 12. *Responsibility for a Crime Committed in a State of Intoxication*

A person who has committed a crime in a state of intoxication shall not be absolved from criminal responsibility.

ARTICLE 13. *Necessary Defence*

An action which, while falling within the indicia of an act provided for in the criminal law, has been committed in a state of necessary defence, that is, in protecting the interests of the Soviet state, social interests, or the person or rights of the defender or another person against a socially dangerous infringement by causing harm to the infringer, shall not be a crime, provided that no excess of necessary defence has been allowed.

Clear disproportion between the defence and the nature and danger of the infringement shall be deemed to be excess of necessary defence.

ARTICLE 14. *Dire Necessity*

An action which, while falling within the indicia of an act provided for in the criminal law, has been committed in a state of dire necessity, that is, in order to eliminate a danger threatening the interests of the Soviet state, social interests, or the person or rights of the given person or other citizens, shall not be a crime, where in the given circumstances such danger could not have been eliminated by other means, and where the harm caused is smaller than the harm prevented.

ARTICLE 15. *Responsibility for the Preparation of a Crime and for Attempted Crime*

Procurement or adaptation of means or instruments or any other intentional creation of conditions for the commission of a crime, shall be deemed to be preparation of a crime.

An intentional action directed immediately toward the commission of a crime, where the crime has not been brought to completion for reasons not depending on the will of the guilty person, shall be deemed to be an attempted crime.

Punishment for the preparation of a crime and for attempted crime shall be assigned in accordance with the law providing for responsibility for the given crime. In assigning punishment, the court shall take account of the nature and degree of social danger of the actions committed by the guilty person, the extent to which the criminal intention has been carried out, and the reasons for which the crime has not been brought to completion.

ARTICLE 16. *Voluntary Abandonment of Completion of a Crime*

A person who has voluntarily abandoned the completion of a crime shall be subject to criminal responsibility only in the event that the act he has in fact committed contains the elements of another crime.

ARTICLE 17. *Complicity*

Intentional joint participation by two or more persons in the commission of a crime shall be deemed to be complicity.

The organisers, instigators, and accessories shall, equally with the perpetrators of a crime, be deemed to be accomplices.

A person who has actually committed a crime shall be deemed to be a perpetrator.

A person who has organised the commission of a crime or has directed its commission shall be deemed to be an organiser.

A person who has incited to the commission of a crime shall be deemed to be an instigator.

A person who has promoted the commission of a crime by advice, instructions, provision of means or removal of obstacles, and also a person who has promised beforehand to conceal the criminal, the instruments and means of commission of the crime, traces of the crime, or criminally acquired articles, shall be deemed to be an accessory.

In assigning punishment, the court must take account of the degree and nature of participation of each of the accomplices in the commission of the crime.

## ARTICLE 18. *Concealment*

Concealment, where not promised in advance, of a criminal, as also of instruments and means of commission of a crime, traces of a crime, or criminally acquired articles shall entail responsibility only in the instances expressly provided for by the criminal law.

## ARTICLE 19. *Failure to Report*

Failure to report the reliably known preparation or commission of a crime shall entail criminal responsibility only in the instances expressly provided for by the criminal law.

### SECTION III

#### PUNISHMENT

## ARTICLE 20. *The Purposes of Punishment*

Punishment shall not only be chastisement for a committed crime but shall also have the aim of correcting and re-educating convicted persons in the spirit of an honest attitude to work, strict observance of the laws, and respect for the rules of socialist community life, and also of preventing the commission of new crimes by convicted and other persons.

Punishment shall not have the purpose of inflicting physical suffering or degrading human dignity.

## ARTICLE 21. *Types of Punishment*

The following basic punishments may be applied to persons who have committed crimes:

- 1) deprivation of liberty;
- 2) exile;
- 3) restricted residence;
- 4) corrective labour without deprivation of liberty;
- 5) deprivation of the right to hold specified offices or engage in specified activity;
- 6) fine;
- 7) social censure.

Punishment in the form of assignment to a disciplinary battalion may also be applied to military personnel on active service.

Apart from these basic punishments, the following supplementary punishments may be applied to convicted persons: confiscation of property;

deprivation of military or special rank.

Restricted residence, exile, deprivation of the right to hold specified offices or engage in specified activity and fine may be applied not only as basic but also as supplementary punishments.

Other types of punishment, apart from those indicated in the present Article, may be established by the legislation of the Union Republics, in conformity with the principles and general provisions of the present Fundamentals.

#### ARTICLE 22. *The Death Penalty—an Exceptional Measure of Punishment*

Application of the death penalty—by shooting—shall be allowed as an exceptional measure of punishment, pending its abolition for good, for crimes against the state, in the instances provided for by the Law of the USSR On Criminal Responsibility for Crimes Against the State, for intentional homicide under the aggravating circumstances indicated in the articles of the criminal laws of the USSR and the Union Republics which establish responsibility for intentional homicide, and, in the individual instances expressly provided for by the legislation of the USSR, also for certain other crimes of especial gravity.

Persons who, before the commission of a crime, have not attained the age of eighteen years, and women who are pregnant at the time of the commission of the crime or at the moment judgement is rendered may not be sentenced to death. The death penalty may not be applied to a woman who is pregnant by the moment judgement is executed.

#### ARTICLE 23. *Deprivation of Liberty*

Deprivation of liberty shall be prescribed for a term of not more than ten years; for crimes of especial gravity which have entailed especially grave consequences, and for especially dangerous recidivists, in the instances provided for by the legislation of the USSR and the Union Republics, for a term of not more than fifteen years,

In applying punishment to a person who had not attained the age of eighteen years before the commission of the crime, the term of deprivation of liberty may not exceed ten years.

The serving of punishment in the form of deprivation of liberty under a judgement of the court shall be assigned in corrective-labour colonies with ordinary, reinforced, strict and special regime or in prison, and also in educational-labour colonies with ordinary and reinforced regime.

The serving of punishment in corrective-labour colonies shall be assigned to men:

who are being sentenced for the first time to deprivation of liberty for crimes which are not grave or who are being sentenced for the first time to deprivation of liberty for grave crimes for a term of up to three years—in colonies with ordinary regime;

who are being sentenced for the first time to deprivation of liberty for grave crimes for a term of more than three years—in colonies with reinforced regime;

who are either being convicted of especially dangerous crimes against the state or who had earlier served punishment in the form of deprivation of liberty—in colonies with strict regime;

who have been deemed especially dangerous recidivists—in colonies with special regime.

The serving of punishment in corrective-labour colonies by women sentenced to deprivation of liberty shall be assigned: to women deemed especially dangerous recidivists, and also women sentenced for especially dangerous crimes against the state—in colonies with strict regime; and to other women sentenced to deprivation of liberty—in colonies with ordinary regime.

The serving of punishment in educational-labour colonies shall be assigned:

to male minors sentenced for the first time to deprivation of liberty for crimes which are not grave, or sentenced for the first time for grave crimes for a term of up to three years, and also to female minors—in colonies with ordinary regime;

to male minors who had earlier served punishment in the form of deprivation of liberty and also those being sentenced to deprivation of liberty for grave crimes for a term of more than three years—in colonies with reinforced regime.

Depending on the nature and degree of social danger of the crime committed, the character of the guilty person and other circumstances of the case, the court may, stating the motives for its decision, assign the serving of deprivation of liberty by convicted persons not deemed especially dangerous recidivists in corrective-labour colonies of any type, with the exception of colonies with special regime, and by convicted male minors—in educational-labour colonies with ordinary regime instead of colonies with reinforced regime.

Deprivation of liberty in the form of committal to prison for a full term of punishment or for a part thereof may be assigned to especially dangerous recidivists; persons who on attaining 18 years of age have committed especially dangerous crimes against the state; persons who on attaining 18 years of age have committed other grave crimes and who have been sentenced to deprivation of liberty for a term of more than five years.

Change of type of corrective-labour institution assigned to the convicted person shall be made by the court on the grounds and in the order established by the legislation of the USSR and the Union Republics.

#### ARTICLE 23<sup>1</sup>. *Especially Dangerous Recidivist*

The following may, by a judgement of the court, be deemed especially dangerous recidivists:

- 1) a person previously sentenced to deprivation of liberty for an especially dangerous crime against the state; banditry; the making or uttering of counterfeit money or securities under aggravating circumstances; breach of the rules on currency operations under aggravating circumstances; stealing of state or social property on an especially large scale; assault with intent to seize state or social property or the personal property of citizens under aggravating circumstances; intentional homicide (with the exception of homicide involving excess of necessary defence or in a state of strong mental agitation, and also the killing by a mother of her newborn child); rape committed by a group of persons or resulting in especially grave consequences, or the rape of a minor; attempt on the life of a militiaman or a people's patrolman in connection with their official or social activ-

ity in maintaining public order; aircraft hijacking; who has thereafter again committed any one of the enumerated crimes for which he is being sentenced to deprivation of liberty for a term of not less than five years;

2) a person twice previously sentenced, in any sequence, to deprivation of liberty for an especially dangerous crime against the state; banditry; mass disorders; the making or uttering of counterfeit money or securities; breach of the rules on currency operations; stealing of state or social property under aggravating circumstances (with the exception of small-scale stealing); assault with intent to seize state or social property or the personal property of citizens; intentional homicide (with the exception of homicide involving excess of necessary defence or in a state of strong mental agitation, and also the killing by a mother of her newborn child); intentional grave bodily injury (with the exception of grave bodily injury involving excess of necessary defence or in a state of strong mental agitation); rape; theft, open stealing or swindling committed under aggravating circumstances; speculation under aggravating circumstances; taking a bribe; attempt on the life of a militiaman or a people's patrolman in connection with their official or social activity in maintaining public order; especially malicious hooliganism; aircraft hijacking; stealing of firearms, ammunition or explosives under aggravating circumstances; making, acquiring or keeping narcotics for the purpose of sale, and also sale of such substances; who has thereafter again committed any one of the enumerated crimes for which he is being sentenced to deprivation of liberty for a term of more than three years;

3) a person three or more times previously sentenced, in any sequence, to deprivation of liberty for malicious hooliganism or for crimes enumerated in par. 2 of the first part of the present Article and who has thereafter again committed malicious hooliganism or any of the crimes enumerated in par. 2 of the first part of the present Article for which he is being convicted to deprivation of liberty;

4) a person serving punishment in the form of deprivation of liberty for any of the crimes enumerated in par. 2 and 3 of the first part of the present Article who has again committed an intentional crime for which he is being sentenced to deprivation of liberty for a term of not less than five years.

In considering the question of deeming a person an especially dangerous recidivist, the court shall take account of the character of the guilty person, the degree of the social danger of the crimes committed, their motives, the extent to which the criminal intent has been realised, the extent and nature of participation in the commission of the crimes, and other circumstances of the case. The decision of the court must be motivated in the judgement.

In deciding the question of deeming a person an especially dangerous recidivist no account shall be taken of the record of conviction for a crime committed by the person before the age of eighteen years, or of the record of conviction that was either written off or cancelled in the order provided for by law.

The deeming of a person an especially dangerous recidivist shall be cancelled when the record of his conviction is expunged.

Articles of the criminal laws of the USSR and the Union Republics prescribing responsibility for the commission of a crime by an especially dangerous recidivist shall be applied in the instances where the person was deemed an especially dangerous recidivist in the order provided for by law before the commission of the given crime.

#### ARTICLE 24. *Exile and Restricted Residence*

Exile shall consist in the removal of the convicted person from the place of his residence, with obligatory settlement in a specified locality.

Restricted residence shall consist in the removal of the convicted person from the place of his residence, with prohibition to live in specified localities.

Exile and restricted residence may be assigned, as a basic and as a supplementary punishment, for a term of not more than five years.

Exile and restricted residence may be applied, as a supplementary punishment, only in the instances expressly indicated in the law.

Exile and restricted residence shall not be applied to persons who, before the commission of a crime, have not attained the age of eighteen years. Exile shall also not be applied to pregnant women, and women with dependent children under the age of eight years.

The procedure, places and conditions for serving exile, as also the procedure and conditions for restricted residence, shall be established by the legislation of the USSR and the Union Republics.

ARTICLE 25. *Corrective Works Without Deprivation of Liberty*

Corrective works without deprivation of liberty shall be assigned for a term of up to one year and shall be served either at the convicted person's place of work or in any other place in the area of the convicted person's residence. Deductions for the benefit of the state shall be made from the earnings of the person sentenced to corrective works without deprivation of liberty in the amount fixed by the judgement of the court, but not in excess of twenty per cent.

In the event a person who is sentenced to corrective works without deprivation of liberty maliciously evades the serving of punishment the court may replace the remaining part of the term of corrective works by a punishment in the form of deprivation of liberty for the same term.

The procedure for serving corrective works without deprivation of liberty shall be established by the legislation of the USSR and the Union Republics.

ARTICLE 26. *Deprivation of the Right to Hold Specified Offices or to Engage in Specified Activity*

Deprivation of the right to hold specified offices or to engage in a specified activity may be assigned by the court as a basic or a supplementary punishment for a term of up to five years.

This punishment may be assigned where, because of the nature of the crimes committed by the guilty person in his official capacity or when engaging in a specified activity, the court deems it impossible to allow him to retain his right to hold specified offices or to engage in a specified activity.

ARTICLE 27. *Fine*

Fine shall be a monetary exaction imposed by the court in the instances and within the limits established by the law.

The amount of fine shall be established depending on the gravity of the crime committed, taking account of the guilty person's material position.

There shall be no substitution of deprivation of liberty for fine or fine for deprivation of liberty.

#### ARTICLE 28. *Social Censure*

Social censure shall consist in a public expression by the court of censure of the guilty person, this being brought, where necessary, to the notice of the public through the press or by other means.

#### ARTICLE 29. *Assignment of Military Personnel Who Have Committed Crimes to a Disciplinary Battalion and Substitution of Detention in the Guardhouse for Corrective Works*

Assignment to a disciplinary battalion for a term of three months to two years may be applied to military personnel on active service in the instances provided for by the law, and also in instances where the court, taking into consideration the circumstances of the case and the character of the convicted person, finds it appropriate to apply, instead of deprivation of liberty for a term of up to two years, assignment to a disciplinary battalion for the same term.

For military personnel, detention in the guardhouse for a term of up to two months shall be substituted for corrective works without deprivation of liberty.

#### ARTICLE 30. *Confiscation of Property*

Confiscation of property shall consist in the compulsory seizure and transfer into the ownership of the state, without compensation, of all or part of the property constituting the personal property of the convicted person.

Confiscation of property may be applied only in the cases provided for by the legislation of the USSR and in the cases of crimes of avarice where this is provided for by the legislation of the Union Republics as well.

The procedure governing application of confiscation of property, the list of articles not subject to confiscation which are necessary for the convicted person himself and for

the persons dependent on him, and the conditions and manner of meeting any claims on the confiscated property under the convicted person's obligations shall be established by the legislation of the Union Republics.

ARTICLE 31. *Deprivation of Military and Other Ranks, and Also of Orders, Medals and Honorary Titles*

Upon conviction for a grave crime, a person who has a military or special rank may be deprived of it by a judgement of the court.

In passing sentence upon a person convicted of a grave crime who has been awarded an order or medal or who has an honorary title conferred by the Presidium of the Supreme Soviet of the USSR, the Presidium of the Supreme Soviet of a Union or an Autonomous Republic, or who has a military or other rank conferred by the Presidium of the Supreme Soviet of the USSR or the Council of Ministers of the USSR, the court shall decide on the advisability of submitting a proposal to the body that has awarded the order or medal to, or conferred the rank upon, the convicted person, to deprive him of the order or medal, honorary title or military or other rank.

SECTION IV  
ASSIGNMENT OF PUNISHMENT OR RELIEF  
FROM PUNISHMENT

ARTICLE 32. *General Principles for Assignment of Punishment*

The court shall assign punishment within the limits established by the articles of the law providing for responsibility for the committed crime in strict accordance with the provisions of the present Fundamentals and the Criminal Code of the Union Republic. In assigning punishment, the court, guided by the socialist concept of justice, shall take into consideration the nature and degree of social danger of the committed crime, the character of the guilty person, and the circumstances of the case mitigating or aggravating responsibility.

### ARTICLE 33. *Circumstances Mitigating Responsibility*

In the assignment of punishment, the following shall be deemed to be circumstances mitigating responsibility:

- 1) prevention by the guilty person of any harmful consequences of the crime committed or voluntary compensation for loss inflicted or elimination of the damage caused;
- 2) commission of the crime in consequence of a concurrence of grave personal or family circumstances;
- 3) commission of the crime under the influence of threat or constraint or by reason of material or other dependence;
- 4) commission of the crime under the influence of strong mental agitation provoked by the unlawful acts of the victim;
- 5) commission of the crime in defence against a socially dangerous infringement, even where the limits of necessary defence have been exceeded;
- 6) commission of the crime by a minor;
- 7) commission of the crime by a woman who is pregnant;
- 8) sincere repentance or voluntary surrender to the authorities.

The Criminal Codes of the Union Republics may provide for other circumstances mitigating responsibility.

In assigning punishment, the court may also take into consideration mitigating circumstances not indicated in the law.

### ARTICLE 34. *Circumstances Aggravating Responsibility*

In the assignment of punishment, the following shall be deemed to be circumstances aggravating responsibility:

- 1) commission of the crime by a person who has previously committed any crime.  
Depending on the nature of the first crime, the court shall have the right not to deem it as having the significance of an aggravating circumstance;
- 2) commission of the crime by an organised group;
- 3) commission of the crime from avaricious or other base motives;

- 4) the causing of grave consequences by the crime;
- 5) commission of the crime against a young, aged or helpless person;
- 6) incitement of minors to commit the crime or involvement of minors in the commission of the crime;
- 7) commission of the crime with especial brutality or involving abuse of the victim;
- 8) commission of the crime by exploiting the conditions of a public disaster;
- 9) commission of the crime with the employment of methods constituting a general danger;
- 10) commission of the crime by a person in a state of intoxication. The court shall have the right, depending on the nature of the crime, not to deem this circumstance as aggravating responsibility.

The Criminal Codes of the Union Republics may provide for circumstances aggravating the responsibility of the guilty person other than those indicated in the present Article.

#### ARTICLE 35. *Assignment of Punishment for the Commission of Several Crimes*

Where a person has been found guilty of the commission of two or more crimes provided for by different articles of the Criminal Law for none of which he has been previously convicted, the court, having assigned a separate punishment for each crime, shall determine the punishment as an aggregate by incorporating the lighter punishment in the heavier, or fully or partially cumulating the punishments assigned, within the limits established by the articles of the law providing for the heavier punishment.

To the basic punishment may be added any of the supplementary punishments provided for by the articles of the law which establish responsibility for the crimes the person has been found guilty of committing.

Punishment shall be assigned under the same rules where, after judgement has been rendered in the case, it is established that the convicted person is also guilty of another crime committed before judgement was rendered in the first case. In such instance, the term of the punishment shall include the punishment fully or partially served under the first judgement.

ARTICLE 36. *Assignment of Punishment Under Several Judgements*

Where the convicted person, after judgement is rendered but before the punishment is fully served, has committed a fresh crime, the court shall add, fully or partially, the unserved part of the punishment under the previous judgement to the punishment assigned under the new judgement.

In the cumulation of punishments in the manner provided for by the present Article, the total term of punishment must not exceed the maximum term established for the given type of punishment. In the cumulation of punishments involving deprivation of liberty, the total term of punishment must not exceed ten years, and for crimes for which the law allows assignment of deprivation of liberty for a term of more than ten years, it must not exceed fifteen years.

ARTICLE 37. *Assignment of Lighter Punishment Than That Provided For by the Law*

The court, taking into consideration the exceptional circumstances of the case and the character of the guilty person, and deeming it necessary to assign a punishment below the lowest limit provided for by the law for the given crime or to apply another, lighter type of punishment, may allow such a mitigation, making sure to state its motives.

ARTICLE 38. *Conditional Conviction*

Where, in assigning punishment in the form of deprivation of liberty or corrective works, the court, taking into consideration the circumstances of the case and the character of the guilty person, becomes convinced that it would be inappropriate for the guilty person to serve the punishment assigned, it may decree the conditional non-application of the punishment to the guilty person, making sure to state in its judgement the motives for the conditional conviction. In such event, the court shall decree that the judgement be not executed, provided the guilty person does not, within a probation period fixed by the court, commit a fresh intentional crime.

In the event of commission by the conditionally convicted person, within the term of the probation period, of a fresh intentional crime for which he has been sentenced to the deprivation of liberty the court shall assign punishment to him in accordance with the rules provided for by Article 36 of the present Fundamentals.

Under conditional conviction no supplementary punishments, with the exception of fines, may be assigned.

The legislation of the Union Republics shall establish the limits for the probation period, the manner of supervision over conditionally convicted persons and the educational work to be done with them.

Considering the circumstances of the case, the character of the guilty person and also petitions by social organisations or collectives of industrial and office workers and collective farmers at the guilty person's place of work requesting his conditional conviction, the court may deliver the conditionally convicted person to these organisations or collectives for re-education and correction.

ARTICLE 39. *Stay of Execution of Judgement in Wartime Passed on a Person in or Subject to Military Service*

In wartime, execution of a judgement involving deprivation of liberty rendered in respect of a person in or subject to military service or a person subject to call-up or mobilisation may be stayed by the court until the termination of military operations, with the convicted person assigned to the army in the field. In such instances, the court may also stay the execution of supplementary punishments.

Where the convicted person assigned to the army in the field has shown himself to be a steadfast defender of the socialist Motherland, the court may, on petition of the military command concerned, relieve him from punishment or substitute for the punishment another, lighter one.

In the event of the commission of a fresh crime by a person with respect to whom execution of judgement has been stayed, the court shall join the punishment previously assigned to the new punishment, in accordance with the rules provided for by Article 36 of the present Fundamentals.

#### ARTICLE 40. *Deduction of Preliminary Detention*

The court shall deduct preliminary detention from the term of punishment day for day in convictions involving deprivation of liberty and despatch to a disciplinary battalion, and one day for three days, in convictions involving corrective labour, exile or restricted residence.

#### ARTICLE 41. *Period of Limitation for the Institution of Criminal Proceedings*

Criminal proceedings may not be instituted against a person where the following periods have elapsed from the day of commission of the crime:

1) three years from the day of commission of a crime for which deprivation of liberty for a term of not more than two years or a punishment not involving deprivation of liberty may be assigned under the law;

2) five years from the day of commission of a crime for which deprivation of liberty for a term of not more than five years may be assigned under the law;

3) ten years from the day of commission of a crime for which a heavier punishment than deprivation of liberty for a term of five years may be assigned under the law.

Shorter periods of limitation for separate types of crime may be established by the legislation of the Union Republics.

The running of the period of limitation shall be interrupted where, before the expiry of the periods indicated in the law, the person commits a fresh crime for which deprivation of liberty for a term of more than two years may be assigned under the law. In such instance, calculation of the period of limitation shall begin from the moment of commission of a new crime.

The running of the period of limitation shall be suspended where the person who has committed a crime has hidden from investigation or trial. In such instances, the running of the period of limitation shall recommence from the moment the person is apprehended or surrenders himself. Furthermore, criminal proceedings may not be instituted against a person where fifteen years have elapsed from the time of commission of the crime and where the period of

limitation has not been interrupted by the commission of a fresh crime.

It shall be up to the court to decide the question of applying the period of limitation to a person who has committed a crime for which the death penalty may be assigned under the law. Where the court does not find it possible to apply the period of limitation there may be no assignment of the death penalty, for which deprivation of liberty shall be substituted.

ARTICLE 42. *Period of Limitation for Execution of Judgement of Conviction*

A judgement of conviction shall not be executed where it has not been executed within the following periods reckoned from the day the judgement, has taken legal effect:

1) three years under conviction involving deprivation of liberty for a term not exceeding two years or a punishment not involving deprivation of liberty;

2) five years under a conviction involving deprivation of liberty for a term not exceeding five years;

3) ten years under a conviction involving a heavier punishment than deprivation of liberty for a term of five years.

Shorter periods of limitation for separate types of crime may be established by the legislation of the Union Republics.

The running of the period of limitation shall be interrupted where the convicted person evades serving the punishment or, before the expiry of the period, commits a fresh crime for which the court has assigned a punishment in the form of deprivation of liberty for a term of not less than one year, or exile or restricted residence for a term of not less than three years. Calculation of the period of limitation in the event of commission of a fresh crime shall begin from the moment of its commission and, in the event of evasion of serving the punishment, from the moment the convicted person in hiding either surrenders himself to serve the punishment or is apprehended. Furthermore, a judgement of conviction may not be executed where fifteen years have elapsed from the time it was rendered and where the period

of limitation has not been interrupted by the commission of a fresh crime.

It shall be up to the court to decide the question of applying the period of limitation to a person condemned to death. Where the court does not find it possible to apply the period of limitation, deprivation of liberty shall be substituted for the death penalty.

ARTICLE 43. *Relief from Criminal Responsibility and Punishment*

A person who has committed a crime may be relieved from criminal responsibility where it is deemed that, by the time of the investigation or trial of the case in court, the act committed by the guilty person has, in consequence of a change in the situation, lost its socially dangerous character or the person has ceased to be socially dangerous.

A person who has committed a crime may be relieved from punishment where it is deemed that, in virtue of his subsequent faultless conduct and honest attitude to work, he may not, by the time of the trial of the case in court, be considered socially dangerous.

ARTICLE 44. *Conditional Release from Punishment Before the Expiry of Its Term and Substitution of a Lighter Punishment*

Conditional release from punishment before the expiry of its term or substitution of a lighter punishment for the unserved part of the punishment may be applied to persons sentenced to deprivation of liberty, exile, restricted residence, corrective works or dispatch to a disciplinary battalion, with the exception of persons enumerated in Article 44<sup>1</sup> of the present Fundamentals.

Conditional release from punishment before the expiry of its term or substitution of a lighter punishment for the unserved part of the punishment may be applied to a convicted person only where he has proved his correction by exemplary conduct and honest attitude to work.

Conditional release from punishment before the expiry of its term and substitution of a lighter punishment for the unserved part of the punishment shall be applied by the court at the place the convicted person is serving the punish-

ment on the strength of a joint recommendation by the organ in charge of the fulfilment of the punishment and the supervisory commission under the Executive Committee of the local Soviet of Working People's Deputies.

Conditional release from punishment before the expiry of its term or substitution of a lighter punishment for the unserved part of the punishment may be applied after the convicted persons have actually served at least one-half of the assigned term of punishment.

To persons:

1) who have been sentenced for an intentional crime to deprivation of liberty for a term of over three years;

2) who had earlier served punishment in places of deprivation of liberty for an intentional crime, and who have, before the expunging or cancellation of the record of their conviction, again committed an intentional crime for which they have been sentenced to deprivation of liberty;

3) who, while serving punishment in places of deprivation of liberty, have committed an intentional crime for which they have been sentenced to deprivation of liberty,—

conditional release from punishment before the expiry of its term or substitution of a lighter punishment for the unserved part of the punishment may be applied after they have actually served at least two-thirds of the assigned term of punishment.

Under conditional release from punishment before the expiry of its term or substitution of a lighter punishment the convicted person may also be released from supplementary punishments in the form of exile, restricted residence, deprivation of right to hold specified posts or to engage in a specified activity.

Where exile, restricted residence or corrective works are substitution for the unserved part of deprivation of liberty, they shall be assigned within the limits established by the law for this type of punishment, and must not exceed the unserved part of deprivation of liberty.

In applying conditional release from punishment before the expiry of its term or substitution of a lighter punishment for the unserved part of the punishment the court may impose on a given collective of working people, with its consent, the duty to superintend the person conditionally released before the expiry of his term during the unserved part of the punishment assigned by the court, or the person for whom

a lighter punishment has been substituted for the unserved part of the punishment, and to carry on educational work with him.

In the event the person to whom conditional release before the expiry of the term was applied has committed, within the unserved part of the punishment, a fresh intentional crime for which he is sentenced to deprivation of liberty, the court shall assign punishment to him in accordance with the rules provided for by Article 36 of the present Fundamentals.

ARTICLE 44<sup>1</sup>. *Non-Application of Conditional Release from Punishment Before the Expiry of Its Term and of Substitution of a Lighter Punishment*

Conditional release from punishment before the expiry of its term and substitution of a lighter punishment shall not be applied:

- 1) to an especially dangerous recidivist;
- 2) to a person previously sentenced to deprivation of liberty for an intentional crime to whom conditional release from punishment before the expiry of its term or substitution of a lighter punishment for the unserved part of the punishment was applied, where the person has, before the expiry of the unserved part of the punishment, again committed an intentional crime for which he is sentenced to deprivation of liberty;
- 3) to a person convicted of an especially dangerous crime against the state; banditry; acts disrupting the work of corrective-labour institutions; making or uttering of counterfeit money or securities under aggravating circumstances; breach of the rules on currency operations under aggravating circumstances; stealing of state or social property on an especially large scale; assault with intent to seize state or social property or the personal property of citizens under aggravating circumstances; intentional homicide under aggravating circumstances; rape committed by a group of persons or resulting in especially grave consequences, or the rape of a minor; taking or giving a bribe or acting as an intermediary in bribery under aggravating circumstances; attempt on the life of a militiaman or a people's patrolman in connection with their official or social activity in maintaining public order, under aggravating circumstances;

especially malicious hooliganism; aircraft hijacking; stealing of firearms, ammunition or explosives involving assault with the threat or use of force.

ARTICLE 45. *Conditional Release from Punishment Before the Expiry of Its Term and Substitution of a Lighter Punishment with Respect to Persons Who Have Committed a Crime When Under the Age of Eighteen Years*

Conditional release from punishment before the expiry of its term or substitution of a lighter punishment for the unserved part of the punishment may be applied to persons sentenced to deprivation of liberty or corrective works for crimes committed when under the age of eighteen years.

Conditional release from punishment before the expiry of its term or substitution of a lighter punishment for the unserved part of the punishment may be applied to a person convicted of a crime committed when under the age of eighteen years only where he has proved his correction by exemplary conduct and honest attitude to work and training.

Conditional release from punishment before the expiry of its term and substitution of a lighter punishment for the unserved part of the punishment shall be applied by the court at the place the convicted person is serving the punishment on the strength of a joint recommendation by the organ in charge of the fulfilment of the punishment and the commission for the affairs of minors or the supervisory commission under the Executive Committee of the local Soviet of Working People's Deputies.

Conditional release from punishment before the expiry of its term or substitution of a lighter punishment for the unserved part of the punishment may be applied to persons convicted of a crime committed when under the age of eighteen years after the actual serving of at least one-third of the assigned term of punishment.

To persons:

1) who have been sentenced to deprivation of liberty for a term of not less than five years for an intentional crime committed when under the age of eighteen years;

2) who had earlier served punishment in places of deprivation of liberty for an intentional crime and who have, before the expunging or cancellation of the record of their con-

viction, again committed, when under the age of eighteen years, an intentional crime for which they have been sentenced to deprivation of liberty;

3) who, while serving punishment in places of deprivation of liberty, have committed, when under the age of eighteen years, an intentional crime for which they have been sentenced to deprivation of liberty,—

conditional release from punishment before the expiry of its term or substitution of a lighter punishment for the unserved part of the punishment may be applied after the actual serving of at least one-half of the assigned term of punishment.

To persons:

1) who had earlier been sentenced to deprivation of liberty for an intentional crime, and to whom conditional release from punishment before the expiry of its term or substitution of a lighter punishment for the unserved part of the punishment had been applied, where these persons have, prior to attaining the age of eighteen years and before the expiry of the unserved part of the punishment, again committed an intentional crime for which they are sentenced to deprivation of liberty;

2) who have been convicted for the commission, when under the age of eighteen years, of the following crimes: banditry; assault with intent to seize state or social property or the personal property of citizens under aggravating circumstances; intentional homicide under aggravating circumstances; rape committed by a group of persons or resulting in especially grave consequences, or the rape of a minor; attempt on the life of a militiaman or a people's patrolman in connection with their official or social activity in maintaining public order under aggravating circumstances; especially malicious hooliganism; aircraft hijacking; stealing of firearms, ammunition or explosives involving assault with the threat or use of force,—

conditional release from punishment before the expiry of its term or substitution of a lighter punishment for the unserved part of the punishment may be applied after the actual serving of at least two-thirds of the assigned term of punishment.

In the substitution of corrective works for the unserved part of deprivation of liberty, these shall be assigned within the limits established by the law for this type of punishment,

and must not exceed the unserved term of deprivation of liberty.

In applying conditional release from punishment before the expiry of its term or substitution of a lighter punishment for the unserved part of the punishment, the court may impose on a given collective of working people or a person, with their consent, the duty to superintend the person conditionally released before the expiry of his term during the unserved part of the punishment assigned by the court, or the person for whom a lighter punishment has been substituted for the unserved part of the punishment, and to carry on educational work with him.

In the event the person to whom, when under the age of eighteen years, conditional release from punishment before the expiry of its term was applied, has during the unserved part of the punishment committed a fresh intentional crime for which he is sentenced to deprivation of liberty, the court shall assign punishment to him in accordance with the rules provided for by Article 36 of the present Fundamentals.

#### ARTICLE 46. *Release from Serving Punishment*

Release of a convicted person from serving his punishment and also mitigation of the assigned punishment, with the exception of release from punishment or mitigation of punishment by way of amnesty or pardon, may be applied only by the court in the instances and in the manner indicated by the law.

#### ARTICLE 47. *Expunging the Record of Conviction*

The following shall be deemed not to have any record of conviction:

1) persons who have served their punishment in a disciplinary battalion or who have been released therefrom before the expiry of their term, and also persons in military service who have served punishment in the form of detention in the guardhouse instead of corrective works;

2) persons conditionally convicted, where, during the probation period, they do not commit a fresh crime;

3) persons sentenced to social censure, fine, deprivation of the right to hold specified offices or to engage in specified activity, or to corrective works, where, during one year from the day of serving their punishment, they do not commit a fresh crime;

4) persons sentenced to deprivation of liberty for a term not exceeding three years, exile or restricted residence, where, during three years from the day of serving their punishment (basic and supplementary), they do not commit a fresh crime;

5) persons sentenced to deprivation of liberty for a term of more than three years but not more than six years, where, during five years from the day of serving their punishment (basic and supplementary), they do not commit a fresh crime;

6) persons sentenced to deprivation of liberty for a term of more than six years, but not more than ten years, where, during eight years from the day of serving their punishment (basic and supplementary), they do not commit a fresh crime;

7) persons sentenced to deprivation of liberty for a term of more than ten years, and especially dangerous recidivists, where, during eight years from the day of serving their punishment (basic and supplementary), they do not commit a fresh crime and where a court shall establish that the convicted person has been corrected and that there is no need to consider him as having a record of conviction.

Where a person sentenced to deprivation of liberty has, after serving his punishment, by exemplary conduct and honest attitude to work proved his correction, the court may, upon petition from mass organisations, eliminate the record of his conviction before the expiry of the terms indicated in the present Article.

Where a person has been, in the order established by law, released from punishment before the expiry of its term, the period expunging the record of conviction shall be calculated to include the punishment which has been actually served since the time he was released from serving the punishment (basic and supplementary).

Where a person who has served punishment commits a fresh crime before the expiry of the period expunging the record of conviction, this period shall be interrupted. The period expunging the record of conviction for the first crime shall be calculated anew after the punishment (basic and supplementary) for the last crime has been actually served. In such instances, the person shall be deemed convicted of both crimes pending the expiry of the period expunging the record of conviction for the graver crime.

**ON THE PROCEDURE  
FOR PUTTING INTO EFFECT THE LAW  
OF THE USSR OF JULY 11, 1969,  
ON INTRODUCING CHANGES AND AMENDMENTS  
IN THE FUNDAMENTALS  
OF CRIMINAL LEGISLATION OF THE USSR  
AND THE UNION REPUBLICS**

**Decree of the Presidium of the Supreme Soviet  
of the USSR of October 6, 1969**

*(Gazette of the Supreme Soviet of the USSR  
No. 41, 1969, Item 367)*

In conformity with the Law of the USSR of July 11, 1969, On Introducing Changes and Amendments in the Fundamentals of Criminal Legislation of the USSR and the Union Republics (*Gazette of the Supreme Soviet of the USSR* No. 29, 1969, Item 249), the Presidium of the Supreme Soviet of the USSR decrees:

1. Article 23<sup>1</sup> of the Fundamentals of Criminal Legislation of the USSR and the Union Republics shall apply to convictions for crimes committed after October 31, 1969, no matter whether the person accused of the crimes committed earlier was convicted before or after the effectuation of the Law of the USSR of July 11, 1969, On Introducing Changes and Amendments in the Fundamentals of Criminal Legislation of the USSR and the Union Republics.

2. It shall be clarified that in accordance with Article 8 of the Law of the USSR of July 11, 1969, On Introducing Changes and Amendments in the Fundamentals of Criminal Legislation of the USSR and the Union Republics, the grounds for deeming a person an especially dangerous recidivist, as stipulated in par. 1, 2, 3 and 4 of the first part of Article 23<sup>1</sup> of the Fundamentals of Criminal Legislation of the USSR and the Union Republics, shall not apply to persons who were deemed especially dangerous recidivists in the sentences that were legally enforced prior to November 1, 1969. The sentences that did not come into legal force prior to November 1, 1969, shall be subject to revision as regards deeming prisoners especially dangerous recidivists,

according to the provisions of the second part of the present Article and in conformity with the legislation on criminal procedure.

In the event a sentence is passed after October 31, 1969, on a person who was earlier sentenced to deprivation of liberty and again committed a crime before November 1, 1969, this person can be deemed an especially dangerous recidivist on the basis of Article 23<sup>1</sup> of the Fundamentals of Criminal Legislation of the USSR and the Union Republics provided the crimes he had committed give grounds for considering him an especially dangerous recidivist under Article 23<sup>1</sup> of the Fundamentals of Criminal Legislation of the USSR and the Union Republics and also in conformity with the legislation which was in effect before.

3. Articles 44, 44<sup>1</sup> and 45 of the Fundamentals of Criminal Legislation of the USSR and the Union Republics as amended in the Law of the USSR of July 11, 1969, on the conditional release before the expiry of the term of punishment, shall apply to persons serving punishment regardless of the time of their conviction.

The rulings of the courts on the release from punishment before the expiry of its term, conditional release from punishment before the expiry of its term and substitution of a lighter punishment, made prior to November 1, 1969, in conformity with the then operative legislation of the USSR and the Union Republics and not executed, shall be subject to execution.

The ninth part of Article 44 and the ninth part of Article 45 of the Fundamentals of Criminal Legislation of the USSR and the Union Republics shall apply to persons who were earlier released conditionally from punishment before the expiry of its term and who again after October 31, 1969, committed an intentional crime during the unserved part of their punishment, for which they were sentenced to deprivation of liberty.

The ninth part of Article 44 and the ninth part of Article 45 of the Fundamentals of Criminal Legislation of the USSR and the Union Republics, as amended in the Law of the USSR of July 11, 1969, shall apply to persons who were conditionally released from punishment before the expiry of its term and who, during the unserved part of their punishment, again committed an intentional crime prior to November 1, 1969, for which they were sentenced

to deprivation of liberty. The legislation earlier in operation shall apply to prisoners whose position is aggravated.

4. Article 38 of the Fundamentals of Criminal Legislation of the USSR and the Union Republics, as amended in the Law of the USSR of July 11, 1969, shall apply to persons sentenced conditionally if they again committed an intentional crime during a probation period and after October 31, 1969, for which crime they are sentenced to deprivation of liberty.

The provisions of Article 38 of the Fundamentals of Criminal Legislation of the USSR and the Union Republics, as amended in the Law of the USSR of July 11, 1969, shall apply to persons who were sentenced conditionally and who, during a probation period, prior to November 1, 1969, again committed an intentional crime for which they are sentenced to deprivation of liberty. The legislation earlier in force shall apply to prisoners whose position is aggravated.

5. Re persons who are serving punishment for crimes committed prior to November 1, 1969, during the probation period (conditionally sentenced) or during the unserved part of punishment (conditional release from punishment before the expiry of its term), sentences assigning punishment according to the provisions of Article 36 of the Fundamentals of Criminal Legislation of the USSR and the Union Republics, shall be brought in conformity with the second part of Article 38, the ninth part of Article 44 and the ninth part of Article 45 of the Fundamentals of Criminal Legislation of the USSR and the Union Republics, as amended in the Law of the USSR of July 11, 1969. This shall be done provided the punishment is mitigated.

Re persons who are serving punishment and for whom the earlier assigned punishment in the form of deprivation of liberty is commuted to a lighter punishment, with the assignment of the term of the punishment within the limits exceeding the unserved part of deprivation of liberty, the rulings of the court shall be brought in conformity with the seventh part of Article 44 and the seventh part of Article 45 of the Fundamentals of Criminal Legislation of the USSR and the Union Republics, as amended in the Law of the USSR of July 11, 1969.

Sentences or other court's rulings in these cases shall be changed by the court at the place the convicted person

is serving the punishment, according to the rules established by the legislation for settling questions pertaining to the execution of sentences.

6. The second part of Article 25 of the Fundamentals of Criminal Legislation of the USSR and the Union Republics shall apply to persons sentenced to corrective works without deprivation of liberty and who have maliciously evaded the serving of this punishment after October 31, 1969.

7. It shall be explained that the court shall apply conditional release from punishment before the expiry of its term or substitution of a lighter punishment for the unserved part of the punishment to persons serving punishment in a disciplinary battalion, on the recommendation of the battalion's command.

8. The present Decree shall come in force as from November 1, 1969, simultaneously with the Law of the USSR of July 11, 1969, On Introducing Changes and Amendments in the Fundamentals of Criminal Legislation of the USSR and the Union Republics.

**THE LAW OF THE UNION  
OF SOVIET SOCIALIST REPUBLICS  
OF DECEMBER 25, 1958,  
ON THE APPROVAL OF THE FUNDAMENTALS  
OF CRIMINAL PROCEDURE OF THE USSR  
AND THE UNION REPUBLICS**

*(Gazette of the Supreme Soviet of the USSR  
No. 1, 1959, Item 15)*

The Supreme Soviet of the Union of Soviet Socialist Republics *decrees*:

ARTICLE 1. To approve the Fundamentals of Criminal Procedure of the USSR and the Union Republics.

ARTICLE 2. To entrust the Presidium of the Supreme Soviet of the USSR with laying down the procedure for putting into effect the Fundamentals of Criminal Procedure of the USSR and the Union Republics and with compiling the list of the legislative enactments of the USSR which have become legally invalid owing to the effectuation of the present Fundamentals.

ARTICLE 3. To entrust the Supreme Soviets of the Union Republics with bringing the legislation of the Union Republics in conformity with the Fundamentals of Criminal Procedure of the USSR and the Union Republics.

**FUNDAMENTALS  
OF CRIMINAL PROCEDURE OF THE USSR  
AND THE UNION REPUBLICS**

SECTION I  
GENERAL PROVISIONS

ARTICLE 1. *Legislation on Criminal Procedure*

The procedure in criminal cases shall be determined by the present Fundamentals and by other laws of the USSR and the codes of criminal procedure of the Union Republics promulgated in accordance therewith.

ARTICLE 2. *The Tasks of Criminal Procedure*

Soviet criminal procedure shall have the task of speedy and complete detection of crimes, the conviction of the guilty persons, and the assurance of correct application of the law, so that every person who has committed a crime shall be subjected to just punishment, and no innocent person shall be charged with criminal responsibility or convicted.

Criminal procedure must help to consolidate socialist legality, prevent and eradicate crime and educate citizens in a spirit of undeviating observance of Soviet laws and respect for the rules of socialist community life.

ARTICLE 3. *The Duty of Initiating Criminal Cases and Detecting Crimes*

The court, the procurator, the investigator and the agency of inquiry shall have the duty, within their terms of reference, to initiate a criminal case in every instance in which indicia of a crime have been discovered, and to take all the measures provided for by the law to establish the event of

the crime, and the persons guilty of committing it, and to punish them.

ARTICLE 4. *The Impermissibility of Prosecution Otherwise Than on the Grounds and in Accordance with the Procedure Established by the Law*

No person may be prosecuted as an accused otherwise than on the grounds and in accordance with the procedure established by the law.

ARTICLE 5. *Circumstances Which Rule Out Criminal Proceedings*

No criminal case may be initiated and one initiated shall be subject to termination:

- 1) in the absence of the event of a crime;
- 2) in the absence, in the act, of the elements of a crime;
- 3) upon the expiry of the periods of limitation;
- 4) in consequence of an act of amnesty, where it has abolished the application of punishment for the act committed, and also in view of the pardon of individual persons;
- 5) with respect to a person who has not, at the moment of commission of a socially dangerous act, attained the age at which, according to the law, criminal responsibility is possible;
- 6) upon reconciliation of the victim with the accused, in the instances provided for by the legislation of the Union Republics;
- 7) in the absence of a complaint from the victim, where the case may be initiated only upon his complaint, with the exception of instances where the legislation of the Union Republics gives the procurator the right to initiate a case even in the absence of a complaint from the victim;
- 8) with respect to a deceased person, with the exception of instances where proceedings in the case are necessary to rehabilitate the deceased or to re-open the case with respect to other persons on the strength of newly discovered circumstances;
- 9) with respect to a person concerning whom there is a judgement, under the same accusation, which has taken legal effect.

Where the circumstances indicated in par. 1, 2, 3 or 4 of the present Article come to light at the stage of judicial examination, the court shall carry on the examination to its end and shall decree a judgement of acquittal or a judgement of conviction with release of the convicted person from punishment.

A case may not be terminated on the grounds indicated in par. 3 and 4 of the present Article, where the accused objects to this. In such instance, proceedings in the case shall be continued in the usual manner.

#### ARTICLE 6. *Immunity of the Person*

No person may be subjected to arrest otherwise than by a decree of the court or with the sanction of the procurator.

The procurator shall have the duty immediately to release any person illegally deprived of liberty or being detained in custody for more than the term provided for by the law or by a judgement of the court.

#### ARTICLE 7. *Administration of Justice Only by the Court*

Justice in criminal cases shall be administered only by the court. No person may be deemed guilty of the commission of a crime and subjected to criminal punishment otherwise than by a judgement of the court.

#### ARTICLE 8. *Administration of Justice on the Principle of Equality of All Citizens Before the Law and the Court*

Justice in criminal cases shall be administered on the principle of equality of all citizens before the law and the court, regardless of their social, property and official status, nationality, race or creed.

#### ARTICLE 9. *Participation of People's Assessors and Collegiality in the Examination of Cases*

Criminal cases in all courts shall be examined by judges and people's assessors elected in accordance with the procedure established by the law.

The examination of criminal cases in all the courts of first instance shall be made by a bench consisting of a judge and two people's assessors.

The people's assessors shall have equal rights with the person presiding at the judicial session in deciding all matters arising in the examination of the case and in decreeing judgement.

The examination of cases by way of cassation shall be made by benches consisting of three members of the court, and by way of judicial supervision, by benches consisting of not less than three members of the court.

ARTICLE 10. *The Independence of Judges and Their Subordination Only to the Law*

In the administration of justice in criminal cases, the judges and the people's assessors shall be independent and subordinate only to the law. The judges and people's assessors shall decide criminal cases on the strength of the law, in conformity with the socialist concept of justice and under conditions precluding extraneous influence on the judges.

ARTICLE 11. *The Language in Which Judicial Proceedings Are Conducted*

Judicial proceedings shall be conducted in the language of the Union or Autonomous Republic, or the Autonomous Region, and in the instances provided for by the Constitutions of the Union or Autonomous Republics, in the language of the National Area or of the majority of the local population.

Persons taking part in the case who have no command of the language in which the judicial proceedings are being conducted shall be assured of the right to make statements, give testimony, plead in court, and file petitions in their own language, and also to have the services of an interpreter, in accordance with the procedure established by the law.

The investigative and judicial documents shall, in accordance with the procedure established by the law, be handed to the accused in a translation into his own language or into another language of which he has command.

ARTICLE 12. *The Public Nature of the Judicial Examination*

The examination of cases in all the courts shall be open, with the exception of instances where this is contrary to the interests of protecting state secrets.

Moreover, closed judicial examination shall be allowed, upon a reasoned ruling of the court, in the cases of crimes committed by persons who have not attained the age of 16 years, in the cases of sexual crimes, and also in other cases for the purpose of preventing the spread of information concerning the intimate aspects of the life of persons taking part in the case.

The judgements of the courts shall in all instances be publicly pronounced.

ARTICLE 13. *Assurance of the Accused of the Right to Defence*

The accused shall have the right to defence.

The investigator, the procurator, and the court shall have the duty to assure the accused of the possibility of defending himself by the ways and means established by the law against the accusation brought against him, and to ensure the protection of his personal and property rights.

ARTICLE 14. *Comprehensive, Thorough and Objective Scrutiny of the Circumstances of the Case*

The court, the procurator, the investigator and the person conducting the inquiry shall have the duty to take all the measures stipulated by the law for the comprehensive, thorough and objective scrutiny of the circumstances of the case, and to bring out equally the circumstances which convict and which exonerate the accused, and also those which aggravate and which mitigate his guilt.

The court, the procurator, the investigator and the person conducting the inquiry shall not have the right to lay the duty of proof on the accused.

It shall be prohibited to seek to obtain testimony from the accused through the use of force, threats or any other illegal means.

## ARTICLE 15. *Circumstances Subject to Proof in Criminal Cases*

In the conduct of the preliminary investigation and the examination of a criminal case in court the following shall be subject to proof:

- 1) the event of the crime (time, place, mode and other circumstances attending the commission of the crime);
- 2) the guilt of the accused in the commission of the crime;
- 3) circumstances, affecting the degree and nature of the responsibility of the accused;
- 4) the nature and extent of the damage caused by the crime.

## ARTICLE 16. *Evidence*

Evidence in a criminal case shall be any facts on the strength of which the organs of inquiry, the investigator and the court may, in accordance with the procedure established by the law, determine the existence or non-existence of a socially dangerous act, the guilt of the person who has committed the act, and any other circumstances of importance for the correct decision of the case.

These facts shall be established: by the testimony of witnesses, the testimony of the victim, the testimony of the suspected person, the testimony of the accused, the findings of the expert, material evidence, the records of the investigative and judicial action and other documents.

## ARTICLE 17. *Assessment of the Evidence*

The court, the procurator, the investigator and the person conducting the inquiry shall assess the evidence in accordance with their inner convictions based on a comprehensive, thorough and objective examination of all the circumstances of the case in their aggregate, being guided by the law and the socialist concept of justice.

No evidence shall have predetermined value for the court, the procurator, the investigator and the person conducting the inquiry.

ARTICLE 18. *Challenge to the Judge, the Procurator and Other Participants in the Trial*

The judge, the people's assessor, the procurator, the investigator, the person conducting the inquiry, the secretary of the judicial session, the expert or the interpreter may not participate in the proceedings in a criminal case and shall be subject to challenge where they are personally, directly or indirectly, concerned in the case.

ARTICLE 19. *Supervision of Judicial Activity by the Supreme Court of the USSR and the Supreme Courts of the Union and Autonomous Republics*

Supervision of the judicial activity of the judicial organs of the USSR and also of the judicial organs of the Union Republics shall be exercised by the Supreme Court of the USSR, within the limits established by the law.

The Supreme Courts of the Union Republics and the Supreme Courts of the Autonomous Republics shall exercise supervision of the judicial activity of the judicial organs of their respective Republics.

ARTICLE 20. *Procurator's Supervision in Criminal Proceedings*

Supervision over the strict observance of the laws of the USSR and the Union and Autonomous Republics in criminal proceedings shall be exercised by the Procurator-General of the USSR both directly and through the procurators subordinate to him.

It shall be the duty of the procurator, at every stage of the criminal proceedings, promptly to take all the measures provided for by the law to eliminate any breaches of the law, whosoever may be the source.

The procurator shall exercise his powers in the criminal proceedings independently of any organs or persons in office whatsoever, being subordinate only to the law and guided by the instructions of the Procurator-General of the USSR.

The decrees of the procurator rendered in accordance with the law shall be binding on all institutions, enterprises, organisations, officials and citizens.

SECTION II  
THE PARTICIPANTS IN THE TRIAL,  
THEIR RIGHTS AND DUTIES

ARTICLE 21. *The Rights of the Accused*

The accused shall have the right: to know of what he is accused and to give explanations concerning the accusation brought against him; to present evidence; to enter petitions; to acquaint himself, upon completion of the preliminary investigation with all the material of the case; to have a defence counsel; to take part in the judicial examination in the court of first instance; to make challenges; and to file complaints over the actions and decisions of the investigator, the procurator and the court.

The accused shall have the right to the last word.

ARTICLE 22. *The Participation of the Defence Counsel in Criminal Proceedings*

The defence counsel; shall be allowed to participate in the case from the moment the accused has been informed of the completion of the preliminary investigation and has been handed a record of the proceedings in the case to acquaint himself with them. On the procurator's order the defence counsel shall be allowed to participate in the case from the moment the indictment has been presented.

The participation of the defence counsel in the preliminary investigation and the court proceedings shall be mandatory in cases involving crimes by minors, by mute, deaf, blind and other persons who, by reason of their physical or mental deficiencies are unable to exercise their right to defence. In such cases the defence counsel shall be allowed to participate in the case from the moment the indictment has been presented.

In the cases of persons who do not know the language in which proceedings are conducted or who are accused of committing crimes for which punishment may be assigned in the form of death penalty, the participation of the defence counsel shall be mandatory from the moment the accused is told that the preliminary inquiry is over and when the material of the case is presented to him for acquaintance.

The participation of the defence counsel in the case can also be mandatory in other instances determined by the legislation of the Union Republics.

Advocates, representatives of trade unions and other mass organisations and other persons accorded the right by the legislation of the Union Republics may act as defence counsels.

#### ARTICLE 23. *The Duties and Rights of the Defence Counsel*

It shall be the duty of the defence counsel to make use of all the ways and means of defence indicated in the law for the purpose of bringing to light the circumstances exonerating the accused or mitigating his responsibility, and to render to the accused all the necessary legal aid.

From the moment the defence counsel has been admitted to participation in the case, he shall have the right: to meet the accused; to acquaint himself with all the material of the case, and to make extracts of any necessary information therefrom; to present evidence; to enter petitions; to participate in the judicial examination; to make challenges; to file complaints against the actions and decisions of the investigator, the procurator and the court. Moreover, with the permission of the investigator, the defence counsel may attend the interrogation of the accused and the conduct of other acts of investigation performed upon the petition of the accused or his defence counsel.

The advocate shall not have the right to abandon the defence of the accused once he has accepted it.

#### ARTICLE 24. *The Victim*

A person on whom moral, physical or material injury has been inflicted shall be deemed to be the victim.

A citizen who has been declared to be the victim of a crime or his representative shall have the right: to give testimony on the case; to present evidence; to enter petitions; to acquaint himself with the material of the case from the moment of completion of the preliminary investigation; to participate in scrutinising the evidence in the judicial investigation; to make challenges; to file complaints against the actions of the person conducting the inquiry, the investigator, the procurator and the court; and also to file com-

plaints against the judgement or rulings of the court and the decrees of the people's judge.

In the instances provided for by the legislation of the Union Republics, the victim shall have the right, personally or through his representative, to maintain the accusation in the judicial examination.

#### ARTICLE 25. *The Civil Plaintiff*

A person who has suffered material loss from a crime shall have the right, in the proceedings in a criminal case, to bring against the accused or persons bearing material responsibility for the acts of the accused, a civil suit which shall be examined by the court together with the criminal case.

The civil plaintiff or his representative shall have the right: to present evidence; to enter petitions; to participate in the judicial examination; to request the agency of inquiry, the investigator and the court to take measures to secure the claim entered by them; to maintain the civil suit; to acquaint themselves with the material of the case from the moment of completion of the preliminary investigation; to make challenges; to file complaints against the actions of the person conducting the inquiry, the investigator, the procurator and the court, and also to enter complaints against that part of the judgement or the rulings of the court which relates to the civil suit.

#### ARTICLE 26. *The Civil Defendant*

Parents, guardians, trustees and other persons, and also institutions, enterprises and organisations which, in virtue of the law, bear material responsibility for the damage caused by the criminal acts of the accused, may be brought to trial as civil defendants.

The civil defendant or his representative shall have the right: to make objections to the suit brought; to give explanations concerning the substance of the suit brought; to present evidence; to enter petitions; to acquaint themselves with the material of the case within the limits established by the law; to participate in the judicial examination; to make challenges; to file complaints against the acts of the person conducting the inquiry, the investigator, the procurator and

the court, and also to file complaints against that part of the judgement and the rulings of the court which relates to the civil suit.

ARTICLE 27. *The Duty to Explain and Ensure the Rights of the Persons Participating in the Case*

It shall be the duty of the court, the procurator, the investigator and the person conducting the inquiry to explain to the persons participating in the case their rights and to ensure the possibility of their exercising these rights.

SECTION III  
THE INQUIRY  
AND THE PRELIMINARY EXAMINATION

ARTICLE 28. *The Organs of Preliminary Investigation*

The preliminary investigation in criminal cases shall be conducted by investigators of the procurator's office and also by the procurators of agencies for the protection of law and order, in cases involving crimes whose list shall be established by the legislation of the USSR and the Union Republics, and by investigators of state security agencies, in cases involving crimes provided for by the following articles of the Law on Criminal Responsibility for Crimes Against the State: 1 (high treason), 2 (espionage), 3 (terroristic acts), 4 (terroristic acts against representatives of a foreign state), 5 (sabotage), 6 (wrecking), 7 (anti-Soviet agitation and propaganda), 9 (organising activity designed to commit especially dangerous crimes against the state and also participation in anti-Soviet organisations), 10 (especially dangerous anti-state crimes committed against another working people's state), 12 (divulgence of state secrets), 13 (loss of documents containing state secrets), 15 (smuggling), 16 (mass disorders), 20 (illegal exit abroad and illegal entry into the USSR), 21 (breach of the rules of international flights), 25 (breach of the rules of currency operations), 26 (the part relating to failure to report crimes against the state provided for in Articles 1-6 and 9), 27 (the part relating to concealment of state criminals provided for by Articles 1-6, 9, 15 and 25). Investigators of state security agencies shall also conduct preliminary investigation in

criminal cases provided for by par. "a", "b" and "c" of Article 23 (divulgence of military secrets or loss of documents containing military secrets) of the Law on Criminal Responsibility for Military Crimes.

A preliminary inquiry shall be mandatory in cases involving crimes against the state or military crimes and also other crimes whose list shall be established by the legislation of the USSR and the Union Republics.

#### ARTICLE 29. *The Inquiry*

Agencies of the militia and other legally empowered institutions and organisations and also the commanders of military units or formations and the heads of military institutions shall be organs of inquiry.

The organs of inquiry shall have the duty of taking the necessary operational measures of search to detect the indicia of a crime and the persons who have committed it.

Where there are indicia of a crime for which a preliminary investigation is mandatory, the organ of inquiry shall initiate a criminal case and, being guided by the rules of the law on criminal procedure, shall carry out urgent acts of investigation to establish and fix the traces of the crime: inspection, search, seizure, the taking of evidence, the detention and the interrogation of the suspected persons, and the interrogation of the victims and the witnesses.

The agency of inquiry shall immediately inform the procurator of the discovery of the crime and the start of the inquiry.

In cases where the preliminary investigation is not mandatory the material of the inquiry shall be the ground for an examination of the case in court. In such instances, the agency of inquiry shall submit the material of the inquiry to the procurator, with whose approval the case shall be referred for examination in court.

#### ARTICLE 30. *The Powers of the Investigator*

In the conduct of the preliminary investigation, the investigator shall independently decide on the lines of the investigation and the conduct of acts of investigation, with the exception of instances where the law provides for obtaining the sanction of the procurator, and shall bear full

responsibility for their being legally carried out in good time.

In the event of the investigator's disagreeing with the instructions of the procurator on the prosecution of a person as the accused, on the qualification of the crime and the scope of accusation, on the referral of the case to bring the accused to trial, or the termination of the case, the investigator shall have the right to take the case to the higher procurator, with a written statement of his objections. In such instance, the procurator shall either countermand the instructions of the lower procurator or assign another investigator to conduct the investigation in the case.

The investigator shall, in the cases he investigates, have the right to give assignments and instructions to the agencies of inquiry concerning the conduct of acts of search and investigation and to demand of the agencies of inquiry co-operation in conducting individual acts of investigation. Such assignments and instructions of the investigator shall be binding upon the agencies of inquiry.

The decrees of the investigator rendered in conformity with the law in the criminal cases conducted by him shall be binding on all institutions, enterprises, organisations, officials and citizens.

ARTICLE 31. *Supervision of the Observance of the Laws in the Conduct of the Inquiry and the Preliminary Investigation*

Supervision of the observance of the laws in the conduct of the inquiry and the preliminary investigation shall be effected by the procurator in accordance with the Ordinance on the Supervisory Powers of the Procurator's Office in the USSR.

The procurator's instructions shall be issued in writing and shall be binding on the investigator and the person conducting the inquiry.

ARTICLE 32. *Detention of a Person Suspected of the Commission of a Crime*

The agency of inquiry or the investigator shall have the right to detain a person suspected of the commission of

a crime for which punishment may be assigned in the form of deprivation of liberty only where there is one of the following grounds:

1) where such a person has been caught committing the crime or immediately after its commission;

2) where eye-witnesses, including the victims, have directly identified the person as having committed the crime;

3) where clear traces of the crime have been discovered on the suspected person or on his clothing, in his possession or in his dwelling.

Where there are other facts giving ground to suspect a person of the commission of a crime, he may be detained only in the event the person has attempted to escape or where he has no permanent place of residence or where the identity of the suspected person has not been established.

A person detained on suspicion of the commission of a crime shall have the right to file a complaint against the acts of the person conducting the inquiry, the investigator or the procurator, to give explanations and to enter petitions.

The agency of inquiry or the investigator shall make a record of every instance of detention of a person suspected of the commission of a crime, stating the grounds and motives for which he has been detained and notifying the procurator thereof within 24 hours. It shall be the duty of the procurator to issue his sanction to detain in custody or to release the detained person within 48 hours from the moment of receiving notification of his detention.

### ARTICLE 33. *Application of Measures of Preventive Restriction*

Where there are sufficient grounds to assume that the accused, if left at liberty, may go into hiding from investigation or prevent the establishment of the truth in a criminal case or will engage in criminal activity, and also to ensure execution of the judgement, the person conducting the inquiry, the investigator, the procurator and the court shall have the right to apply one of the following measures of preventive restriction with respect to the accused: written undertaking not to leave the place, personal surety or the surety of social organisations, detention in custody and other measures of preventive restriction which may be determined by the legislation of the Union Republics.

In exceptional cases, a measure of preventive restriction may be applied with respect to a person suspected of the commission of a crime even before the accusation is presented to him. In such instance, the accusation must be presented not later than ten days from the moment the measure of preventive restriction is applied. Where the accusation has not been presented within this period, the measure of preventive restriction shall be revoked.

A person detained in custody before the accusation has been presented to him has the right: to file complaints against the acts of the person conducting the inquiry, the investigator or the procurator, to give explanations or to enter petitions.

#### ARTICLE 34. *Detention in Custody*

Detention in custody as a measure of preventive restriction shall be applied only in cases involving crimes for which the law provides punishment in the form of deprivation of liberty.

With respect to persons accused of the commission of the gravest crimes, whose list shall be established by the law, detention in custody may be applied for no other reason than the danger of the crime.

Detention in custody during the examination of a case may not continue for more than two months. This term may be prolonged only in view of the special complexity of the case by the procurator of the Autonomous Republic, Territory, Region, Autonomous Region or National Area, by the military procurator of a military district or a fleet, to three months, and by the procurator of the Union Republic, and the Chief Military Procurator, to six months from the first day of detention in custody. The term of detention in custody may be further prolonged only in exceptional instances by the Procurator-General of the USSR for an additional term of not more than three months.

#### ARTICLE 35. *The Conduct of Search and the Procedure Governing the Seizure of Correspondence*

A search may be carried out by decision of the agency of inquiry or the investigator and only with the sanction of the procurator.

In the instances not permitting of delay, a search may be carried out by the agency of inquiry or the investigator without the sanction of the procurator but with subsequent communication to the procurator of the effected search within 24 hours.

The impounding of correspondence and its seizure at postal and telegraph offices may be carried out only with the sanction of the procurator or by a decree of the court.

Search and seizure shall be carried out in the presence of persons specially invited to witness the legality of attendant procedural actions.

SECTION IV  
ADJUDICATION OF CASES IN COURTS  
OF FIRST INSTANCE

ARTICLE 36. *Committal for Trial*

Where there are sufficient grounds for examining a case in judicial session, the judge shall, without predetermining the question of guilt, issue a decree on the committal of the accused for trial.

In the cases of crimes committed by minors and crimes for which death penalty may be assigned as a measure of punishment and also in the instances where the judge disagrees with the conclusions of the bill of indictment, or where there is need to change the measure of preventive restriction that has been adopted with respect to the accused, the case shall be subject to examination in an administrative session of the court.

In its administrative session, the court shall render a ruling on the committal of the accused for trial or shall return the case for further examination or terminate the proceedings in the case and also decide on the question of the measure of preventive restriction. In the event the accused is committed for trial, the court, in administrative session, may expunge individual sections of the accusation from the bill of indictment or apply a criminal law on a less grave crime, without modifying the formulation of the accusation.

ARTICLE 37. *Direct, Oral and Uninterrupted Nature of the Judicial Examination*

It shall be the duty of the court of first instance, in examining the case, to make a direct scrutiny of the evidence in the case: to interrogate the accused, the victims and the witnesses, to hear the findings of the experts, to view the material evidence, and to have the records and other documents read out in public.

The judicial session in each case shall proceed without interruption, with the exception of the time allotted for rest. It shall not be permitted for the same judges to examine other cases before the completion of the hearing of the case already commenced.

ARTICLE 38. *The Equality of Rights of the Participants in the Judicial Examination*

The accuser, the prisoner, the defence counsel, the victim and also the civil plaintiff, the civil defendant and their representatives in the judicial examination shall enjoy equal rights in presenting evidence, participating in the scrutiny of the evidence and in filing petitions.

ARTICLE 39. *The Participation of the Prisoner in the Judicial Examination*

The examination of a case in a session of the court of first instance shall proceed with the participation of the prisoner, whose presence in court shall be mandatory. Examination of a case in the absence of the prisoner shall be allowed only in exceptional cases, as expressly provided for by the law.

ARTICLE 40. *Participation of the Procurator in the Judicial Examination*

The procurator shall maintain the state accusation before the court, take part in scrutinising the evidence, give conclusions on the questions arising during the judicial examination, and present to the court his considerations concerning

the application of the criminal law and the measures of punishment with respect to the prisoner.

In maintaining the accusation, the procurator shall be guided by the requirements of the law and his inner conviction based on the examination of all the circumstances of the case.

Where, as a result of the judicial examination, the procurator becomes convinced that the facts of the judicial investigation have failed to confirm the accusation presented to the prisoner, it shall be his duty to withdraw the accusation and to state to the court his motives of doing so.

The procurator shall have the right to bring a civil suit or to maintain the civil suit brought by the victim where this is required for the protection of state or social interests or the rights of citizens.

#### ARTICLE 41. *Participation of Public Accusers or Defence Counsels in the Judicial Examination*

Representatives of mass organisations of working people may, by a ruling of the court, be allowed to take part in the judicial examination of criminal cases as public accusers or defence counsels.

#### ARTICLE 42. *The Limits of the Judicial Examination*

The examination of a case in court shall be conducted only with respect to the accused persons and only under the indictment under which they have been committed for trial.

Changes in the indictment may be made in court where this does not worsen the position of the prisoner and does not infringe his right to defence. Where changes in the indictment entail infringement of the prisoner's right to defence, the court shall refer the case for a fresh preliminary investigation.

#### ARTICLE 43. *The Judgement of the Court*

The judgement of the court must be legal and valid.

The court shall found its judgement only on the evidence which has been examined in the judicial session.

The court may render a judgement of conviction or of acquittal. The court's judgement of conviction or acquittal must be reasoned.

A judgement of conviction may not be founded on assumptions and shall be rendered only where, in the course of the judicial examination, the prisoner's guilt in committing the crime has been proved. The court shall render a judgement of conviction without assigning any punishment where, by the moment of the examination of the case in court, the act has lost its social danger or the person who has committed it has ceased to be socially dangerous.

A judgement of acquittal shall be rendered in instances where the event of the crime has not been established, where the prisoner's act did not contain the elements of a crime, and also where the prisoner's participation in the commission of the crime has not been proved.

The Supreme Court of the USSR and the military tribunals shall render judgement in the name of the Union of Soviet Socialist Republics, and the courts of the Union Republics, in the name of the Union Republic.

#### SECTION V ADJUDICATION OF CASES IN THE CASSATION AND SUPERVISION INSTANCES

##### ARTICLE 44. *The Right of Cassation Appeal and Protest Against the Judgement*

The prisoner, his defence counsel and legal representative, and also the victim shall have the right to appeal against the judgement of the court by way of cassation.

It shall be the duty of the procurator to protest by way of cassation against every illegal or invalid judgement.

The civil plaintiff, the civil defendant and their representatives shall have the right to appeal against that part of the judgement which concerns the civil suit.

A person who has been acquitted by the court shall have the right to appeal by way of cassation against the reasoning and the grounds for the acquittal in the judgement of acquittal.

The time limits for filing and the procedure governing the examination of cassation appeals and protests, and also the

procedure governing appeals and protests against the rulings and decrees of the court shall be determined by the legislation of the USSR and the Union Republics.

The judgements of the Supreme Court of the USSR and the Supreme Courts of the Union Republics shall not be subject to appeal or protest by way of cassation.

ARTICLE 45. *Examination of Cases on Cassation Appeal and Protest*

In examining a case by way of cassation, the court shall verify the legality and validity of the judgement on the strength of the material in the case and material additionally presented. The court shall not be bound by the arguments of the cassation appeal or protest and shall verify the case as a whole with respect to all the persons convicted, including those who have not filed appeals and those with respect to whom no cassation protest has been entered.

As a result of the examination of the case by way of cassation, the court shall take one of the following decisions: to leave the judgement unchanged, and the appeal or protest, unsatisfied; to vacate the judgement and refer the case for a fresh investigation or a fresh judicial examination; to vacate the judgement and terminate the case; to change the judgement.

In the examination of the case by way of cassation, the procurator shall give his conclusion concerning the legality and validity of the judgement.

The question on the convicted person's participation in the session of the court examining the case by way of cassation shall be decided by this court. A convicted person who attends the judicial session shall be allowed to give explanations in all instances.

The defence counsel may participate in the session of the court of cassation instance.

ARTICLE 46. *Impermissibility in the Cassation Instance of Increasing the Convicted Person's Punishment or Applying to Him a Law on a Graver Crime*

In examining a case by way of cassation, the court may mitigate the punishment assigned by the court of first

instance or apply a law on a less grave crime but shall not have the right to increase the punishment or apply a law on a graver crime.

The judgement may be vacated in connection with the need to apply a law on a graver crime or because of the mildness of the punishment only in instances where the procurator has brought a protest or the victim has filed an appeal on these grounds.

#### ARTICLE 47. *Vacation of a Judgement of Acquittal*

A judgement of acquittal may be vacated by way of cassation not otherwise than on the protest of the procurator or on the appeal of the victim or on the appeal of the person acquitted by the court.

#### ARTICLE 48. *Review by Way of Judicial Supervision of a Court Judgement, Ruling or Decree That Has Taken Legal Effect*

Review by judicial supervision of a court judgement, ruling or decree that has taken legal effect shall be allowed only on the protest of the procurator, the chairman of the court, and their deputies who are duly empowered by the legislation of the USSR and the Union Republics.

The Procurator-General of the USSR, the Chairman of the Supreme Court of the USSR, their deputies, the Chief Military Procurator and the Chairman of the Military Collegium of the Supreme Court of the USSR, shall, in accordance with their competence, have the right to stay, by way of judicial supervision, the execution of a protested judgement, ruling or decree of any court of the USSR, of a Union and Autonomous Republic, pending decision of the case. The same right with respect to a protested judgement, ruling or decree of any court of a Union Republic and of its constituent Autonomous Republics shall be exercised by the procurator and the Chairman of the Supreme Court of the Union Republic.

Review by way of judicial supervision of a judgement of conviction, a ruling or a decree of the court because of the mildness of the punishment or the need to apply to the convicted person a law on a graver crime and also of a judge-

ment of acquittal or ruling or decree of the court terminating the case, shall be allowed only in the course of one year from their taking legal effect.

As a result of the examination of the case by way of supervision, the court may: leave the protest unsatisfied; vacate the judgement and all the subsequent judicial rulings and decrees and terminate the proceedings in the case or refer it for a fresh investigation or a fresh judicial examination; vacate the cassation ruling and also all the subsequent judicial rulings and decrees where they have been rendered and refer the case for a fresh cassation examination; vacate the rulings and decrees rendered by way of supervision and leave in force, either with or without changes, the judgement of the court and the cassation ruling; make changes in the judgement, ruling or decree of the court.

In the examination of the case by way of judicial supervision, the court may mitigate the punishment assigned to the accused or apply a law on a less grave crime, but shall not have the right to increase the punishment or to apply a law on a graver crime.

The procurator shall take part in the examination of criminal cases by the presidiums of the respective courts to maintain the protest he has entered or to give his conclusions on a case being examined on the protest of the chairman of the court or his deputy.

The court examining a case by way of judicial supervision shall have the right, where necessary, to summon the convicted person to attend the judicial session.

#### ARTICLE 49. *Grounds for Vacating or Changing the Judgement by Way of Cassation or by Way of Judicial Supervision*

The grounds for vacating or changing the judgement in the examination of a case by way of cassation or by way of judicial supervision shall be these: one-sidedness or incompleteness of the preliminary inquiry or judicial investigation; discrepancy between the court's findings as set out in the judgement and the actual circumstances of the case; essential infringement of the law on criminal procedure; incorrect application of the criminal law; discrepancy between the punishment assigned by the court and the gravity of the crime or the character of the convicted person.

ARTICLE 50. *The Re-opening of Cases Because of Newly Discovered Circumstances*

A judgement that has taken legal effect may be vacated because of newly discovered circumstances.

Review of a judgement of acquittal shall be allowed only within the periods of limitation established by the law for bringing charges of criminal responsibility and not later than one year from the day the new circumstances have been discovered.

ARTICLE 51. *The Binding Nature of the Instructions of Superior Courts*

The instructions of the court examining the case by way of cassation or by way of judicial supervision shall be binding in the additional investigation and in a re-examination of the case by the court.

The court examining the case by way of cassation or by way of judicial supervision shall not have the right to establish or consider as proven facts which had not been established in the judgement or had been rejected by it, nor the right to predetermine the question of whether the accusation has or has not been proved, of whether this or that piece of evidence is authentic or unauthentic or of the superiority of some evidence over other evidence, of the application by the court of first instance of this or that criminal law and of the measure of punishment.

Equally, the court examining the case by way of judicial supervision, in vacating a cassation ruling, shall not have the right to predetermine the conclusions which may be made by the cassation instance in a re-examination of the case.

ARTICLE 52. *Examination of the Case by the Court of First Instance After the Vacation of the Original Judgement*

Following the vacation of the original judgement, the case shall be subject to examination in accordance with the general rules.

Increase of the punishment or application of a law on a graver crime in a fresh examination of the case by the court of first instance shall be allowed only where the original judgement has been vacated because of the mildness

of the punishment or in view of the need to apply a law on a graver crime on the cassation protest of the procurator or the appeal of the victim or by way of judicial supervision and also where, in the fresh examination of the case after the vacation of the judgement, circumstances are established testifying to the commission by the accused of a graver crime.

SECTION VI  
EXECUTION OF THE JUDGEMENT

ARTICLE 53. *Entry of the Judgement into Legal Effect and Its Execution*

The judgement shall take legal effect upon the expiry of the period for cassation appeal or protest where it has not been appealed or protested. In the event that a cassation appeal or cassation protest has been brought, the judgement, unless it is vacated, shall take legal effect upon the examination of the case by the higher court.

A judgement not subject to cassation appeal shall take legal effect from the moment of its pronouncement.

A judgement of conviction shall be executed upon taking legal effect.

A judgement of acquittal and a judgement releasing the prisoner from punishment shall be executed immediately upon the pronouncement of the judgement. Where the prisoner is in custody, the court shall release him from guard in the courtroom.

Supervision of the legality of the execution of judgement shall be exercised by the procurator.

ARTICLE 54. *The Binding Nature of Court Judgements, Rulings and Decrees*

The judgements, rulings and decrees of the court which have taken legal effect shall be binding on all government and non-government institutions, enterprises and organisations, officials and citizens, and shall be subject to execution throughout the territory of the USSR.

**ON THE PROCEDURE  
FOR PUTTING INTO EFFECT THE FUNDAMENTALS  
OF CRIMINAL LEGISLATION,  
THE FUNDAMENTALS OF CRIMINAL PROCEDURE  
AND THE LAWS ON CRIMINAL RESPONSIBILITY  
FOR CRIMES AGAINST THE STATE  
AND FOR MILITARY CRIMES**

**Decree of the Presidium of the Supreme Soviet  
of the USSR of February 14, 1959**

*(Gazette of the Supreme Soviet of the USSR  
No. 7, 1959, Item 60)*

In conformity with the Law on the Approval of the Fundamentals of Criminal Legislation of the USSR and the Union Republics, the Law on the Approval of the Fundamentals of Criminal Procedure of the USSR and the Union Republics and the Resolutions of the Supreme Soviet of the USSR on the Procedure for Putting into Effect the Law on Criminal Responsibility for Crimes Against the State and the Law on Criminal Responsibility for Military Crimes of December 25, 1958, the Presidium of the Supreme Soviet of the USSR *decrees:*

1. Pending the bringing of criminal legislation of the USSR and the Union Republics in conformity with the Fundamentals of Criminal Legislation of the USSR and the Union Republics, the courts, in adjudicating criminal cases, shall assign the deprivation of liberty for a term not exceeding 15 years and exile, as a main and supplementary punishment, for a term of not more than 5 years, instead of the deprivation of liberty for a term exceeding 15 years and exile for a term of more than 5 years, which is established by the law now in force.

2. The period of the deprivation of liberty of persons sentenced to deprivation of liberty for a term of more than 15 years for crimes specified in the criminal legislation now in force (except for the Law on Criminal Responsibility for Crimes Against the State and the Law on Criminal Responsibility for Military Crimes), shall be reduced to 15 years.

The period of the deprivation of liberty of persons sentenced to deprivation of liberty for a term of more than 10 years

for crimes they committed when under 18, shall be reduced to 10 years.

3. The punishment to persons convicted for crimes against the state and for military crimes and who have not yet served their punishment, shall be brought in conformity with the Law on Criminal Responsibility for Crimes Against the State and the Law on Criminal Responsibility for Military Crimes in the instances where the punishment assigned to them by the court under the laws heretofore in operation is harder than the punishment established by the Law on Criminal Responsibility for Crimes Against the State and the Law on Criminal Responsibility for Military Crimes.

4. The provisions of Articles 2 and 3 of the present Decree as regards mitigating the punishment shall not apply to persons convicted for especially dangerous crimes against the state, specified in the Law on Criminal Responsibility for Crimes Against the State, for banditry, intentional homicide under aggravating circumstances, stealing of state or social property on a large scale, and assault and battery, if the sentence as regards these persons has come in legal force prior to the enforcement of the Fundamentals of Criminal Legislation of the USSR and the Union Republics.

5. The period of exile of persons sentenced to this type of punishment for a term of over 5 years shall be limited to 5 years.

Persons who had committed crimes when under 18 and had been sentenced to exile or restricted residence shall be released. Pregnant women and women who have children under 8 shall be released from further exile.

6. Deductions from the earnings of persons serving punishment in the form of corrective works, which deductions exceed 20 per cent of their earnings, shall be reduced to 20 per cent of their earnings as from the date the Fundamentals of Criminal Legislation of the USSR and the Union Republics are put into effect.

7. All convicted persons who committed crimes when under 14 or who, between 14 and 16 years of age, committed crimes not listed in Article 10 of the Fundamentals of Criminal Legislation of the USSR and the Union Republics, shall be released from further serving punishment.

The Executive Committees of regional and territorial Soviets of Working People's Deputies and, in Autonomous Republics and Union Republics having no administrative

division into regions, the Councils of Ministers of these Republics shall see to it that the minors released in conformity with this Article be provided with employment, placed in the custody of their parents or guardianship and trusteeship institutions, or placed in corresponding children's institutions.

8. Persons convicted for actions listed in the second part of Article 1<sup>3</sup> and Article 13 of the Statute on Crimes Against the State (counter-revolutionary crimes and crimes against the system of government especially dangerous for the USSR) or actions specified in Article 3 of the Decree of the Presidium of the Supreme Soviet of the USSR of June 9, 1947, On Responsibility for Divulging State Secrets and the Loss of Documents Containing State Secrets, shall be released from further serving punishment.

Persons convicted for failure to report state crimes, unless the responsibility for failure to report some crimes is provided for in Article 26 of the Law on Criminal Responsibility for Crimes Against the State, shall be released from further serving punishment.

9. The provisions on the period of limitation for the institution of criminal proceedings, and on the period of limitation for execution of the sentence, established in Articles 41 and 42 of the Fundamentals of Criminal Legislation of the USSR and the Union Republics, shall be extended to persons who committed crimes prior to the enforcement of the Fundamentals.

10. The provisions for expunging or eliminating the record of conviction established by Article 47 of the Fundamentals of Criminal Legislation of the USSR and the Union Republics, shall be extended to persons who were convicted and served punishment prior to the enforcement of the Fundamentals of Criminal Legislation of the USSR and the Union Republics.

The Presidiums of the Supreme Soviets of the Union Republics shall be entrusted, pending the bringing of the legislation of the Union Republics in conformity with the Fundamentals of Criminal Legislation of the USSR and the Union Republics, with establishing the procedure for the application by the courts of Article 47 of the Fundamentals of Criminal Legislation of the USSR and the Union Republics.

Persons released from punishment in conformity with Articles 7 and 8 of the present Decree shall be deemed as having no record of conviction.

11. It shall be established in conformity with Article 22 of the Fundamentals of Criminal Procedure of the USSR and the Union Republics that defenders shall be allowed to participate in all criminal proceedings for which the legislation of the USSR and the Union Republics establishes preliminary investigation.

12. The present Decree shall come in force as from the date of putting into effect the Fundamentals of Criminal Legislation of the USSR and the Union Republics, the Law on Criminal Responsibility for Crimes Against the State, the Law on Criminal Responsibility for Military Crimes and the Fundamentals of Criminal Procedure of the USSR and the Union Republics.

**THE LAW OF THE UNION OF SOVIET SOCIALIST  
REPUBLICS OF JULY 11, 1969,  
ON THE APPROVAL OF THE FUNDAMENTALS  
OF CORRECTIVE LABOUR LEGISLATION  
OF THE USSR AND THE UNION REPUBLICS**

*(Gazette of the Supreme Soviet of the USSR  
No. 29, 1969, Item 247)*

The Supreme Soviet of the Union of Soviet Socialist Republics *decrees*:

- ARTICLE 1. To approve the Fundamentals of Corrective Labour Legislation of the USSR and the Union Republics and declare them effective as from November 1, 1969.
- ARTICLE 2. To entrust the Presidium of the Supreme Soviet of the USSR with laying down the procedure for declaring effective the Fundamentals of Corrective Labour Legislation of the USSR and the Union Republics and with bringing the legislation of the USSR in conformity with these Fundamentals.
- ARTICLE 3. To entrust the Supreme Soviets of the Union Republics with bringing the legislation of the Union Republics in conformity with the Fundamentals of Corrective Labour Legislation of the USSR and the Union Republics.

**FUNDAMENTALS  
OF CORRECTIVE LABOUR LEGISLATION  
OF THE USSR  
AND THE UNION REPUBLICS**

SECTION I

**CORRECTIVE LABOUR LEGISLATION  
OF THE USSR AND THE UNION REPUBLICS**

*ARTICLE 1. Purposes of Soviet Corrective Labour Legislation*

The purpose of corrective labour legislation shall be to effect punishment of crime with a view not only to inflicting a penalty for a committed offence but also to correcting and reforming convicted offenders in the spirit of a conscientious attitude to labour and exact observance of the laws and respect for the rules of the socialist community life, preventing the commission of fresh crimes both by convicted offenders and by other persons, and also promoting the eradication of crime.

The execution of a sentence shall not aim at inflicting physical suffering or degrading human dignity.

*ARTICLE 2. Corrective Labour Legislation of the USSR and the Union Republics*

The corrective labour legislation of the USSR and the Union Republics shall consist of the present Fundamentals, defining the principles and laying down the general provisions for the execution and serving of sentences pronounced by courts of law, other laws of the USSR and also the corrective labour codes and other laws of the Union Republics.

The procedure and conditions for serving sentences and applying corrective labour measures to persons sentenced to deprivation of liberty, exile, restricted residence and corrective labour without deprivation of liberty, and also the procedure for the activity of institutions and organs which execute sentences in respect of these types of punishment, and the participation of the public in the correction and reform of convicted persons shall be established by the Fundamentals of Corrective Labour Legislation of the USSR

and the Union Republics, other laws of the USSR and also by the corrective labour codes and other laws of the Union Republics.

The procedure and conditions for the serving of sentences by persons sentenced to a disciplinary battalion shall be established by the legislation of the USSR.

The procedure and conditions for the execution and the serving of other types of criminal punishment shall be established by the legislation of the USSR and the legislation of the Union Republics.

ARTICLE 3. *The Application of Corrective Labour Legislation of the USSR and the Union Republics*

With regard to persons sentenced to deprivation of liberty, exile or corrective labour without deprivation of liberty, there shall be applied the corrective labour legislation of the USSR and the Union Republic on whose territory the convicted person is serving the sentence, and with regard to persons sentenced to other types of punishment, the corrective labour legislation of the USSR and the Union Republics according to the place of trial.

ARTICLE 4. *Grounds for Serving Sentence*

Only a sentence which has been passed by a court of law and which has come into legal force shall constitute grounds for the serving of criminal punishment and the application of corrective labour measures to convicted persons.

SECTION II

GENERAL PROVISIONS FOR THE EXECUTION  
OF SENTENCES OF DEPRIVATION OF LIBERTY,  
EXILE, RESTRICTED RESIDENCE AND CORRECTIVE LABOUR  
WITHOUT DEPRIVATION OF LIBERTY

ARTICLE 5. *Institutions and Organs Which Execute Court Sentences of Deprivation of Liberty, Exile, Restricted Residence and Corrective Labour Without Deprivation of Liberty*

Court sentences of deprivation of liberty, exile, restricted residence and corrective labour without deprivation of

liberty shall be executed by corrective labour institutions and bodies of the Ministry of the Interior of the USSR and the Ministries of the Interior of the Union Republics.

Corrective labour institutions shall be organised and abolished by the Ministry of the Interior of the USSR and the Ministries of the Interior of the Union Republics.

#### ARTICLE 6. *Places of Confinement*

Persons sentenced for the first time to deprivation of liberty shall serve sentence, as a rule, within the bounds of the Union Republic on whose territory they resided prior to arrest or were convicted. In exceptional cases, to ensure more successful correction and reform of the convicted offenders, they may be sent to serve sentence in corresponding corrective labour institutions of another Union Republic.

Persons who have previously served a sentence of deprivation of liberty, persons whose death sentence has been commuted to deprivation of liberty by way of pardon or amnesty, persons convicted of particularly dangerous crimes against the state, and also convicted aliens and stateless persons shall be sent to serve sentence in corrective labour institutions set aside for these categories of offenders, regardless of the Union Republic in which they resided prior to arrest or were convicted.

In the absence of an appropriate corrective labour institution in the Union Republic where they resided prior to arrest or were convicted, women sentenced to deprivation of liberty, persons in need of special medical treatment and minors, may be sent to serve sentence in a corrective labour institution of another Union Republic.

A list of localities in which persons sentenced to exile are confined and also a list of localities in which persons sentenced to restricted residence are prohibited to reside, shall be compiled by the Council of Ministers of the USSR and the Councils of Ministers of the Union Republics.

Persons sentenced to corrective labour without deprivation of liberty shall serve sentence at their place of work or at other places in the area in which they reside.

#### ARTICLE 7. *Basic Means for the Correction and Reform of Convicted Persons*

The basic means for the correction and reform of convicted persons shall be: the regime of serving sentence, socially

useful work, political educational work and vocational instruction.

The means for correction and reform must be applied with due consideration for the nature and degree of danger to society of the committed crime, the personality of the convicted person and also his behaviour and attitude to work.

ARTICLE 8. *Legal Status of Persons Serving Sentences of Deprivation of Liberty, Exile, Restricted Residence and Corrective Labour Without Deprivation of Liberty*

Persons serving sentences of deprivation of liberty, exile, restricted residence and corrective labour without deprivation of liberty shall bear the duties and enjoy the rights established by the law for citizens of the USSR, with the statutory restrictions for convicted persons and also those following from the court sentence and the regime established by the present Fundamentals and the corrective labour codes of the Union Republics for serving a sentence of the type in question.

The legal status of aliens and stateless persons who are serving sentences of deprivation of liberty, exile, restricted residence and corrective labour without deprivation of liberty shall be determined by the legislation of the USSR, which lays down the rights and duties of these persons during their stay on the territory of the USSR, with the statutory restrictions for convicted persons and also those following from the court sentence and the regime established by the present Fundamentals and the corrective labour codes of the Union Republics for serving a sentence of the type in question.

ARTICLE 9. *Participation of the Public in the Correction and Reform of Convicted Persons*

The public shall take part in the correction and reform of convicted persons and also in the exercise of public control over the activity of institutions and organs which execute court sentences of deprivation of liberty, exile, restricted residence and corrective labour without deprivation of liberty.

The forms and procedure of participation by the public in the correction and reform of convicted persons shall be established by the legislation of the Union Republics.

ARTICLE 10. *Procurator's Supervision of the Execution of Sentences*

Supervision of the strict observance of the law during the execution of sentences of deprivation of liberty, exile, restricted residence and corrective labour without deprivation of liberty shall be exercised by the Procurator-General of the USSR and the procurators subordinate to him in conformance with the Ordinance on the Supervisory Powers of the Procurator's Office in the USSR. In exercising supreme supervision of the observance of the law in the name of the state, the procurator shall be obliged to take measures in good time to prevent and eliminate any breaches of the law whomsoever they emanate from and to bring the guilty to account.

The administration of corrective labour institutions and organs which execute court sentences of exile, restricted residence and corrective labour without deprivation of liberty shall be obliged to carry out the decisions and proposals of the procurator concerning the observance of the rules for serving sentences established by the corrective labour legislation of the USSR and the Union Republics.

SECTION III  
PROCEDURE AND CONDITIONS FOR EXECUTION  
OF SENTENCES OF DEPRIVATION OF LIBERTY

ARTICLE 11. *Types of Corrective Labour Institutions*

The corrective labour institutions executing sentences of deprivation of liberty shall be: corrective labour colonies, prisons and educative labour colonies.

Persons of age sentenced to deprivation of liberty shall serve their sentences in a corrective labour colony or prison and minors under the age of 18, in an educative labour colony.

Corrective labour colonies shall be the main type of the corrective labour institution for persons of age sentenced to deprivation of liberty.

The type of the corrective labour institution with a corresponding regime in which a convicted person serves his or her sentence shall be determined by a court of law in accordance with Article 23 of the Fundamentals of Criminal Legislation of the USSR and the Union Republics.

ARTICLE 12. *The Dispatch of Persons Sentenced to Deprivation of Liberty to Serve Their Sentences*

Persons sentenced to deprivation of liberty shall be sent to serve their sentences not later than ten days after the sentence comes into legal force or after it was ordered for execution. The procedure for sending convicts to corrective labour institutions shall be determined by the Ministry of the Interior of the USSR in accordance with Article 6 of the present Fundamentals.

If it is necessary to conduct an investigation into a crime committed by another person, a person sentenced to deprivation of liberty in a corrective labour or educative labour colony may be left in the investigatory isolation ward or in prison with the sanction of a procurator of a Region, Territory, and Autonomous Republic for a period of up to two months; with the sanction of a procurator of a Union Republic up to four months, and with the sanction of the Procurator-General of the USSR up to six months.

If the convicted person is held criminally responsible in another case and the preventive measure of remand in custody has been applied to him, the period of keeping him in the investigatory isolation ward shall be determined in accordance with Article 34 of the Fundamentals of Criminal Procedure of the USSR and the Union Republics.

In exceptional cases, in accordance with the procedure established by the corrective labour codes of the Union Republics, persons sentenced for the first time to deprivation of liberty in corrective labour colonies with a general regime for minor criminal offences may, with their consent, be left in prison or in the investigatory isolation ward for domestic work.

ARTICLE 13. *Separate Keeping of Convicts in Corrective Labour Institutions*

Men and women, minors and adults shall be kept separately in corrective labour institutions.

Men sentenced for the first time to deprivation of liberty shall be kept separately from those who have already served a sentence of deprivation of liberty; persons convicted for the first time for minor criminal offences and persons sentenced for the first time for major criminal offences to not more than three years shall be kept separately from those sentenced for major criminal offences to more than three years; women and minors sentenced to deprivation of liberty shall be kept separately from other convicted persons, in accordance with the rules contained in Articles 14 and 16 of the present Fundamentals; persons convicted for particularly grave state crimes, particularly dangerous recidivists and persons whose death sentence has been commuted to deprivation of liberty by way of pardon or amnesty, shall also be kept separately. Convicted aliens and stateless persons shall be kept, as a rule, separately from convicted citizens of the USSR.

Corrective labour codes of the Union Republics may provide for the separate keeping of other categories of convicted persons as well.

The requirements for the separate keeping of convicted persons, made by the present Article, shall not extend to medical institutions in places of confinement. The procedure of keeping convicted persons in these medical institutions shall be determined by the Ministry of the Interior of the USSR in agreement with the Procurator's Office of the USSR.

#### ARTICLE 14. *Corrective Labour Colonies*

Corrective labour colonies shall be divided into colonies with a general regime, reinforced regime, strict regime and special regime, and settlement colonies.

Men sentenced to deprivation of liberty shall serve their sentences in corrective labour colonies: persons convicted for the first time for minor criminal offences and persons sentenced for the first time for major criminal offences to not more than three years—in colonies with a general regime; persons sentenced for the first time for major criminal offences to more than three years—in colonies with a reinforced regime; persons convicted for particularly dangerous state crimes or who have previously served sentences of deprivation of liberty—in colonies with a strict regime; recidivists considered to be particularly dangerous and convicts whose death sentence has been commuted to depri-

vation of liberty by way of pardon or amnesty—in colonies with a special regime.

Women sentenced to deprivation of liberty shall serve their sentences in corrective labour colonies with a general or strict regime. Women convicted for particularly dangerous state crimes or considered particularly dangerous recidivists and women whose death sentence has been commuted to deprivation of liberty by way of pardon or amnesty shall serve their sentences in colonies with a strict regime.

Sentences in settlement colonies shall be served by persons who have firmly set foot on the path of reform and who have been transferred to these colonies from colonies with a general, reinforced or strict regime, in accordance with the procedure laid down by Article 33 of the present Fundamentals.

#### ARTICLE 15. *Prisons*

Sentences in prisons shall be served by particularly dangerous recidivists deprived of liberty by imprisonment; by persons who upon the attainment of the age of 18 have committed particularly dangerous state crimes; by persons who upon the attainment of the age of 18 have committed other grave crimes and sentenced to deprivation of liberty for more than five years; by persons transferred from corrective labour colonies on the grounds provided for by Article 34 of the present Fundamentals.

Persons left in prison in the way envisaged by Article 12 of the present Fundamentals for domestic work, shall also serve their sentences in prisons.

Two types of regime, general and strict, shall be established in prisons.

Persons sentenced for the first time to imprisonment and persons transferred from a strict regime shall be kept under a general regime.

A strict regime shall be applied to persons who have previously served a term of imprisonment; persons sentenced to imprisonment for crimes committed in places of confinement; persons transferred from colonies to prison; persons transferred to a strict regime as a penalty in accordance with the statutory procedure.

The period of keeping a person under a strict regime shall range from two to six months in accordance with the procedure laid down by the corrective labour codes of the Union Republics.

Pregnant women and nursing mothers may not be kept under a strict regime.

ARTICLE 16. *Educative Labour Colonies*

Educative labour colonies shall be divided into colonies with a general or reinforced regime.

Sentences in educative labour colonies with a general regime shall be served by male minors sentenced for the first time to deprivation of liberty for minor criminal offences or sentenced for the first time to not more than three years for major criminal offences, and also by all convicted female minors; in colonies with a reinforced regime, by male minors who have previously served sentences of deprivation of liberty and also those sentenced to deprivation of liberty for more than three years for major criminal offences.

ARTICLE 17. *Completion of Sentence by Convicted Persons in One Corrective Labour Institution*

A person sentenced to deprivation of liberty shall, as a rule, serve the entire sentence in one corrective labour colony, prison or educative labour colony.

The transfer of a person from one colony to another with the same kind of regime or from one prison to another shall be allowed in cases of sickness or of a radical change in the size or nature of the work performed by the convicted person and also in the case of other exceptional circumstances preventing the further keeping of the convicted person in a given colony or prison. The procedure for transferring convicted persons shall be determined by the Ministry of the Interior of the USSR in agreement with the Procurator's Office of the USSR.

The transfer of a person from one colony to another colony with a different type of regime, from a colony to a prison and also from a prison to a colony, may be made by a court of law on the grounds provided for by Articles 18, 33 and 34 of the present Fundamentals.

The transfer of a person from a corrective labour institution to an investigatory isolation ward or prison shall be allowed:

in connection with the hearing of a case in a court of law according to the court finding for the duration of the trial;

in connection with an investigation of a crime committed by another person, with the sanction of the procurator of a Region, Territory and Autonomous Republic for a period of up to two months; with a sanction of the procurator of a Union Republic, up to four months, and with the sanction of the Procurator-General of the USSR, up to six months.

ARTICLE 18. *Transfer of Convicted Persons from Educative Labour Colonies to Corrective Labour Colonies*

Convicted persons who reach the age of 18 shall be transferred from an educative labour colony to a corrective labour colony; those from an educative labour colony of a general regime, to a corrective labour colony of a general regime; those from an educative labour colony of a reinforced regime, to a corrective labour colony of a general or reinforced regime, depending on the degree of the danger to society of the committed crime, the personality and behaviour of the convicted person.

For the purpose of consolidating the results of correction and reform and completing general educational or vocational studies, convicts who reach the age of 18 may, in accordance with the cases and procedure provided for by the law, be left in the educative labour colony to complete their sentences, but not later than the age of 20.

The question of transferring a person who has reached the age of 18 to a corrective labour colony shall be decided by a court of law according to the procedure established by the legislation of the USSR and the Union Republics.

ARTICLE 19. *Chief Requirements of the Regime in Places of Confinement*

The chief requirements of the regime in places of confinement shall be: obligatory isolation of the convicted persons and constant surveillance over them so as to preclude the possibility of their committing fresh crimes or other anti-social acts; the exact and unremitting discharge by them of their duties; varying regimes depending on the nature and degree of the danger to society of the offence committed and the personality and behaviour of the convicted person.

Convicted persons shall wear clothes of a uniform type

and shall be subject to search. Correspondence of convicted persons shall be censored and parcels delivered by mail or in person shall be examined.

Persons serving sentences in corrective labour colonies with a special regime shall be kept in premises of the cell type and shall wear clothes of a special kind.

A strictly regulated order shall be instituted in corrective labour institutions.

Convicted persons shall not be allowed to keep money and valuables or objects prohibited for use in corrective labour institutions. Money and valuables found on a person shall be removed and, as a rule, turned into state revenue on a motivated decision of the chief of a corrective labour institution, sanctioned by a procurator.

In accordance with the procedure prescribed by the present Fundamentals and the corrective labour codes of the Union Republics convicted persons shall be allowed to purchase, by written order, foodstuffs and prime necessities, to have visitors, to receive parcels delivered by mail or in person, to send and receive money orders and to correspond.

#### ARTICLE 20. *Specifics of the Regime in Corrective Labour Settlement Colonies*

In corrective labour settlement colonies the convicted persons:

shall be kept without a guard but under surveillance;

shall have the right of free movement within the bounds of the colony's territory in the hours from the waking signal to the retirement signal;

may with the permission of the colony's administration travel without surveillance outside the colony's territory but within the bounds of the respective Region, Territory, Autonomous or Union Republic which has no regional division, if this is necessitated by the nature of the work they do or by their studies;

may wear ordinary civilian clothes, carry money and valuables on their person, and use money without restriction;

may with the sanction of the colony's administration and if housing conditions permit, live in the colony with their families, buy a dwelling house in accordance with the laws in force and set up a personal household on the colony's territory.

Convicted men and women may be kept in one settlement colony irrespective of the regime in the colonies where they were previously kept.

ARTICLE 21. *Specifics of the Prison Regime*

Prisoners shall be kept in common prison cells. In case of necessity, on a motivated decision of the prison chief and with the consent of the procurator, prisoners may be kept in solitary cells.

Prisoners on a general regime shall receive a daily walk of one hour and those on a strict regime, 30 minutes.

Prisoners who, in accordance with Article 12 of the present Fundamentals, have been left for domestic work shall be allowed to use money, have brief visits and receive parcels, delivered by mail or in person, in accordance with the rules established for convicted persons in corrective labour colonies with a general regime.

ARTICLE 22. *Change in the Conditions of Keeping Persons Sentenced to Deprivation of Liberty During the Service of the Sentence*

Depending on behaviour and attitude to work the conditions of keeping convicted persons may be changed both within the bounds of one corrective labour institution and also through a transfer to other corrective labour institutions.

A change in the conditions of keeping convicted persons within the bounds of one corrective labour institution shall be made by decision of the chief of the corrective labour institution.

A change in the conditions of keeping convicted persons through their transfer from one corrective labour colony to another colony with a different type of regime, from a colony to a prison or from a prison to a colony, shall be made by a court of law on the grounds provided for in Articles 33 and 34 of the present Fundamentals.

ARTICLE 23. *Purchase by Convicted Persons of Foodstuffs and Prime Necessities*

Convicted persons shall be allowed to purchase foodstuffs and prime necessities with the money earned at places of confinement, and disabled convicts, pregnant women, nursing mothers and minors, also with money received by mail.

The sum of money allowed for spending shall be determined by the corrective labour codes of the Union Republics and shall not exceed 15 rubles a month with due consideration for the type of corrective labour institution, the regime established in it, the part of the sentence served, behaviour, attitude to work, nature of the work performed and climatic conditions.

ARTICLE 24. *Visits by Relatives and Other Persons to Persons Sentenced to Deprivation of Liberty*

Convicted persons shall be allowed visits as follows: brief, with a duration of up to four hours, and prolonged, up to three days. Brief visits shall be allowed from relatives or other persons in the presence of a representative of the corrective labour institution. Prolonged visits with the right of living together shall be allowed only in the case of close relatives.

In the course of a year visits shall be allowed as follows: in corrective labour colonies with a general regime—three brief and two prolonged; with a reinforced regime—two brief and two prolonged; with a strict regime—two brief and one prolonged; with a special regime—one brief and one prolonged; in educative labour colonies with a general regime—six brief; with a reinforced regime—four brief; in prisons: prisoners on a general regime—two brief visits; in corrective labour settlement colonies—without restriction.

Given good behaviour and a conscientious attitude to work, a person, after serving not less than half of his sentence, may be allowed additionally in the course of a year: in corrective labour colonies—one prolonged visit and, in the absence of close relatives, one brief visit; in educative labour colonies with a general regime, after serving a quarter of the sentence, six brief visits; in colonies with a reinforced regime, after serving a third of the sentence—two brief visits.

ARTICLE 25. *Receipt of Parcels by Persons Sentenced to Deprivation of Liberty*

Persons in corrective labour colonies, after serving half of their sentence, shall be allowed to receive up to three parcels a year delivered by mail or in person.

Persons serving sentences in educative labour colonies shall be allowed to receive up to six parcels a year delivered by mail or in person.

The number and weight of parcels delivered by mail or in person shall be established, depending on the type of regime in the colonies, by the corrective labour codes of the Union Republics.

Persons sentenced to imprisonment shall not be allowed to receive parcels delivered by mail or in person.

Irrespective of the regime set for them convicted persons shall be allowed to receive not more than two parcels of printed matter a year and also to buy literature through the book trading network without restriction.

In corrective labour settlement colonies the number of parcels delivered by mail or in person and printed matter, received by convicted persons, shall not be limited.

#### ARTICLE 26. *Correspondence of Persons Sentenced to Deprivation of Liberty*

Convicted persons shall be allowed to receive letters without restriction.

The number of letters which convicts may send shall be limited by the following norms: in corrective labour colonies with a reinforced regime—not more than three letters a month, with a strict regime—not more than two letters, and with a special regime—one letter a month; in prisons: those on a general regime—one letter a month, those on a strict regime—one letter every two months.

Persons serving sentences in corrective labour colonies with a general regime, in corrective labour settlement colonies and in educative labour colonies may send letters without restriction.

Correspondence shall be prohibited between convicted persons kept in places of confinement who are not relatives.

Convicted persons shall have the right to lodge complaints with, make statements and send letters to, state organs, mass organisations and officials. Complaints, statements and letters of convicts shall be dispatched to their destination and shall be examined in accordance with the procedure prescribed by the law.

Complaints, statements and letters addressed to a procurator shall not be scrutinised and shall be dispatched to their destination not later than within 24 hours.

ARTICLE 27. *Employment of Persons Deprived of Liberty*

Each convicted person shall have the duty to work. The administration of corrective labour institutions is in duty bound to ensure the enlistment of convicted persons in socially useful labour with due consideration for their work capacity and, if possible, profession. Persons serving sentences in corrective labour colonies with a special regime shall, as a rule, be employed on arduous jobs.

Convicted persons shall, as a rule, be enlisted for work at enterprises of corrective labour institutions.

The economic activity of corrective labour institutions must be subordinate to their main task, that of the correction and reform of the convicted persons.

ARTICLE 28. *Labour Conditions for Persons Deprived of Liberty*

An eight-hour working day shall be established for persons serving sentences in corrective labour colonies and prisons; they shall be given one free day a week. Convicted persons shall be released from work on holidays in accordance with the procedure laid down by the labour laws.

The duration of the working day of persons serving sentences in corrective labour settlement colonies and educative labour colonies, and also the provision of days off every week, shall be established on general grounds in conformity with labour laws.

Persons deprived of liberty shall have no right to a vacation while serving sentences.

The period worked by persons while serving their sentence of deprivation of liberty shall not be credited to their labour record.

The work of convicted persons shall be organised in accordance with the observance of labour protection and safety rules provided for by the labour laws.

After their release, persons who became disabled while serving their sentences shall have the right to a pension

and to compensation for the injury sustained in accordance with the cases and procedure prescribed by the legislation of the USSR.

ARTICLE 29. *Payment for the Work of Persons Deprived of Liberty*

The work of persons deprived of liberty shall be paid according to quantity and quality at the norms and rates operating in the national economy. The crediting of earnings to convicted persons shall be made with deductions representing partial compensation by them of the expenditure incurred in maintaining corrective labour institutions.

Persons serving sentences in corrective labour colonies and prisons shall refund from the earnings credited to them the cost of food and clothing, except the cost of work clothes. After this expenditure has been refunded deductions shall be made from the earnings credited to them on the strength of writs of execution and other similar writs in accordance with the procedure prescribed by the legislation of the Union Republics.

In corrective labour colonies and prisons, regardless of all deductions, not less than ten per cent of their total monthly earnings shall be credited to the personal accounts of the convicted persons who do not violate the regime and fulfil the output quotas or the set assignments, and not less than 25 per cent to the personal accounts of the invalids of the first and second categories who do not violate the regime. In educative labour colonies, regardless of all deductions, not less than 45 per cent of their total monthly earnings shall be credited to the personal accounts of convicted persons who do not violate the regime.

Persons serving sentences in corrective labour settlement colonies, irrespective of all deductions, shall be paid not less than 50 per cent of the total sum of their earnings.

The conditions and procedure for the remuneration of the work of persons deprived of liberty shall be determined by the Council of Ministers of the USSR.

Under the procedure established by the present Fundamentals and the corrective labour codes of the Union Republics, convicted persons may be employed without remuneration only in the work of improving the place of confinement and

adjacent territory and also the work of improving the cultural and living conditions of the convicted persons.

ARTICLE 30. *Political Educational Work Among Persons Deprived of Liberty*

Political educational work shall be carried on among persons deprived of liberty aimed at educating them in the spirit of a conscientious attitude to work, strict observance of the laws and respect for the rules of the socialist community life and for socialist property, and at enhancing the consciousness, raising the cultural level and developing positive initiative of the convicted persons.

The participation of convicted persons in political and educational activities shall be encouraged and taken into account in ascertaining the extent of their correction and reform.

ARTICLE 31. *General Educational and Vocational Instruction of Persons Deprived of Liberty*

Compulsory general educational eight-year schooling for convicted persons shall be provided in corrective labour institutions.

Compulsory vocational training shall be organised for convicted persons who have no trade.

The enrolment of convicted persons above the age of forty for general educational studies and invalids of the first and second categories for vocational training shall be at their request.

The general educational and vocational instruction of persons deprived of liberty shall be organised in accordance with the procedure established by the Council of Ministers of the USSR.

ARTICLE 32. *Voluntary Organisations in Places of Confinement*

For the purpose of inculcating a collective spirit in persons serving sentences in places of confinement and encouraging their positive initiative and also of utilising the influence of the collective in correcting and reforming convicted persons, voluntary organisations of convicted persons shall

be established in corrective labour institutions to function under the guidance of the administration of these institutions.

The types of voluntary organisations and the procedure of their work shall be determined by the corrective labour codes of the Union Republics.

ARTICLE 33. *Encouragement Measures Applicable to Persons Deprived of Liberty*

For good behaviour and a conscientious attitude to work and study, the following encouragement measures may be applied to convicted persons:

- a vote of thanks;
- entry in the honour board of front-rankers in production;
- presentation of an honour certificate;
- awarding of a bonus for the best workers;
- permission to receive one additional parcel annually delivered by mail or in person;
- permission to have one additional brief or prolonged visit annually;
- permission to spend an additional sum of up to two rubles for the purchase of food and prime necessities on public holidays and in educative labour colonies, up to two rubles a month;
- removal of an earlier imposed penalty before the sentence is up;
- transfer of convicted persons who have served not less than one-third of their sentence from premises of the cell type to ordinary living quarters in a corrective labour colony with a special regime;
- extension of the walk of convicted persons in prison on a general regime up to two hours and on a strict regime, up to one hour.

The procedure of applying the measures of encouragement to convicted persons shall be established by the corrective labour codes of the Union Republics.

Under the procedure prescribed by the legislation of the USSR and the Union Republics convicted persons who have firmly set foot on the path of correction may be transferred for further serving their sentences:

- from a prison to a corrective labour colony, after serving not less than half of the imprisonment term fixed by the court sentence;

from a corrective labour colony with a special regime to a colony with a strict regime, after serving not less than half of the sentence in a colony with a special regime;

from a corrective labour colony with a general, reinforced or strict regime to a settlement colony, after serving not less than half of the sentence, if according to the law conditional release before the sentence is up may be applied to them, and after serving not less than two-thirds of the sentence if conditional release before the sentence is up may not be applied to them.

Convicted persons who have proved their correction by exemplary behaviour and a conscientious attitude to work and study may be in a statutory manner conditionally released before the sentence is up or have the remaining part of their sentence replaced by a milder penalty.

#### ARTICLE 34. *Penalties Applicable to Persons Deprived of Liberty*

The following penalties may be applied to convicted persons for violations of the regime of serving sentences:

warning or reprimand;

extra duty for cleaning the premises and the territory of the place of confinement;

deprivation of persons in educative labour colonies of one visit to the cinema, a concert and of participation in athletic games;

deprivation of a regular visit;

deprivation of the right to receive a regular parcel, delivered by mail or in person, and of the right to buy food-stuffs for up to one month;

cancellation of the improved conditions envisaged in Articles 23, 24 and 25 of the present Fundamentals;

placing up to 15 days in a penal isolation ward of persons serving sentences in corrective labour colonies, with or without permission to attend work or study, and up to 10 days in a disciplinary isolation ward of persons serving sentences in educative labour colonies;

placing up to 15 days in a punishment cell of convicted persons in prisons without permission to attend work or study;

placing up to six months in premises of the cell type of persons in corrective labour colonies with a general, rein-

forced or strict regime, up to one year in solitary cells in colonies with a special regime, and in prisons transfer to a strict regime for the period prescribed in Article 15 of the present Fundamentals; transfer of persons from the ordinary living quarters of a colony with a special regime into premises of the cell type in the same colony.

In premises of the cell type in corrective labour colonies a strict prison regime shall be introduced.

Nursing mothers and women released from work because of pregnancy may not be placed in a penal isolation ward, in premises of the cell type and, in prison, in a punishment cell, or on a strict prison regime.

The procedure of applying penalties to convicts shall be established by the corrective labour codes of the Union Republics.

Under the procedure prescribed by the legislation of the USSR and the Union Republics, convicted persons who maliciously violate the regime may be transferred from a settlement colony to serve sentences in a corrective labour colony with the same type of regime which was previously determined by the court; convicted persons who have been transferred from a colony with a special regime to a colony with a strict regime may be transferred to a colony with a special regime; persons from a corrective labour colony may be transferred to prison for a period of not more than three years, the remaining part of their sentence to be served in a colony; persons from an educative labour colony with a general regime may be transferred to an educative labour colony with a reinforced regime.

The imposed penalties must conform to the gravity and nature of the convict's misdemeanour.

If within one year of serving the penalty the convict is not subjected to another penalty he shall be regarded as having no penalty.

#### ARTICLE 35. *Material Responsibility of Persons Deprived of Liberty*

Persons deprived of liberty shall bear material responsibility for material damage caused to the state while serving sentences in the amounts provided for by the legislation of the USSR and the Union Republics.

The damage shall be recovered by a decision of the chief of a corrective labour institution in accordance with the procedure prescribed by the corrective labour codes of the Union Republics.

After the release of a person from his punishment the damage not compensated by him while serving the sentence may be recovered by a court decision in accordance with the established legal procedure.

In the case of material damage caused by a crime committed while serving a sentence, the damage shall be recovered on general grounds.

ARTICLE 36. *Material and Other Provision for Persons Deprived of Liberty*

Persons serving sentences in places of confinement shall be provided with the necessary accommodation and other conditions conforming to the rules of sanitation and hygiene.

Convicted persons shall be given individual sleeping places and bed linen. They shall be provided with clothing, underwear and footwear according to season and with due consideration for climatic conditions.

Convicted persons shall receive food ensuring the normal functioning of the human organism. The food rations shall be differentiated depending on the local climatic conditions, the location of a corrective labour institution, the nature of the work done by the convicted persons and their attitude to work. Persons placed in a penal or disciplinary isolation ward, in a punishment cell, in premises of the cell type and also in solitary confinement in colonies with a special regime shall receive food at reduced rations.

Pregnant women, nursing mothers, minors and sick persons shall be provided with improved accommodation and other conditions and be given higher food rations.

Convicted women who approach their work conscientiously and observe the requirements of the regime may be allowed by the administration of a corrective labour institution upon agreement with the supervisory commission, to live outside the colony for the time they are released from work on maternity leave and also until the child reaches the age of two. The procedure for the residing of convicted

women outside a colony shall be determined by the corrective labour codes of the Union Republics.

Convicted persons released from work on account of illness, pregnant women and nursing mothers shall receive food free of charge for the period of their release from work. Minors and also invalids of the first and second categories shall be given food and clothing free of charge. In the case of convicts who persistently shirk work, the cost of their food and clothing shall be recovered from the money in their personal accounts.

The rates of food and material and other provision to persons deprived of liberty shall be fixed by the Council of Ministers of the USSR.

#### ARTICLE 37. *Medical Care of Persons Deprived of Liberty*

The requisite medical institutions shall be set up in places of confinement.

Treatment and prevention of diseases and anti-epidemic work shall be organised and conducted in places of confinement in accordance with the health legislation.

The procedure for rendering medical aid to persons deprived of liberty, the use of public health medical institutions and agencies and the enlistment for this purpose of medical personnel shall be determined by the Ministry of the Interior of the USSR and the Ministry of Public Health of the USSR.

In case of necessity infants' homes may be set up in corrective labour colonies. Convicted persons may place in an infants' home their children up to the age of two.

#### ARTICLE 38. *The Movement of Persons Deprived of Liberty Without Escort*

In corrective labour colonies convicted persons who have firmly set foot on the path of correction, upon serving not less than one-third of their sentence, and convicts to whom under the law conditional release before the term expires is not applicable may be allowed, upon serving not less than two-thirds of their sentence, to move outside the colony without escort in exceptional cases if this is necessitated by the nature of their work.

Convicted persons in educative labour colonies who have firmly set foot on the path of correction and have served not less than six months may be allowed to move outside the colony without escort if this is necessitated by the nature of their work.

Movement without escort beyond the bounds of a colony shall not be allowed to especially dangerous recidivists, persons convicted for particularly dangerous state crimes and persons whose death sentence has been commuted to deprivation of liberty by way of pardon or amnesty, and also to convicted aliens and stateless persons. The corrective labour codes of the Union Republics may also prohibit other categories of convicted persons to move without escort.

The movement of convicted persons without escort shall not be allowed in the capitals of the Union Republics, in the border and health-resort localities and also in other population centres determined by the Ministry of the Interior of the USSR.

The procedure of giving convicted persons the right to move without escort beyond the bounds of a colony shall be established by the corrective labour codes of the Union Republics.

#### ARTICLE 39. *Safety Measures and Grounds for the Use of Weapons*

The use of handcuffs or a straitjacket shall be allowed in the case of persons deprived of liberty if they offer physical resistance to the personnel of corrective labour institutions, display unruliness or commit other violent actions, in order to prevent the infliction of harm to the persons around them or to themselves.

Should a person deprived of liberty attack or commit another premeditated action directly threatening the life of employees of a corrective labour institution or other persons, or escape from the guard, the use of weapons shall be allowed as an exceptional measure if it is impossible to stop the above-mentioned actions by other measures. The use of weapons shall not be allowed during attempts to escape by women and minors.

The administration of a place of confinement shall immediately inform the procurator about each case of the use of weapons.

SECTION IV  
PROCEDURE AND CONDITIONS  
FOR SERVING SENTENCES OF EXILE,  
RESTRICTED RESIDENCE AND CORRECTIVE LABOUR  
WITHOUT DEPRIVATION OF LIBERTY

ARTICLE 40. *Procedure and Conditions for Serving the Sentence of Exile*

Persons convicted to exile shall serve sentences in the locality prescribed for this purpose.

Persons convicted to exile shall be sent at the expense of the state to the place of confinement without escort or under escort not later than within ten days after the sentence comes into legal force or is brought into execution in accordance with the procedure prescribed by the legislation of the Union Republics. The time spent under escort to the place of exile shall be counted in the term of the sentence with one day under escort counting as three days in exile.

The correction and reform of exiled persons shall be effected on the basis of their obligatory enlistment in socially useful work with due consideration for their working capacity, and on the basis of conducting political and educational work among them. For shirking socially useful work the exiled persons shall bear responsibility on general grounds.

Within the bounds of the administrative district prescribed for residence the exiled person may choose a place to live in at his own discretion. An exiled person shall have the right to travel beyond the administrative district only in cases prescribed in the corrective labour codes of the Union Republics.

The procedure of serving the sentence of exile, responsibility for violating the regime of exile, and also measures of encouragement applied to exiled persons shall be established by the corrective labour codes of the Union Republics.

Exiled persons who have proved their correction by exemplary behaviour and a conscientious attitude to work may be, in the statutory manner, released conditionally before the expiry of the term or have the remaining part of their sentences replaced by a milder penalty.

The Executive Committees of local Soviets of Working People's Deputies, not later than within 15 days after the arrival of exiled persons at the place of exile, shall provide

them with work, taking into consideration their working capacity and, if possible, their profession, and also with living quarters and shall render them material assistance in cases of need before they begin their work.

The instructions of the Executive Committees of local Soviets of Working People's Deputies on the placement of exiled persons shall be binding on the heads of enterprises, institutions and organisations.

The work of exiled persons shall be regulated by the labour law on the general grounds.

ARTICLE 41. *Procedure and Conditions for Serving the Sentence of Restricted Residence*

Persons sentenced to restricted residence shall be deported from the place of their residence not later than 10 days after the sentence comes into legal force or is brought into execution. The procedure for deporting convicted persons from their place of residence shall be established by the corrective labour codes of the Union Republics.

Deportees shall choose the place of work and place of residence at their own discretion, except for those localities in which they are not allowed to reside by the court sentence.

Persons sentenced to restricted residence who have proved their correction by exemplary behaviour and an honest attitude to work may, in the statutory manner, be released conditionally before the expiry of their term or have the remaining part of the sentence replaced by a milder penalty.

The Executive Committees of local Soviets of Working People's Deputies shall render deportees assistance in obtaining work and living quarters.

The work of deportees shall be regulated by the labour laws on general grounds.

ARTICLE 42. *Types of Corrective Labour Without Deprivation of Liberty and the Procedure of Serving the Relevant Sentences*

Corrective labour without deprivation of liberty shall be served in accordance with the court sentence at the place of work of the convicted person or in any other place determined by the organs in charge of the execution of this type of sentence, but in the area where the convicted person

resides, taking into account his working capacity and, if possible, profession. In the case of a minor consideration shall also be given to the need to ensure proper supervision of his behaviour and his gaining of a professional skill.

Execution of a sentence of corrective labour without deprivation of liberty shall begin not later than ten days after the sentence comes into legal force or is brought into execution.

The term of serving corrective labour without deprivation of liberty shall be counted in the months and days when the convicted person worked and deductions from his pay were made. Periods when the convicted person did not work for valid reasons and was paid wages, in accordance with the law, shall also be counted in the term. Periods of illness, time allowed for taking care of sick persons and maternity leave shall also be counted in the term of serving the sentence.

#### ARTICLE 43. *Organisation of Execution of the Sentence of Corrective Labour Without Deprivation of Liberty*

The correction and reform of persons serving a sentence of corrective labour without deprivation of liberty shall be effected on the basis of their participation in socially useful work. Control over the behaviour of convicted persons and political and educational work among them shall be exercised by the personnel of enterprises, institutions and organisations at the place where their sentences are served.

Organs in charge of the execution of this type of punishment shall send persons sentenced to corrective labour to work in other places, shall assist, in necessary cases, in the employment of persons sentenced to corrective labour at their place of work, shall exercise control over the making of proper deductions from the pay of the convicted persons and over the observance by the management of enterprises, institutions and organisations of the conditions for serving sentences prescribed by the corrective labour codes of the USSR and the Union Republics; these organs shall also participate in conducting political and educational work among convicted persons, and shall apply to them measures of encouragement and penalties.

In the case of convicted persons recognised as disabled after the sentence was pronounced, organs which execute this type of punishment shall request the court to replace corrective labour without deprivation of liberty by a milder penalty.

Persons sentenced to corrective labour without deprivation of liberty shall be bound to observe the established procedure for serving sentences, and answer summons from organs executing this type of punishment. Should a convict fail to comply with this requirement without valid reason he may be taken to the appointed place under escort.

ARTICLE 44. *Conditions for Serving the Sentence of Corrective Labour Without Deprivation of Liberty*

Deductions from the earnings of persons sentenced to corrective labour without deprivation of liberty shall be made for the benefit of the state during the term of serving the sentence in amounts fixed by the court sentence. Deductions shall be made from the entire sum of earnings without excluding from it taxes and other payments and also regardless of the existence of claims on the convict under writs of execution.

During the entire term of serving the sentence of corrective labour without deprivation of liberty convicted persons may not be dismissed from their job at their own request without permission of the organs in charge of the execution of this type of punishment.

The term of serving the sentence of corrective labour without deprivation of liberty shall not be included in the general and uninterrupted labour record of the convicted person, of which a corresponding entry shall be made in his labour record book.

If a person convicted to corrective labour without deprivation of liberty has worked conscientiously and behaved in an exemplary way, the time served may be included in the general labour record of the person who has served his sentence by court decision in the manner envisaged by the legislation of the Union Republics.

Persons sentenced to corrective labour without deprivation of liberty shall not be given their regular vacation while serving the sentence. The time served shall not be

included in the record entitling the person to a vacation, allowances and pay bonuses.

Persons serving sentences of corrective labour without deprivation of liberty shall receive temporary disability or maternity benefits calculated on the basis of their earnings minus the deductions fixed by the court sentence.

ARTICLE 45. *Measures of Encouragement and Penalties Applicable to Persons Serving Sentences of Corrective Labour Without Deprivation of Liberty*

Encouragement measures and penalties shall be applied to persons serving sentences of corrective labour without deprivation of liberty in accordance with the labour law.

Convicted persons who have proved their correction by exemplary behaviour and an honest attitude to work and training may, in the statutory manner, be released conditionally before completing their sentences or have the remaining part of their sentences replaced by a milder penalty.

In cases of evasion in serving their sentences by persons convicted to corrective labour without deprivation of liberty, they may be warned by the organ in charge of the execution of this type of punishment. In case of willful evasion by convicted persons in serving their sentences, the organ in charge of the execution of this type of punishment may request the court to replace the remaining part of the sentence of corrective labour without deprivation of liberty by a sentence of deprivation of liberty.

SECTION V

GROUND FOR RELEASE FROM PUNISHMENT;  
HELP TO PERSONS RELEASED  
FROM PLACES OF CONFINEMENT; SURVEILLANCE  
AND SUPERVISION OVER THEM

ARTICLE 46. *Grounds for Release from Serving Sentence*

Convicted persons shall be released from punishment upon serving the term of the sentence and on other grounds prescribed by the law. If the term of the sentence of deprivation

of liberty expires on a free day or public holiday, the convicted person shall be released on the eve of the free day or public holiday.

Convicted persons suffering from a chronic mental illness or other grave disease hampering them in the further serving of their sentence may be released by court from further serving the sentence. The procedure for releasing such persons from further serving the sentence shall be determined by the legislation of the USSR and the Union Republics.

ARTICLE 47. *Rendering Material Help to Persons Released from Serving a Sentence; Provision of Work to Them*

Persons released from places of confinement shall be provided with free travel to the place of residence or work and also with food or money while travelling according to the established rates.

If the released persons do not have the clothing or footwear suitable for the season or the money to buy them, they shall be provided with clothing and footwear free of charge. They may also be given a money grant from a special fund.

Payment for the travel of persons released from places of confinement, their provision with food, clothing and footwear and the issue of a money grant shall be made by corrective labour institutions in accordance with the procedure established by the Council of Ministers of the USSR.

Persons released from punishment shall be provided with work by the Executive Committees of local Soviets of Working People's Deputies, taking into account, if possible, their profession, not later than within 15 days after applying for help in obtaining employment. In cases of need released persons shall be given living accommodation.

Instructions of the Executive Committees of local Soviets of Working People's Deputies concerning the provision of employment to persons released from punishment shall be binding on the heads of enterprises, institutions and organizations.

Invalids and aged persons shall be placed at their request in homes for invalids and the aged. If necessary, minor orphans shall be sent to boarding-schools or placed under guardianship by commissions in charge of minors.

ARTICLE 48. *Surveillance of Persons Conditionally Released Before the Expiry of Their Term*

Persons conditionally released from punishment before the expiry of their term shall be placed for the remaining period of their sentence under the surveillance of mass organisations and collectives of working people, and educational work shall be conducted among these persons.

The procedure for the surveillance of persons conditionally released from punishment before the expiry of their term shall be prescribed by the legislation of the Union Republics.

ARTICLE 49. *Administrative Supervision of Persons Released from Places of Confinement*

Administrative supervision by militia organs shall be established over especially dangerous recidivists and persons who have served sentences for committing grave crimes and who have been released from places of confinement if their behaviour while serving the sentences attested to obstinate unwillingness to set foot on the path of reform and join in honest work.

Grounds for the establishment of administrative supervision shall be:

with regard to especially dangerous recidivists—a sentence or finding of a court which came into legal force, according to which the given person is considered an especially dangerous recidivist;

with regard to other persons who are serving sentences for committing grave crimes—a decision of the administration of a corrective labour colony or prison and the supervisory commission on the need to establish administrative supervision.

The procedure for exercising administrative supervision of persons released from places of confinement shall be established by the legislation of the USSR and the Union Republics.

**ON THE PROCEDURE  
FOR PUTTING INTO EFFECT THE FUNDAMENTALS  
OF CORRECTIVE LABOUR LEGISLATION  
OF THE USSR AND THE UNION REPUBLICS**

**Decree of the Presidium of the Supreme Soviet  
of the USSR of October 6, 1969**

*(Gazette of the Supreme Soviet of the USSR  
No. 41, 1969, Item 365)*

In conformity with the Law of the USSR dated July 11, 1969, on the Approval of the Fundamentals of Corrective Labour Legislation of the USSR and the Union Republics (*Gazette of the Supreme Soviet of the USSR* No. 29, 1969, Item 247) the Presidium of the USSR Supreme Soviet decrees:

1. Pending the time the legislation of the USSR and the Union Republics is brought in conformity with the Fundamentals of Corrective Labour Legislation of the USSR and the Union Republics the current all-Union and Republican legislative and other normative enactments shall be in force and establish the procedure and conditions for serving sentences and applying measures of corrective labour influence to persons who have been convicted to deprivation of liberty, exile, restricted residence and corrective labour without deprivation of liberty and also the manner of activity of institutions and organs which execute the above-mentioned sentences and the participation of the public in the correction and re-education of convicted persons inasmuch as these acts do not run counter to the Fundamentals of Corrective Labour Legislation of the USSR and the Union Republics.

2. Persons convicted to deprivation of liberty and serving their sentences in corrective labour or educational labour colonies may be, in cases provided for by Articles 12 and 17 of the Fundamentals of Corrective Labour Legislation of the USSR and the Union Republics, left in an investigation ward or a prison, or transferred to them from the colonies with the

sanction of the military procurators of military districts, fleets, groups of armies and arms of the USSR Armed Forces for a term up to two months, and with the sanction of the Chief Military Procurator—up to four months.

3. The regime, labour conditions, diet rates and material and household supply, established for convicted minors shall be applicable to the convicted persons who have reached the age of 18 and have been left in educational labour colonies in accordance with the second part of Article 18 of the Fundamentals of Corrective Labour Legislation of the USSR and the Union Republics.

4. Pending the adoption of corrective labour codes by the Union Republics in accordance with Article 23 of the Fundamentals of Corrective Labour Legislation of the USSR and the Union Republics, it shall be prescribed that persons convicted to deprivation of liberty shall be allowed monthly to spend money to acquire foodstuffs and prime necessities in the following amounts: in corrective labour colonies with a general regime—up to seven rubles, in such colonies with a reinforced regime—up to six rubles, in such colonies with a strict regime—up to five rubles, in such colonies with a special regime—up to four rubles; in educational labour colonies with a general regime—up to seven rubles, in such colonies with a reinforced regime—up to five rubles; in prisons with a general regime—up to three rubles and in prisons with a strict regime—up to two rubles.

Upon serving not less than half of the term of punishment convicted persons who have shown good behaviour and conscientious attitude to labour may be in addition allowed to spend every month: in corrective labour colonies with a general regime—four rubles, in such colonies with a reinforced regime—three rubles, in such colonies with a strict regime—two rubles, in such colonies with a special regime—one ruble; in prisons—one ruble; in educational labour colonies with a general regime upon serving by a convict of one-fourth of the term of punishment—three rubles, in colonies with a reinforced regime upon the serving by a convict of one-third of the term of punishment—two rubles.

Convicted persons who overfulfil work quotas may be in addition allowed to spend two rubles a month, and convicted persons who overfulfil work quotas on arduous jobs or on jobs in colonies situated in the Far North districts and districts with an equal status—four rubles a month.

5. Pending the adoption of corrective labour codes by the Union Republics it shall be prescribed in accordance with Article 25 of the Fundamentals of Corrective Labour Legislation of the USSR and the Union Republics that convicted persons kept in corrective labour colonies may, upon serving half of the term of punishment, receive within a year: in colonies with a general regime—three parcels, in colonies with a reinforced regime—two parcels, in colonies with a strict or special regime—one parcel; convicted persons kept in educational labour colonies shall be allowed to receive within a year: in colonies with a general regime—six parcels and in colonies with a reinforced regime—five parcels.

The weight of one parcel may not exceed five kilograms.

6. Changes in the conditions of keeping convicted persons in one corrective labour institution, provided for by Article 22 of the Fundamentals of Corrective Labour Legislation of the USSR and the Union Republics, shall involve the simultaneous provision of the improved conditions of keeping convicts in accordance with the provisions of the third part of Article 24 of the Fundamentals and the second part of Article 4 of the present Decree and likewise the simultaneous repeal of all improved conditions of keeping convicts in cases provided for by Article 34 of the Fundamentals of Corrective Labour Legislation of the USSR and the Union Republics.

7. In accordance with the third part of Article 44 of the Fundamentals of Corrective Labour Legislation, the State Labour and Wages Committee of the Council of Ministers of the USSR and the All-Union Central Council of Trade Unions, in agreement with the Procurator's Office of the USSR and the Supreme Court of the USSR, shall be entrusted with the establishment of the manner and form of entering notes in the labour cards of persons convicted to corrective labour without the deprivation of liberty.

**THE LAW OF THE UNION  
OF SOVIET SOCIALIST REPUBLICS  
OF JUNE 27, 1968, ON THE APPROVAL  
OF THE FUNDAMENTALS  
OF LEGISLATION OF THE USSR  
AND THE UNION REPUBLICS ON MARRIAGE  
AND THE FAMILY**

*(Gazette of the Supreme Soviet of the USSR No. 27,  
1968, Item 241)*

The Supreme Soviet of the Union of Soviet Socialist Republics *decrees*:

- ARTICLE 1. To approve the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family and declare them effective as from October 1, 1968.
- ARTICLE 2. To establish that the rule stipulated by Article 16 of the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family concerning court procedure for ascertaining the paternity of a child born out of wedlock shall apply to children born after the present Fundamentals come into force.
- ARTICLE 3. With regard to children born out of wedlock before the present Fundamentals come into force, paternity shall be established on submission of a joint statement by the mother of the child and by the person who acknowledges paternity. In the event of the death of the custodian of the child and who accepted paternity, the fact of recognising paternity shall be established by a court of law. The joint statement by the parents or the court decision to establish the fact of rec-

ognition of paternity serves as grounds for registration at a registry office and for registering the father in a birth register. Paternity in respect to persons of full legal age may be established only with their consent.

ARTICLE 4. Should paternity be established according to the procedure stipulated in Article 3 of the present Law, the children in question shall enjoy the same rights and have the same obligations with respect to their parents and their relatives as the children born of a registered marriage.

ARTICLE 5. The entry of the child's father in a birth register and on a birth certificate, provided there is a relevant statement by the mother of the child born before the present Fundamentals come into force, shall be made in the way provided for by part 3 of Article 17 of the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family.

ARTICLE 6. The unmarried mother shall enjoy the right to receive the legislatively stipulated allowance for the maintenance and upbringing of the child she bore, and the right to place her child in a children's institution for maintenance and upbringing completely at state expense, if the child's father is not established in the statutory way.

ARTICLE 7. The Presidium of the Supreme Soviet of the USSR shall be entrusted with establishing the procedure of declaring effective the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family, and with coordinating the legislation of the USSR with the present Fundamentals.

ARTICLE 8. The Supreme Soviets of the Union Republics shall be entrusted with coordinating the legislation of the Union Republics with the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family.

## FUNDAMENTALS OF LEGISLATION OF THE USSR AND THE UNION REPUBLICS ON MARRIAGE AND THE FAMILY

One of the most important tasks of the Soviet state is its concern for the Soviet family, in which the public and personal interests of citizens harmoniously combine.

The most favourable conditions for the consolidation and prosperity of the family have been created in the Soviet Union. The material welfare of citizens is steadily rising and housing, cultural and other amenities of family life are improving. Socialist society pays great attention to protection and encouragement of motherhood and ensures a happy childhood.

The communist upbringing of the younger generation and their physical and cultural development shall be a prime obligation of the family. State and society are rendering every assistance to the family in child upbringing by extending the network of kindergartens, crèches, boarding-schools and other children's institutions.

The Soviet woman is assured all the necessary social and living conditions for combining a happy maternity with an increasingly active and creative participation in industrial and socio-political life.

Soviet marriage and family legislation shall be designed to encourage the utmost freedom of family relations from materialistic considerations, the elimination of survivals of woman's unequal position in everyday life, and the creation of a communist family in which people's deepest personal feelings will find their full satisfaction.

SECTION I  
GENERAL PROVISIONS

ARTICLE 1. *The Tasks of Soviet Legislation on Marriage and the Family*

The tasks of Soviet legislation on marriage and the family are as follows:

the further consolidation of the Soviet family, based on the principles of communist morality;

the basing of family relations on a voluntary marital union of man and woman and on sentiments of mutual love, free from materialistic considerations, on friendship and respect for all family members;

the family education of children inherently combined with their social education in a spirit of devotion to the Motherland, a communist attitude to work and the preparation of children for active participation in the building of communist society;

every protection for mother and children and the securing of a happy childhood for every child;

the final elimination of harmful survivals and customs of the past in family relations;

the fostering of a sense of responsibility to the family.

ARTICLE 2. *Relations Regulated by Legislation on Marriage and the Family*

Legislation on marriage and the family shall establish the procedure and conditions for marriage, regulate personal and property relations arising in the family between spouses, between parents and children and between other members of the family, the relations arising over adoption of children, trusteeship, guardianship and fosterage, the procedure and conditions for dissolving marriage and the procedure for issuing certificates of registration.

ARTICLE 3. *The Equality of Man and Woman in Family Relations*

In their family relations man and woman shall enjoy equal personal and property rights.

The equality of rights in family life is based on the equal rights of man and woman as laid down in the Constitution of the USSR, in all spheres of government, socio-political, economic and cultural life of the country.

ARTICLE 4. *Equality of Citizens in Family Relations, Irrespective of Their Nationality, Race and Religion*

All citizens, irrespective of the nationality, race and religion, shall enjoy equal rights in family relations.

No direct or indirect restriction of rights, or establishment of direct or indirect advantages in contracting marriage and in family relations shall be allowed in respect to nationality, race or religion.

ARTICLE 5. *Protection and Encouragement of Motherhood*

In the USSR, maternity shall be held in nation-wide respect and esteem and protected and encouraged by the state. Protection of the interests of mother and child shall be ensured by providing an extensive network of maternity hospitals, crèches and kindergartens, boarding-schools and other children's institutions; by granting women maternity leave with full pay; by granting privileges to pregnant women and mothers; by labour protection measures in industry; by paying state benefits to unmarried mothers and mothers of large families, and by other forms of state and social assistance to the family.

ARTICLE 6. *State Legal Regulation of Matrimonial and Family Relations*

The state alone shall legally regulate matrimonial and family relations in the USSR.

Only a marriage duly registered in a state registry office shall be valid. The religious ceremony of marriage, as well as other religious ceremonies, shall have no legal validity.

This rule shall not apply to religious ceremonies conducted prior to the establishment or restoration of Soviet registry offices and also to the corresponding certificates of birth, marriage, dissolution of marriage and death.

ARTICLE 7. *Legislation of the Union of Soviet Socialist Republics and of the Union Republics on Marriage and the Family*

Legislation on marriage and the family shall consist of the present Fundamentals and other legislative enactments of the USSR, the codes of laws on marriage and the family and other legislative enactments of the Union Republics in keeping with these Fundamentals.

Legislation of the Union Republics shall deal with questions referred to their jurisdiction by the present Fundamentals, and also questions of matrimonial and family relations that are not directly provided for by the Fundamentals.

ARTICLE 8. *Application of Legislation of the Union Republics on Marriage and the Family*

Contraction of marriage, relations between spouses and between parents and children, adoption, the establishment of paternity, the exaction of maintenance payments, trusteeship and guardianship, dissolution of marriage, and acts of registration shall be regulated by the legislation of a Union Republic, whose appropriate body shall make out or issue the pertinent registration certificate, or resolve a dispute that has arisen.

The validity of marriage, adoption, trusteeship and guardianship and the validity of registration certificates shall be determined by the legislation of the Union Republic on whose territory the marriage has been contracted, adoption has been made, trusteeship or guardianship has been established, or a relevant certificate has been registered.

SECTION II  
MARRIAGE

ARTICLE 9. *Contraction of Marriage*

Marriage shall be contracted at a state registry office. Marriage shall be registered both in the interests of state and society, and of safeguarding the personal and property rights and interests of husbands, wives and children.

Only a marriage contracted at a state registry office shall carry the rights and obligations for the spouses.

A marriage shall be registered one month after the couple intending to marry submit an application to a state registry office. In individual cases the legislation of the Union Republics may provide for a shorter or longer period.

Marriage shall be contracted by a ceremony. The registry office shall ensure a ceremonial occasion for the registration of marriages with the consent of the parties to the marriage.

#### ARTICLE 10. *Conditions of Contracting Marriage*

To have the marriage registered the parties shall express mutual consent and shall have reached marriageable age.

The statutory age shall be established at 18 years. The legislation of the Union Republics may provide for a lower marriageable age, but not more than two years.

Marriage may not be entered into:

between persons of whom at least one is already married;

between relatives in the direct ascending or descending line, between full and half-brothers and sisters, and also between foster-parents and adoptees;

between persons either of whom has been declared by a court of law as legally unfit in consequence of mental illness or feeble-mindedness.

#### ARTICLE 11. *Personal Rights of Spouses*

Upon entering into marriage husband and wife shall be entitled to choose the surname of either as their common surname, or either of the spouses may retain his or her pre-marital surname.

Legislation of the Union Republics may provide for the spouses' right to use a double surname.

Questions concerning the upbringing of children and other questions of family life shall be jointly resolved by husband and wife.

Both husband and wife shall be free in their choice of occupation, profession and place of residence.

#### ARTICLE 12. *Property of Spouses*

Property acquired by the spouses during their marriage shall be their common property. The spouses shall enjoy equal rights to possess, use and dispose of such property.

The spouses shall also enjoy equal rights to property if one of them has been engaged in running the household, taking care of the children, or has had no earnings of his own for valid reasons.

In case of division of marital common property, the share of each of the spouses shall be recognised as equal to the other's share. In certain cases the court may depart from the principle of equality of shares of husband and wife on account of the interests of minors or the reasonable interests of either spouse.

Property belonging to either spouse prior to marriage or received during marriage either as a gift or by inheritance shall be the property of the spouse concerned.

The provisions of the present Article shall extend only to that property of spouses—for those who are members of a collective-farm household—which comprises their personal property.

Legislation of the Union Republics shall establish the right of husband and wife to own, use and dispose of the property of a collective-farm household.

#### ARTICLE 13. *The Obligations of Spouses in Respect to Mutual Maintenance*

• Husband and wife shall be obliged to support each other materially. In the event of one refusing to provide such support, a disabled partner in need of material aid or a wife during pregnancy and during one year after the birth of a child shall be entitled to receive maintenance payment from the other partner, this being secured through a court of law, provided that the partner is able to provide such maintenance. This right shall be retained after dissolution of marriage.

A divorced husband or wife who requires support shall also be entitled to aid if he or she becomes disabled up to one year after dissolution of marriage. Where a husband and wife have been married a long time, a court of law shall further be entitled to award maintenance in favour of the divorced partner if the latter has reached pensionable age not later than five years after dissolution of marriage.

In certain cases, husband or wife may be exempted from supporting the other partner or the period of maintenance may be limited. Legislation of the Union Republics shall

establish the conditions in which a court of law may exempt a spouse from maintaining the other partner or may limit that obligation to a specific period.

#### ARTICLE 14. *Termination of Marriage*

A marriage shall cease with the death, or a court decision on recognition of death of either of the spouses.

During the lifetime of husband and wife, the marriage may be dissolved through a divorce upon the application of either or both of the spouses.

A marriage shall be dissolved by a court of law. The court shall take steps to reconcile the spouses.

A marriage shall be dissolved where it is established by a court of law that further cohabitation of the spouses and the preservation of their family have become impossible.

A husband shall not be entitled, without the consent of his wife, to apply for dissolution of their marriage during the pregnancy of the wife and during one year after a childbirth.

When dissolving a marriage the court, when necessary, shall take measures to protect the interests of minors and a disabled spouse.

A husband and wife who do not have minor children may have their marriage dissolved, by mutual consent, at a registry office. In such cases the divorce shall be registered and certificates on the marriage dissolution shall be issued three months after the husband and wife have applied for a divorce.

The registry offices shall also dissolve marriages involving the following:

- legally-certified missing persons;
- legally-certified incapacitated persons who are mentally ill or feeble-minded;
- persons convicted for crimes for not less than three years.

Where a dispute arises the marriage shall be dissolved by a court of law.

A spouse who has taken the partner's name upon marriage shall have the right, after the dissolution of the marriage, to retain that name or, on request, to revert to the pre-marital surname.

## ARTICLE 15. *Invalidity of Marriage*

A marriage may be declared null and void in cases of infringement of the conditions set forth in Article 10 of the present Fundamentals and in cases of registration of marriage without the intention of establishing a family (fictitious marriage). A marriage shall be declared invalid by a court of law.

Recognised invalidity of a marriage shall not affect the rights of children born in such wedlock. Other consequences of the recognised invalidity of a marriage shall be established by legislation of the Union Republics.

### SECTION III THE FAMILY

## ARTICLE 16. *Grounds for the Origination of the Rights and Duties of Parents and Children*

Mutual rights and duties of parents and children shall be based on the origin of children certified by law.

The origin of a child of parents in wedlock shall be certified by the parents' marriage certificate. The origin of a child of parents not in wedlock shall be established through the submission of a joint statement by the father and the mother of the child to a state registry office.

Where a child is born to parents not in wedlock, and in the absence of a joint statement from the parents, paternity may be established by a court of law.

In establishing paternity the court shall take into consideration the cohabitation and joint household by the mother and the respondent prior to the birth of the child, or the joint upbringing or maintenance of the child by the two, or evidence authentically proving the recognition by the respondent of his paternity.

## ARTICLE 17. *Registration of Parents in Birth Registers*

The mother and the father of a child who are in wedlock shall be registered as the child's parents in a birth register following a statement by either of the two,

Where the parents are not in wedlock, the child's mother shall be registered on a statement by the mother, and the child's father, on a joint statement by the child's father and mother, or else the father shall be registered by decision of a court of law. Should the mother die, or if it is impossible to establish her place of residence, the child's father shall be registered on the basis of the father's statement.

Where a child is born to an unmarried mother and there is no joint statement by the parents or a court decision on the establishment of paternity, the entry about the child's father in the birth register shall be made in the mother's surname; the name and patronymic of the child's father shall be registered according to her statement.

#### ARTICLE 18. *Rights and Duties of Parents*

The father and the mother shall have equal rights and duties in respect to their children.

Parents shall educate their children in the spirit of the moral code of the builder of communism, attend to their physical development, schooling and preparation for socially useful activities.

Parents shall be duty bound to maintain their minors and disabled children who have attained majority but are in need of support.

Protection of the rights and interests of minors shall be the responsibility of their parents.

Parents shall be entitled to demand the return of their children from any person who has detained them without legal permission or a court decision.

Parents' rights may not be implemented against the children's interests.

Parents shall enjoy equal rights and bear equal duties in relation to their children also in cases where the marriage has been dissolved. Parental disputes over the children's place of residence and education shall be settled by legislation of the Union Republics.

#### ARTICLE 19. *Deprivation of Parental Rights*

Either or both parents may be deprived of parental rights where it is established that they have neglected their duties

in bringing up the children or abused their parental rights, maltreated the children, exerted a harmful influence on them by their immoral, anti-social behaviour, and also where the parents are chronic alcoholics or drug addicts.

Cases of the deprivation of parents of their rights shall be heard in court following an appropriate statement made by government or non-government organisations, by one of the parents or by the trustee (guardian) of the child, and also on an action brought by a procurator.

Where both parents are deprived of parental rights the child shall be placed in the care of trusteeship and guardianship bodies.

A court may order that a child be taken away and placed in the care of trusteeship and guardianship bodies, even if the parents have not been deprived of their parental rights, on the grounds that the child would be in danger if it remained with the persons in whose care it was.

Restoration of parental rights shall be allowed if that is in the interests of the children or if the children have not been adopted.

Only a court of law may remove and restore parental rights.

Deprivation of parental rights shall not absolve parents from their duty of maintaining their children.

#### ARTICLE 20. *The Duty of Children to Maintain Their Parents*

Children who have attained majority shall be liable to maintain and care for disabled parents who are in need of support.

Children may be relieved of their duty to maintain their parents provided the court has established that the parents failed to perform their parental duties.

#### ARTICLE 21. *Duties of Other Family Members in Respect to Maintenance Payments*

The duty to maintain parentless minors may devolve on other relatives—grandfather, grandmother, brother or sister and also on the child's stepfather and stepmother.

The duty to maintain incapacitated family members who have attained majority but need support, should they be un-

married or have neither parents nor children who are majors, may devolve on their grandchildren and also stepsons and stepdaughters.

The legislation of the Union Republics may establish other conditions for rights and obligations arising in respect to mutual support by relatives and other individuals.

#### ARTICLE 22. *The Amount of Maintenance*

Maintenance for minors shall be paid by their parents in the following amounts: for one child—one-quarter; for two children one-third, and for three or more children one-half of the earnings (income) of the parents.

The amount of these shares may be reduced by a court of law where a maintenance-paying parent has other children who are minors and who, if maintenance is awarded in the proportion established by the present Article, would be worse off materially than the children in receipt of maintenance, and also in cases where the maintenance-paying parent is a first or second category invalid, and if the children are working and have sufficient earnings.

A court of law shall be entitled to decrease the size of maintenance or exempt a person altogether if the children are being fully maintained by a government or non-government organisation. Money for the upkeep of children placed in children's institutions may be paid by the parents of the children to such institutions within the limits established in the present Article.

In certain cases, where maintenance payment as a share of a parent's earnings is impossible or difficult, the legislation of the Union Republics may provide for the amount of maintenance paid to minors being established as a lump sum. The sum shall be specified on the basis of the parent's presumed earnings (income) with reference to the above-mentioned provisions.

Parents paying maintenance for minors may be liable to additional expenditure in the event of exceptional circumstances (grave illness, crippling of a child, etc.).

The types of earnings (income) to be calculated when deducting maintenance shall be determined according to the regulations established by the Council of Ministers of the USSR.

Where parents pay maintenance for children who have attained majority but are incapacitated and in need of support, and also in all other cases of funds exacted for the purpose of maintenance, the size of payment shall be specified as a definite sum of money depending on the material and family status of the person paying maintenance and the person receiving it.

#### ARTICLE 23. *Payment or Exaction of Maintenance*

Maintenance shall be paid by the person ordered to pay it, voluntarily in person or through the offices of his place of employment, or through the institution where pension or scholarship is received.

Voluntary maintenance payment shall not preclude the right of the person in receipt of maintenance to file an application to the court on the exaction of maintenance.

The management of an enterprise, institution or organisation shall monthly deduct maintenance from the wages (pension, benefit, scholarship, etc.) of the maintenance-payer on the basis of his written statement, and shall pay out or remit the sum concerned to the person indicated in the statement.

#### ARTICLE 24. *Adoption*

Adoption shall be permitted only in respect to minors and in their interests.

Adoption shall be effected by decision of the Executive Committee of a district or city Soviet of Working People's Deputies at the request of the person wishing to adopt a child.

For the purpose of adoption the consent shall be required of parents who have not been deprived of parental rights, and also the consent of the adoptee, should the latter have reached the age of 10. The legislation of the Union Republics shall establish ways of ascertaining a child's consent.

Where parents fail to bring up a child, adoption may, as an exception, be made without their consent. Legislation of the Union Republics shall establish the procedure for adoption and the conditions required for it to be made without the consent of the parents.

Where a child is adopted by a married person, and where the child is not adopted by both spouses, the consent of the

other spouse shall be required for adoption. Legislation of the Union Republics shall establish the conditions in which adoption, as an exception, may be made without the consent of the other spouse.

Adoption may be declared invalid and annulled only by a court of law.

The legislation of the Union Republics shall establish the rules of adoption, the conditions for invalidating adoption, the conditions for annulling adoption, and the consequences of such annulment.

The legislation of the Union Republics shall also establish the conditions ensuring the secrecy of adoption.

#### ARTICLE 25. *The Rights and Duties of Adopters, Adoptees and Their Relatives*

Adoptees and their offspring—this with regard to adopters and their relatives—and adopters and their relatives—this with regard to adoptees and their offspring—shall have the same personal and property rights and duties as relatives by birth.

Adoptees shall lose their personal and property rights and shall be relieved of their duties to their original parents and their relatives. In cases of adoption of a child by one person these rights and duties may be retained at the request of the mother, if the adopter is a man, or at the request of the father, if the adopter is a woman. Minors who at the moment of adoption are entitled to an allowance or benefit from government or non-government bodies, this in connection with the loss of a breadwinner, shall retain this right after adoption.

At the request of adopters, their names may be entered in birth registers, as parents of the adoptees.

#### ARTICLE 26. *Trusteeship and Guardianship*

Trusteeship and guardianship shall be established for the upbringing of minors who, in consequence of the death of their parents, deprivation of parents of their parental rights, sickness of parents or other reasons, have remained without parental care, and also for the protection of the personal and property rights and interests of such children.

Trusteeship and guardianship shall be also established for the protection of the personal and property rights and interests of majors whose state of health prevents them from independent performance of their rights and duties.

Trusteeship and guardianship shall be instituted by the Executive Committee of a district (city), township or village Soviet of Working People's Deputies.

The legislation of the Union Republics shall establish the rights and duties of trustees and guardians and the rules governing trusteeship and guardianship.

#### SECTION IV ACTS OF REGISTRATION

##### ARTICLE 27. *Registration*

Births, deaths, marriages, dissolution of marriages, adoption, ascertainment of paternity, and change of names, patronymics and surnames shall be subject to registration at a state registry office.

##### ARTICLE 28. *Procedure for Disputing Entries in Registers*

State registry offices shall rectify errors and introduce changes in the registers, given sufficient grounds and in the absence of a dispute between the persons concerned. The refusal of a state registry office to rectify or change an entry may be appealed against in court.

Should a dispute between the persons concerned arise, entries shall be rectified on the strength of a court decision.

##### ARTICLE 29. *Registry Books. Rules of Registration*

The Council of Ministers of the USSR shall define the basic provisions determining the procedure for modifying or restoring entries in registers, as well as the make-up of registry books and the forms of certificates issued on the basis of entries in such books, and the procedure and terms of preservation of registry books.

The legislation of the Union Republics shall define the rules of registration, including the solemn registration of marriages and births, as well as the mutual information of

those entering in marriage about the state of health and family position, and the explanation of their rights and duties as future husband and wife and parents.

SECTION V

APPLICATION  
OF SOVIET LEGISLATION ON MARRIAGE  
AND THE FAMILY IN RESPECT TO ALIENS  
AND STATELESS PERSONS.  
APPLICATION OF MATRIMONIAL LAWS OF FOREIGN  
STATES, AND ALSO INTERNATIONAL TREATIES  
AND AGREEMENTS

ARTICLE 30. *Citizenship of Children*

A child whose parents were both citizens of the USSR at the moment of its birth shall be recognised as a citizen of the USSR, irrespective of birthplace.

Should the parents hold different citizenship and one was a citizen of the USSR at the moment of the child's birth, the child shall be recognised as a citizen of the USSR provided at least one of the parents was resident on USSR territory at the time. If, however, both parents were resident outside the USSR at the moment of birth, the child's citizenship shall be established by agreement between the parents.

ARTICLE 31. *Marriages Between Soviet Citizens and Aliens, and Between Aliens in the USSR*

Marriages between Soviet citizens and aliens and also marriages between aliens shall be concluded in the USSR in accordance with the general rules.

Marriages between Soviet citizens and aliens shall not lead to any change of citizenship.

Marriages between aliens contracted in the USSR at embassies or consulates of foreign states shall be recognised as valid in the USSR on a reciprocity basis, if, at the moment of marriage, these persons were citizens of the state which has appointed the ambassador or consul.

ARTICLE 32. *Marriages Between Soviet Citizens and Other Registrations at USSR Embassies or Consulates. Recognition of Marriages Contracted Outside the USSR*

Marriages between Soviet citizens resident outside the USSR shall be concluded at embassies or consulates of the USSR.

In respect of a marriage or other registrations at USSR embassies and consulates abroad, the laws of the Union Republic of which the parties are citizens shall apply. Should the parties be citizens of different Union Republics, or where it has not been established what Republic they are citizens of, the laws of one of the Union Republics, given consent between the partners, shall apply; should differences arise, the matter shall be decided by the official responsible for registration.

Should marriages between Soviet citizens and marriages between Soviet citizens and aliens be contracted outside the USSR, with observance of the marriage procedure established by the law of the place of its contraction, such marriages shall be recognised as valid in the USSR provided there are no obstacles to the recognition of those marriages arising from Articles 10 and 15 of the present Fundamentals.

Marriages between aliens outside the USSR contracted according to the laws of the states concerned shall be recognised as valid in the USSR.

ARTICLE 33. *Dissolution of Marriages Between Soviet Citizens and Aliens and of Marriages Between Aliens in the USSR. Recognition of Divorces Granted Outside the USSR*

Marriages between Soviet citizens and aliens and also between aliens in the USSR shall be dissolved in accordance with the general rules.

Dissolution of marriages between Soviet citizens and aliens performed outside the USSR in accordance with the laws of the states in question shall be recognised as valid in the USSR, provided at the moment of dissolution at least one spouse was resident outside the USSR.

Dissolution of marriages between Soviet citizens performed outside the USSR in accordance with the laws of the

states in question shall be recognised as valid in the USSR, should both partners be resident outside the USSR at the moment of dissolution.

Dissolution of marriages between aliens performed outside the USSR in accordance with the laws of the states in question shall be recognised as valid in the USSR.

Soviet citizens permanently residing abroad shall have the right to divorce in USSR courts.

ARTICLE 34. *Adoption of Children of Soviet Citizenship Resident Outside the USSR. Rules for Adoption of Children by Aliens Resident in the USSR*

Adoption of a child of Soviet citizenship resident outside the USSR shall be effected at an embassy or consulate of the USSR. If the adopter is not a Soviet citizen, permission from a duly authorised body of a Union Republic shall be required.

Adoption of a child of Soviet citizenship effected by bodies of a state on whose territory the child is resident, provided preliminary consent to such adoption was received from a duly authorised body of a Union Republic, shall also be recognised as valid.

The legislation of the Union Republics shall establish the rules for adoption of children of Soviet citizenship by aliens on the territory of the USSR.

ARTICLE 35. *Application of Legislation of the USSR and Legislation of the Union Republics on Marriage and the Family to Stateless Persons*

Stateless persons resident in the USSR shall enter into marriages, rescind marriages, enjoy the rights emanating from the legislation on marriage and the family, and bear the obligations provided for by such legislation on the same grounds as Soviet citizens.

ARTICLE 36. *Application of Foreign Laws and International Treaties and Agreements*

Foreign matrimonial laws or recognition of acts based on such laws shall be invalid if their application or recognition contradicts the fundamentals of the Soviet system.

Where an international treaty or international agreement to which the USSR is a signatory establishes rules other than those contained in Soviet legislation on marriage and the family, the rules of that international treaty or international agreement shall be given effect.

The same principle shall be applied on the territory of a Union Republic, if the international treaty or international agreement to which the given Union Republic is a signatory has established rules different from those provided for by that Union Republic's legislation on marriage and the family.

**ON THE PROCEDURE  
FOR PUTTING INTO EFFECT  
THE FUNDAMENTALS OF LEGISLATION  
OF THE USSR AND THE UNION REPUBLICS  
ON MARRIAGE AND THE FAMILY**

**Decree of the Presidium of the Supreme Soviet  
of the USSR of September 20, 1968**

*(Gazette of the Supreme Soviet of the USSR No. 39,  
1968, Item 353)*

In conformity with the Law of the USSR on the Approval of the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family, dated June 27, 1968 (*Gazette of the Supreme Soviet of the USSR No. 27, 1968, Item 241*) the Presidium of the Supreme Soviet of the USSR *decrees*:

1. Pending the time the legislation of the USSR and the Union Republics is brought in conformity with the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family, the operating enactments of the legislation of the USSR on marriage and the family, the codes of laws on marriage, the family and trusteeship and other enactments of the legislation of the Union Republics on marriage and the family shall be applicable inasmuch as they do not run counter to the present Fundamentals.

2. The Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family shall be applicable to the matrimonial and family legal relations that arose since the enforcement of the Fundamentals, that is as of October 1, 1968.

Re the matrimonial family relations that arose before October 1, 1968 the Fundamentals shall be applicable to those rights and duties which will arise after the enforcement of the Fundamentals.

The manner of applying rules contained in Articles 12-14, 22 and 23 of the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family and in Article 3 of the Law of the USSR dated June 27, 1968, on

the Approval of the Fundamentals, shall be established by the subsequent articles of the present Decree.

3. The rules of the third part of Article 12 of the Fundamentals on the division of the property of husband and wife shall be applicable to the entire property which is their community property, including that property which was acquired by them before October 1, 1968.

4. The rules of Article 13 of the Fundamentals on the retention by the needy spouse of the right to maintenance from the other spouse after divorce shall be also applicable in those cases where the marriage was dissolved prior to the enforcement of the Fundamentals, but the divorced spouse did not forfeit his right to maintenance from the other spouse.

5. Cases of the dissolution of marriages not adjudicated to the end in a court of law prior to October 1, 1968 shall be subject to termination upon the statement by a wife provided she is by that time in a state of pregnancy or has a child up to one year of age.

6. Cases of the dissolution of marriages referred by the seventh and eighth parts of Article 14 of the Fundamentals to the jurisdiction of the Registrar's Offices and not decided by a court of law prior to October 1, 1968, shall be adjudicated in court.

The court shall terminate proceedings on the dissolution of a marriage provided the spouses who have no children under age have applied to the court with the statement to the effect that they intend to dissolve their marriage in a Registrar's Office.

7. The rules established by the second and third parts of Article 22 of the Fundamentals on the reduction of maintenance or on the release from its payment shall be applicable in those cases where maintenance (alimony) is recovered by decision of a court passed prior to October 1, 1968.

8. Cases of the dissolution of the marriage between Soviet citizens who permanently reside abroad (the fifth part of Article 33 of the Fundamentals) shall be adjudicated by the courts of the Union Republics on behalf of the Supreme Court of the USSR.

9. In the cases of recognising paternity in the manner provided for by Article 3 of the Law of the USSR on the Approval of the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family, the

mutual rights and duties between the child born before October 1, 1968 and the father and also the father's relatives, shall be considered existing since the moment the child is born.

10. The Council of Ministers of the USSR shall be instructed to establish:

- a) the rates of a state stamp-duty subject to payment when the certificate on the dissolution of a marriage is issued in cases provided for by the seventh and eighth parts of Article 14 of the Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family;
- b) the procedure of defining the types of earnings (income) subject to calculation when maintenance is deduced.

**THE LAW OF THE UNION OF SOVIET  
SOCIALIST REPUBLICS OF JULY 19, 1973,  
ON THE APPROVAL OF THE FUNDAMENTALS  
OF LEGISLATION OF THE USSR  
AND THE UNION REPUBLICS ON EDUCATION**

*(Gazette of the Supreme Soviet of the USSR  
No. 30, 1973, Item 392)*

The Supreme Soviet of the Union of Soviet Socialist Republics *decrees*:

- ARTICLE 1. To approve the Fundamentals of Legislation of the USSR and the Union Republics on Education and declare them effective as of January 1, 1974.
- ARTICLE 2. To entrust the USSR Supreme Soviet Presidium with establishing the procedure for implementing the Fundamentals of Legislation of the USSR and the Union Republics on Education and with bringing the legislation of the USSR in conformity with these Fundamentals.
- ARTICLE 3. To entrust the Supreme Soviets of the Union Republics with bringing the legislation of the Union Republics in conformity with the Fundamentals of Legislation of the USSR and the Union Republics on Education.
- ARTICLE 4. To declare null and void as of January 1, 1974 the Law of the USSR of December 24, 1958 on Strengthening Ties Between the School and Production and on the Further Development of the System of Education in the USSR (*Gazette of the USSR Supreme Soviet* No. 1, 1959, Item 5).

## FUNDAMENTALS OF LEGISLATION OF THE USSR AND THE UNION REPUBLICS ON EDUCATION

The Great October Socialist Revolution created the political, economic and social groundwork for the development of education, science and culture in our country.

Socialist ideology has struck root in all spheres of Soviet society's spiritual life in a short period of history. Led by the Communist Party of the Soviet Union the society is successfully coping with the task of moulding the new man — a builder of communism.

For the first time in history our country has set up a truly democratic system of public education. The citizens of the USSR have a real possibility of receiving secondary and higher education and also work in conformity with their speciality and qualification.

The victory of socialism scored in the USSR has ensured the steady growth of the material well-being, cultural and educational standards of the Soviet people, made it possible to create propitious conditions for the pre-school education of children, consistently to implement the principle of compulsory eight-year education and to go over to universal secondary education for young people, to develop on a wide scale the vocational and technical, specialised secondary and higher education.

The building of communism in our country, the continuous growth of productive forces and the scientific and technological progress insistently call for an all-round development of the rising generation, for the supply of the national economy with highly qualified workers and specialists, and for a higher level of the general and vocational education of the Soviet population.

The wide spread of secondary education and the improvement of general, vocational and technical, specialised secondary and higher education will promote the further advance of culture of the Soviet people, the moulding of a communist world outlook, the attainment of higher labour productivity and will be an important factor conducive to the gradual eradication of essential distinctions between mental and physical labour and between town and country.

The purpose of public education in the USSR is to produce well-trained, harmoniously developed active builders of communist society, brought up on the ideas of Marxism-Leninism, in the spirit of respect for Soviet laws and socialist law and order, and communist attitude to labour, physically healthy people capable of working successfully in various fields of economic, social and cultural development, actively participating in social and government activity, people who are ready to selflessly defend the socialist Motherland, preserve and multiply its material and spiritual wealth, protect and conserve nature. Public education in the USSR is to provide for the development and satisfaction of the Soviet man's spiritual and intellectual requirements.

Education in the USSR is a matter of true public concern. The state, the family and social organisations pool their efforts to provide training and education for the rising generation. Special role in public education is played by pedagogical workers whose activity rests on a lofty sense of professional and public duty for the proper quality of education and the communist upbringing of the younger generation.

Soviet legislation on education is called upon to promote the improvement of public education in the country and to further strengthen socialist legality in this sphere of social relations.

#### SECTION I GENERAL PROVISIONS

##### ARTICLE 1. *The Tasks of Soviet Legislation on Public Education*

The legislation of the USSR and the Union Republics on public education shall regulate social relations in the sphere of education with a view to satisfying most fully

the needs of Soviet citizens and requirements of advanced socialist society in the education and communist upbringing of the rising generation, providing the national economy with workers and specialists of relevant qualification.

ARTICLE 2. *The Legislation of the USSR and the Union Republics on Public Education*

The legislation of the USSR and the Union Republics on public education shall consist of the present Fundamentals and other enactments of the USSR and the Union Republics on public education, promulgated in conformity with these Fundamentals.

ARTICLE 3. *The Right of the Citizens of the USSR to Education*

The citizens of the USSR shall have the right to education in accordance with the Constitution of the USSR.

This right shall be ensured by universal compulsory eight-year education, by the spread of general secondary education of young people, by extensive development of vocational and technical education, specialised secondary and higher education, based on close ties between instruction and work experience, the practice of communist construction, by instruction in schools in the native language, by the extension of the network of pre-school and out-of-school institutions, by free education at all levels, by provision of state scholarship grants and other material assistance to all students, and by the organisation of various forms of training in production and improving the professional skills of working people.

The legislation of the USSR and the Union Republics shall provide for requisite privileges for pupils and students with a view to creating the most favourable conditions for training and bringing up the rising generation.

ARTICLE 4. *The Basic Principles of Public Education in the USSR*

The basic principles of public education shall be:

1) the equality of all citizens of the USSR in respect to receiving education, irrespective of race and nationality, sex, attitude to religion, property and social status;

- 2) the compulsory nature of education for all children and teenagers;
- 3) the state and social nature of all educational establishments;
- 4) the freedom to choose the language of instruction: education may be conducted in the mother tongue or the language of other peoples of the USSR;
- 5) the free provision of all types of education, the full maintenance of students by the state, the provision of students with scholarship grants and other material assistance;
- 6) the uniform nature of public education and continuity between all types of educational establishments, which ensure the possibility of going from the lowest to the higher stages of education;
- 7) the unity of instruction and communist education; the cooperation of the school, family and public in the upbringing of children and adolescents;
- 8) ties between the instruction and education of the rising generation and work experience, the practice of building communism;
- 9) the scientific nature of education and its constant improvement on the basis of the latest achievements of science, technology and culture;
- 10) the humane nature and high moral standards of education and upbringing;
- 11) co-education;
- 12) the secular nature of education, excluding the influence of religion.

#### ARTICLE 5. *The System of Public Education in the USSR*

The system of public education in the USSR shall include:

- pre-school upbringing;
- general secondary education;
- out-of-school upbringing;
- vocational and technical education;
- specialised secondary education;
- higher education.

ARTICLE 6. *The Jurisdiction of the USSR in the Sphere of Public Education*

The jurisdiction of the USSR as represented by its higher organs of state power and state administration in the sphere of public education shall extend to:

1) definition of the general principles of guidance of public education and the system of its administration in the USSR;

2) determination of all-Union plans for the development of public education and plans for training skilled workers and specialists for the national economy;

3) guidance of the educational organs of the USSR; administration of teaching and educational and research institutions and enterprises of the educational system under Union jurisdiction;

4) determination of types of educational and other establishments, approval of their regulations (statutes) and determination of the age of admission to the educational establishments and the terms of instruction in them;

5) organisation, reorganisation and liquidation of the institutions of higher learning, and also specialised secondary, vocational and technical establishments, general educational schools under Union jurisdiction;

6) definition of the procedure of staffing, the rates and remuneration of the work done by workers of educational and other establishments;

7) definition of general principles of applying teaching methods and guiding all teaching and educational establishments, approval of study plans and definition of the way of approving syllabuses;

8) determination of all-Union plans for the development of the instructional facilities and material equipment for educational and other establishments;

9) determination of all types and sizes of material assistance to persons who study in educational establishments;

10) institution of state control in the sphere of public education and definition of its exercise;

11) establishment of a uniform system of statistical accounting and accountancy in the sphere of public education;

12) settlement of other questions of public education placed under the jurisdiction of the USSR in accordance

with the Constitution of the USSR and the present Fundamentals.

ARTICLE 7. *The Jurisdiction of the Union Republics in the Sphere of Public Education*

The jurisdiction of a Union Republic as represented by its higher organs of state power and state administration in the sphere of public education shall extend to:

1) determination of republican plans for the development of public education and plans for training skilled workers and specialists;

2) guidance of educational organs of a Union Republic; administration of teaching and educational and research institutions and enterprises comprising the educational system of republican importance;

3) organisation, reorganisation and closure of general educational schools, vocational and technical schools, and also specialised secondary schools of republican importance in the statutory manner;

4) direction of teaching and educational establishments of republican and local importance through the introduction of teaching methods in the statutory manner;

5) determination of republican plans for the development of the instructional facilities and material equipment for educational institutions of republican and local importance;

6) exercise of state control over the activities of educational and other establishments on the territory of a Union Republic;

7) settlement of other questions of public education that fall within the terms of reference of a Union Republic in accordance with the Constitution of the USSR, the Constitution of the Union Republic concerned and the present Fundamentals.

ARTICLE 8. *Guidance of Public Education in the USSR*

In accordance with the Constitution of the USSR, the Constitutions of the Union and Autonomous Republics public education shall be guided by the higher organs of state power and state administration of the USSR, the Union and Autonomous Republics, and also by the local Soviets of Working People's Deputies and their Executive Committees.

In conformity with regulations approved by the USSR Council of Ministers, the organs of the state administration of education shall direct general secondary, vocational and technical, specialised secondary and higher education, as a rule, through the Union-republican ministries and departments of the Union Republics that form part of their systems and administer the educational establishments directly subordinate to them, and also shall elaborate general principles of teaching, educational, methodological and scientific work, which are obligatory for the educational establishments irrespective of their departmental subordination, and shall exercise control over their activities.

The Executive Committees of local Soviets of Working People's Deputies shall direct the educational establishments subordinate to them, adopt measures to expand the network of these institutions, place them territorially on a proper basis and extend their instructional facilities and material equipment, provide universal obligatory training and guide pre-school and out-of-school education, render assistance to the vocational and technical, specialised secondary and higher educational establishments, situated on the territory of the Soviets.

#### ARTICLE 9. *Organs in Charge of Teaching and Educational Establishments*

The educational establishments shall be placed under the jurisdiction of state organs and certain types of educational establishments may be placed under the jurisdiction of collective farms, co-operative societies and other social organisations.

#### ARTICLE 10. *Guidance of an Educational Establishment*

A teaching and educational establishment shall be guided by its director of studies, director or rector, as the case may be. In their work they shall rely on the teaching staff and appropriate social organisations.

A pedagogical council (a council in an institute of higher learning) shall be set up from among the teachers and representatives of the public to consider, on a collegiate basis, chief questions of instruction and education, methodological and scientific work in the respective teaching and educational establishment.

Social organisations functioning in an educational establishment shall take part in the mapping out and implementation of measures designed to improve the instruction, education and the cultural and welfare servicing of pupils and students.

ARTICLE 11. *Participation of Enterprises, Institutions and Organisations in the Development of Public Education*

State enterprises, institutions and organisations, collective farms, co-operative societies, trade union, YCL and other mass organisations shall take an active part in the development of public education, industrial instruction and the improvement of working people's qualifications, assist workers, collective farmers and office employees in receiving education.

ARTICLE 12. *Self-Education of Citizens*

People's universities, lecturing bureaus, courses, schools of communist labour and other social forms of the dissemination of political and scientific knowledge shall be set up to promote the self-education of citizens and their cultural level.

Educational organs and establishments shall render assistance to citizens in the organisation of their self-education.

SECTION II  
PRE-SCHOOL EDUCATION

ARTICLE 13. *Pre-School Child-Care Establishments*

Crèches, kindergartens, combined nurseries of general and special purpose and other pre-school child-care establishments shall be set up with a view to creating the most favourable conditions for the upbringing of children of pre-school age and for the rendering of proper assistance to the family.

Children shall be placed in pre-school establishments according to the wishes of parents or persons acting in *loco parentis*.

#### ARTICLE 14. *Tasks of Pre-School Education*

In close cooperation with the family the pre-school child-care establishments shall see to the all-round, harmonious development and upbringing of children, look after and protect their health, cultivate in them the elementary practical habits and love for work, take care of their aesthetic education, prepare children for instruction in school, teach them to show respect for elders, and awaken children's love for their socialist Motherland and their native town or village.

#### ARTICLE 15. *Organisation of Pre-School Child-Care Establishments*

The pre-school child-care establishments shall be organised by the Executive Committees of district, town, rural and township Soviets of Working People's Deputies and with their sanction also by state enterprises, institutions and organisations, collective farms, cooperative societies and other social organisations.

#### ARTICLE 16. *Pedagogical Guidance of Pre-School Child-Care Establishments and Their Medical Service*

The USSR Ministry of Education, the ministries of public education of the Union and Autonomous Republics and their local agencies shall effect pedagogical guidance of the pre-school child-care establishments and provide them with pedagogical workers regardless of their departmental subordination.

The health protection bodies shall carry on the medical and disease prevention work among children and staff the pre-school child-care establishments with medical workers.

### SECTION III SECONDARY EDUCATION

#### ARTICLE 17. *Universal Secondary Education*

Universal secondary education of the rising generation, which is a major condition for the socio-political and economic development of our society towards communism, for the

growth of socialist consciousness and the working people's culture, shall be effected with a view to further raising the level of education among the population of the USSR.

Universal secondary education shall be effected in general education secondary schools, in vocational and technical secondary schools and specialised secondary schools.

#### SECTION IV GENERAL SECONDARY EDUCATION

##### ARTICLE 18. *General Education Secondary Schools*

The general education secondary school (the basic form of receiving general secondary education) shall be a single, labour, polytechnic school for the instruction and education of children and adolescents.

The uniformity of the general education secondary school shall be secured by the common principles of organising the teaching and educational process, by the uniform content and level of general education throughout the territory of the USSR with due account for the national specifics of the population residing in the Union Republics.

The polytechnical instruction, labour education and professional orientation of pupils shall be effected in the process of studying the fundamentals of science, of work training, in the organisation of various extramural work, of socially useful labour with due account for the pupils' age and individual specificity, their state of health and in accordance with the requirements of the scientific and technological progress.

Optional studies shall be organised in general education secondary schools with a view to promoting the development of pupils' diverse interests and abilities and their professional orientation. These purposes may be also served by the organisation of schools and classes for the deeper theoretical and practical study of individual subjects, different types of work, arts and sports. Given proper conditions, production instruction may be practised in the general education secondary school. The volume of compulsory knowledge in general education shall be uniform for all general education secondary schools.

The tuition and education of the pupils in the general education secondary school shall be effected in the educational process, extramural and out-of-school studies and in

socially useful labour. Lesson is the principal form of the teaching and educational work in school.

The general education secondary schools shall carry on their activity on the basis of the Rules of the General Education Secondary School, approved by the Council of Ministers of the USSR.

ARTICLE 19. *The Chief Tasks of the General Education Secondary School*

The chief tasks of the general education secondary school shall include:

the implementation of general secondary education for children and adolescents in keeping with the modern requirements of social, scientific and technological progress, the arming of pupils with deep and solid knowledge of the fundamentals of science, the inculcation in them the striving to improve their knowledge continuously and the ability of augmenting it independently and of applying it in practice;

the formation in the younger generation of Marxist-Leninist world outlook, the cultivation of socialist internationalism, Soviet patriotism and a readiness to defend the socialist Motherland;

the moulding of lofty moral qualities in pupils in the spirit of the standards of the moral code of builders of communism;

the ensuring of all-round, harmonious development of pupils and their culture; the protection of their health, the aesthetic and physical training of pupils;

the training of pupils for active participation in labour and social work, and a conscious choice of profession or trade.

ARTICLE 20. *The Language of Instruction in the General Education School*

The pupils studying in the general education school shall be given the possibility of receiving education in their native language or in the language of any other people residing in the USSR. Parents or persons acting in *loco parentis* shall have the right to choose for their children the school with an appropriate language of tuition. In addition to the given language of instruction the pupils may at their wish learn the language of any other people of the USSR.

ARTICLE 21. *Accessibility of the General Education School to Pupils*

The territorial accessibility of the school for pupils shall be guaranteed by the optimal school zoning, free fare travels for rural pupils to and from their school, and by well-appointed boarding-schools set up in the ordinary schools concerned.

Primary schools embracing 1-3 (4) forms, eight-year schools embracing 1-8 forms and secondary schools embracing 1-10 (11) forms shall be set up depending on local conditions, the unity and continuity of all stages of general secondary education being preserved.

ARTICLE 22. *Preparatory Classes*

Where necessary, the schools may organise preparatory classes for those children who will study in a language which is not their native one and for those children who have not been brought up in pre-school child-care establishments.

The preparatory classes shall be organised in the manner prescribed by the Council of Ministers of the USSR.

ARTICLE 23. *Extended-Day Schools of General Education, Extended-Day Groups and Boarding-Schools*

Extended-day schools of general education or extended-day groups shall be set up provided there are proper instructional facilities and material equipment with a view to extending public education, creating more propitious conditions for the all-round development of pupils and rendering assistance to the family in their education.

Boarding-schools shall be set up for the same purposes for those children and adolescents who have no requisite conditions for upbringing in the family.

ARTICLE 24. *Children's Homes*

Children's homes shall be organised for those children and adolescents who have been deprived of their parents' care and shall provide for them maintenance, instruction and upbringing.

ARTICLE 25. *Special General Education Schools and Boarding-Schools*

Forest or summer schools of general education shall be set up for those children and adolescents who need long medical treatment; such pupils shall be also provided with tuition in hospitals, sanatoria and at home.

Special schools of general education and boarding-schools shall be organised for those children and adolescents who have handicaps in their physical or mental development, which prevent them from studying in an ordinary general education school and who also are in need of special conditions for upbringing. These schools shall provide their pupils with tuition, education, medical treatment and training for the participation in socially useful labour.

ARTICLE 26. *General Education Secondary Schools for Young People Engaged in Production*

General education secondary evening (by shifts) and correspondence schools shall be set up for the people who work in various sectors of the national economy and who have no secondary education.

Enterprises, institutions and organisations shall be obliged to promote the enlistment of young working people in evening schools and create the proper conditions for coupling work with tuition and for the normal functioning of these schools and the study of pupils.

ARTICLE 27. *Eight-Year Education Certificate and Secondary Education Certificate*

Persons who have finished eight forms shall be given an eight-year education certificate, which entitles them to be admitted to the ninth form of a general education secondary school, a vocational and technical school or a specialised secondary school.

Persons who have finished a general education secondary school shall be given a secondary education certificate.

Persons who have finished a general education secondary school with production instruction shall be given a secondary education certificate and a testimonial of the speciality they have acquired and the category they have been awarded by a qualification commission.

ARTICLE 28. *Awarding Gold Medals and Testimonials of Good Conduct and Progress to Persons Who Have Finished General Education Secondary Schools*

Persons who have finished a general education secondary school with special honours shall be awarded with the gold medal "For excellent progress in study and work and for exemplary conduct", while persons who have made a good showing in certain subjects shall be awarded with the testimonial "For special progress in the study of some subjects".

SECTION V  
OUT-OF-SCHOOL EDUCATION

ARTICLE 29. *Out-of-School Establishments*

State enterprises, institutions and organisations, collective farms, cooperative societies, trade unions, YCL and other social organisations shall be obliged to set up Young Pioneer Palaces and Houses, young technicians', young nature lovers' and young tourists' centres, children's libraries, sport, art and musical schools, Young Pioneer camps and other extramural establishments with the view to the all-round development of the capabilities and inclinations of pupils, the cultivation of public activity among them, the fostering in them of keen interest in labour, science, technology, the arts, sports, military science and also to the organisation of recreation for pupils and the protection of their health.

SECTION VI  
VOCATIONAL AND TECHNICAL EDUCATION

ARTICLE 30. *Vocational Educational Establishments*

The vocational educational establishments are the principal schools in which young people shall receive their vocational education and through which a worthy replenishment of the working class shall be formed.

The vocational educational establishments shall admit citizens of the USSR who have graduated from eight-year or general education secondary schools.

The vocational schools shall admit persons in accordance with the rules approved by the State Committee of the USSR Council of Ministers on Vocational and Technical Education.

The vocational educational establishments shall carry on their activity on the basis of statutes, approved by the USSR Council of Ministers.

ARTICLE 31. *The Chief Tasks of the Vocational and Technical Educational Establishments*

The chief tasks of the vocational educational establishments shall include:

training for the national economy of harmoniously developed, technically educated and cultured young workers who have mastered professional skill that meets the requirements of modern production, scientific and technological progress and their prospects of development;

implementation of the vocational and general secondary education of young people in the vocational and technical secondary schools;

moulding in pupils of Marxist-Leninist world outlook, the instilling in them of lofty moral qualities, socialist internationalism, Soviet patriotism, a communist attitude to labour and public property, the fostering of readiness to preserve and multiply the revolutionary and labour traditions of the working class;

aesthetic and physical training of pupils, the protection of their health and the preparation for the defence of the socialist Motherland.

ARTICLE 32. *Interrelations Between Vocational Educational Establishments and the Enterprises, Institutions and Organisations to Which They Affiliate*

Vocational educational establishments shall specialise in the training of workers for different branches of the national economy and carry on their work on the basis of appropriate enterprises, institutions and organisations.

The interrelations between the vocational educational establishments and the enterprises, institutions and organisations on whose basis they function, as well as the responsibilities of ministries, departments, enterprises, institu-

tions and organisations in the building and further fortification of the instructional facilities and the material basis of these establishments and in the creation of proper conditions for their successful performance shall be defined in the manner established by the USSR Council of Ministers.

ARTICLE 33. *On-the-Job Training of Workers and Improvement of Their Skill*

Evening (by shifts) vocational schools and also courses, high vocational schools and other forms of training and refresher training on the job shall be set up for young people who have completed a general education school and are engaged in production and also for persons who work in the national economy and wish to acquire a new trade or improve their skill.

Enterprises, institutions and organisations shall create proper conditions and lay the instructional-cum-production base for theoretical and practical tuition in the process of training and raising the qualification of workers on the job.

ARTICLE 34. *Awarding a Trade Qualification and Issue of a Testimonial or a Diploma*

Persons who have finished vocational and technical educational establishments shall be given a relevant trade qualification (grade, class, skill-category) and a testimonial in a statutory form, while persons who have shown good conduct and progress in study shall be given a testimonial with honours.

Persons who have finished vocational secondary schools shall be given a diploma of a trade qualification and secondary education, while those persons who have distinguished themselves shall be given a diploma with honours.

Industrial grades, classes, categories given to persons who have finished vocational and technical educational establishments shall be binding for all enterprises, institutions and organisations in the USSR.

Persons who have been trained in a new trade or improved their skills right on the job and passed their exams entitling them to acquire a new qualification shall be given a uniform certificate of the newly acquired trade and of the new grade, class or category they were assigned.

SECTION VII  
SPECIALISED SECONDARY EDUCATION

ARTICLE 35. *Specialised Secondary Educational Establishments*

Specialised secondary education shall be provided in technical schools and other educational establishments, classed in a statutory manner among specialised secondary educational establishments.

Instruction in the specialised secondary educational establishments shall take the form of day-time and evening instruction and also by correspondence.

Instruction in the specialised secondary educational establishments without discontinuing work shall take a form of acquiring trades and improving skills by persons engaged in various sectors of the national economy.

The specialised secondary educational establishments shall carry on their activity on the basis of the Statute on Specialised Secondary Educational Establishments in the USSR, approved by the USSR Council of Ministers, and the Rules, elaborated on the strength of the afore-mentioned Statute by each specialised secondary educational establishment and endorsed by the respective ministry or department which is in charge of this establishment.

ARTICLE 36. *Chief Tasks of the Specialised Secondary Educational Establishments*

The chief tasks of the specialised secondary educational establishments shall include:

training of skilled specialists with a specialised secondary and general secondary education, with proper theoretical knowledge and practical habits in a trade, fostered in the spirit of Marxism-Leninism, and possessing the knacks of organising mass political and educational work;

constant improvement of the quality of training specialists with an eye to the requirements of modern production, science, technology, culture and the prospects for their development;

instilling in pupils of high moral qualities, a communist attitude to labour and public property, of culture, socialist internationalism, Soviet patriotism, a readiness to defend the socialist Motherland; physical training of pupils.

ARTICLE 37. *Eligibility for Admission to Specialised Secondary Educational Establishments*

The right to admission to specialised secondary educational establishments shall accrue to citizens of the USSR who have received eight-year or secondary education. Persons shall be admitted to specialised secondary educational establishments in accordance with the rules approved by the USSR Ministry of Higher and Specialised Secondary Education.

ARTICLE 38. *Practicals for the Pupils of Specialised Secondary Educational Establishments*

Practicals in training pupils of specialised secondary educational establishments shall be part of the teaching and educational process, enabling them to acquire the habits of work as specialists and, as in the case of technical and agricultural trades, the skill in a trade.

Practicals for pupils shall be organised in conformity with the Regulations for Practicals in Training Pupils of Specialised Secondary Educational Establishments, approved by the USSR Ministry of Higher and Specialised Secondary Education.

ARTICLE 39. *Awarding a Trade Qualification and Issue of a Diploma*

Persons who have finished specialised secondary educational establishments shall be given a qualification in accordance with the trade they have acquired, a diploma and a specially designed badge.

Persons who have finished specialised secondary educational establishments and made good progress in studies and distinguished themselves in social work shall be given a diploma with honours.

SECTION VIII  
HIGHER EDUCATION

ARTICLE 40. *Higher Educational Establishments*

Higher education shall be provided in universities, institutes, academies and other educational establishments inclu-

ded in a statutory manner in the category of the institutes of higher learning.

The higher educational establishments shall practise the system of day-time and evening instruction and by correspondence.

Instruction in the higher educational establishments without discontinuing work shall be a form of acquiring specialities and improving skills by persons working in various sectors of the national economy.

The higher educational establishments shall carry on their activity on the basis of the Statute on the Higher Educational Establishments in the USSR, approved by the USSR Council of Ministers, and of the Rules, elaborated in conformity with the above-mentioned Statute by each higher educational establishment and approved by the ministry or department which is in charge of a given higher educational establishment.

#### ARTICLE 41. *The Principal Tasks of the Higher Educational Establishments*

The principal tasks of the higher educational establishments shall be as follows:

training high-grade specialists who have mastered Marxist-Leninist theory, possess deep theoretical knowledge and practical habits in their speciality and in organising mass political and educational work;

instilling in students of lofty moral qualities, communist consciousness, culture, socialist internationalism, Soviet patriotism, a readiness to defend the socialist Motherland; physical training of students;

constant improvement of the quality of training specialists with due account for the requirements of modern production, science, technology and culture, and the prospects for their development;

scientific research that promotes the improvement of the quality of training specialists and social, scientific and technological progress;

compilation of textbooks and manuals;

training of scientific and pedagogical personnel;

improvement of qualifications held by the teaching staff of higher and secondary educational establishments, and also of specialists with a higher education, engaged in the relevant sectors of the national economy.

ARTICLE 42. *The Right to Admission to Higher Educational Establishments*

The right to admission to higher educational establishments shall accrue to the citizens of the USSR who have a secondary education. Admission to higher educational establishments shall be effected in accordance with the rules, approved by the USSR Ministry of Higher and Specialised Secondary Education.

ARTICLE 43. *Practical Training for Students and On-the Job Experience for Graduates*

The practical training of students in higher educational establishments shall be part of the teaching and educational process. This training shall be effected in accordance with the regulations for practical training, approved by the USSR Ministry of Higher and Specialised Secondary Education.

To improve their practical habits the graduates from higher educational establishments shall undergo the practical training in their particular lines under the direction of the management of appropriate enterprises, institutions and organisations and under the control by higher educational establishments.

ARTICLE 44. *Awarding a Qualification and the Issue of a Diploma*

Persons who have graduated from higher educational establishments shall acquire a qualification in accordance with the speciality they have received, shall be given a diploma and a specially designed badge.

Persons who have graduated from higher educational establishments and made a good showing in studies, in scientific and social work shall be given a diploma with honours.

ARTICLE 45. *Improvement of Qualifications Acquired by Economic Specialists*

Economic specialists shall improve their qualifications in refresher institutes, in departments and faculties of higher educational establishments, in research institutions, in refresher courses and at the advanced enterprises in the manner defined by the USSR Council of Ministers.

SECTION IX  
RIGHTS AND DUTIES OF STUDENTS

ARTICLE 46. *Rights of Students*

Students shall have the right to make free use of laboratories, work-rooms, auditoriums, reading halls, libraries and other educational and auxiliary facilities, as well as sports centres, sports facilities and other equipment of educational establishments.

Students shall be provided, in a statutory manner, with scholarship grants, allowances, hostel accommodation, boarding-schools, and medical care in educational establishments and shall have the right to use transport facilities with reduced fares or free of charge and to get other types of material assistance.

Under current legislation students who study without discontinuing work shall be entitled to additional leaves at the place of their work, to a reduced working week and other privileges.

Persons who have graduated from vocational, specialised secondary and higher educational establishments shall be provided with jobs in accordance with their speciality and qualification.

Students shall have the right to participate through their social organisations in the discussion of the problems of improving the educational process, the ideological and educational work, and also the progress of their studies, labour and school discipline and other problems involved in the training of students and their living conditions.

ARTICLE 47. *Duties of Students*

Students shall be obliged to master, systematically and deeply, general knowledge and acquire practical habits, attend studies, implement in time the assignments provided for by syllabuses and curricula, improve their ideological and cultural level, participate in socially useful labour and self-service, abide by the regulations of the teaching and educational establishments.

Students shall obey the rules of discipline, observe the rules of socialist community life, preserve socialist property, tolerate no anti-social behaviour and participate in the collective's social life.

SECTION X  
TRAINING OF TEACHERS.  
PRACTICE OF TEACHING, PROFESSIONAL  
RIGHTS AND DUTIES  
OF EDUCATIONAL WORKERS

ARTICLE 48. *Training of Teachers for Teaching and Educational Establishments*

Teachers meant for educational establishments shall be trained in universities, institutes and other institutions of higher learning and in certain cases in specialised secondary educational establishments.

ARTICLE 49. *Training of Scientific-Pedagogical and Scientific Personnel*

Post-graduate courses, organised at higher educational establishments and research institutions, shall be the principal form of training the scientific-pedagogical and scientific personnel.

Post-graduate studentship shall be granted to the citizens of the USSR who have a higher education. The regulations for post-graduate courses shall be approved in the manner stipulated by the USSR Council of Ministers.

ARTICLE 50. *Admission to the Teaching Profession*

Admitted to the teaching profession as teachers, tutors, lecturers, vocational instructors and other educational workers in pre-school and out-of-school institutions, in general education schools, vocational, specialised secondary schools and higher educational establishments may be persons who have a requisite education and professional training.

Routine competence checks-up of the teachers of general education schools and the instructors of vocational and technical schools shall be conducted systematically for the purpose of raising their teaching skill and developing their creative initiative.

Vacancies of professors and lecturers in higher educational establishments shall be filled by competition in a statutory manner for a definite term with the subsequent re-election of persons holding the office.

In case of unfitness for the offices they hold due to inadequate qualification or the state of health that prevent them from discharging the functions of instruction and education and also in case of an immoral behaviour which is incompatible with continued teaching, teachers shall be dismissed in a manner stipulated by the labour legislation of the USSR and the Union Republics.

#### ARTICLE 51. *Professional Rights and Duties of Teachers*

The professional rights and duties of teachers in pre-school child-care institutions, general education secondary schools, extramural institutions, vocational and technical schools, specialised secondary and higher educational establishments shall be defined by the present Fundamentals and the acts of legislation of the USSR and the Union Republics, adopted in accordance with them, and by the statutes and rules of appropriate teaching and educational establishments.

The professional rights, the dignity and honour of teachers and other educational workers shall be protected by law.

#### ARTICLE 52. *Raising Qualifications of Teachers*

Teachers' qualifications shall be raised in higher educational establishments, in institutes of advanced training of teachers, in refresher and research institutes, at foremost enterprises and refresher courses.

Persons with a higher education and extensive experience of teaching shall be trained for the purpose of complementing the cadres of leading workers of general education secondary schools, vocational and technical schools, specialised secondary and other educational establishments.

Measures to improve the professional knowledge of teachers shall be implemented by the relevant organs of public education.

#### ARTICLE 53. *Provision of Conditions for the Discharge of Professional Duties by Teachers and Other Educational Workers*

The Executive Committees of local Soviets of Working People's Deputies, the organs and institutions of public education, ministries and departments shall provide the conditions for teachers and other educational workers which

are necessary for their successful work and the systematic improvement of their qualifications, guarantee for them the statutory privileges and advantages, and also see to the maintenance of their prestige, the proper use of their labour and working time, and shall not allow that these workers be distracted from the discharge of their direct duties.

#### ARTICLE 54. *Privileges and Advantages*

In accordance with legislation, educational workers shall have long leaves, paid from state funds, receive free living accommodation, including heating and lighting in rural localities, and enjoy advantages in terms of pensions and other privileges and advantages.

#### ARTICLE 55. *Encouragement of Educational Workers for Outstanding Services*

For outstanding services in the training and upbringing of the rising generation and training specialists educational workers shall be encouraged in the established manner:

by awarding them with orders and medals of the USSR;

by awarding them with special medals and other decorations, established for educational workers by the legislation of the USSR and the Union Republics;

by conferring on them honorary titles of the USSR and the Union Republics.

### SECTION XI

#### RIGHTS AND DUTIES OF PARENTS AND PERSONS ACTING IN *LOCO PARENTIS* IN THE UPBRINGING AND TEACHING OF CHILDREN

#### ARTICLE 56. *Rights of Parents and Persons Acting in Loco Parentis*

Parents and persons acting in *loco parentis* shall be entitled: to place children for purposes of upbringing and education in pre-school child-care institutions and general education schools according to their residence, and also in vocational and technical or specialised secondary educational establishments;

to take part in the discussions of the problems of teaching and educating children, in the extramural, out-of-school

and sanitation work conducted in the educational establishments where their children are taught and brought up;  
to elect and be elected to parents' committees (councils), set up at schools and other educational establishments.

ARTICLE 57. *Duties of Parents and Persons Acting in Loco Parentis*

Parents and persons acting in *loco parentis* shall be obliged:  
to bring up children in the spirit of lofty communist morality, diligent attitude to socialist property, inculcate in them working habits and prepare them for socially useful activity, take care of their physical development and their health;

to send children to school upon their attainment of school age, see to the attendance of pupils of educational establishments and exclude absenteeism for no good reasons;

to create the conditions necessary for the timely reception by children of secondary education and professional training.

The upbringing in the family shall be organically combined with the educational work done by educational establishments, pre-school and out-of-school institutions and social organisations.

ARTICLE 58. *Propagation of Pedagogical Knowledge Among the Population*

Together with scientific and cultural organs and institutions, teachers' societies and other social organisations, the educational organs and institutions shall see to the propagation of pedagogical knowledge among the population, render pedagogical assistance to parents or persons acting in *loco parentis* in the upbringing of children and adolescents.

SECTION XII  
INSTRUCTIONAL FACILITIES  
AND MATERIAL EQUIPMENT  
OF EDUCATIONAL ESTABLISHMENTS

ARTICLE 59. *Conditions for Opening Educational Establishments*

Educational establishments may be opened provided there are appropriate buildings, instructional facilities and teachers.

ARTICLE 60. *Use of Buildings Occupied by Educational Establishments*

Buildings occupied by educational establishments shall be used strictly according to their direct purpose.

ARTICLE 61. *Development of the Instructional and Material Facilities for Educational Establishments*

The instructional and material facilities of educational establishments shall be financed from the funds allocated from the state budget and also from capital investments envisaged in the national economic plan. Enterprises, collective farms, cooperative societies and other organisations may also appropriate their means for these purposes, provided they have expressed their voluntary consent.

The buildings to house educational establishments shall be erected according to projects approved in a statutory manner.

ARTICLE 62. *Participation of Enterprises, Institutions and Organisations in the Building Up of the Instructional and Material Facilities of Educational Establishments*

State enterprises, institutions and organisations, collective farms, cooperative societies, trade unions, YCL and other social organisations shall take part in the fortification of the instructional and material facilities of the teaching and educational establishments in the statutory manner.

SECTION XIII

RESPONSIBILITY FOR VIOLATION  
OF LEGISLATION ON PUBLIC EDUCATION

ARTICLE 63. *Responsibility for Violating Legislation on Public Education*

Officials and ordinary citizens who have violated legislation on universal compulsory eight-year education, on the separation of the school from the church and who have made other breaches of legislation on public education shall bear responsibility stipulated by the legislation of the USSR and the Union Republics.

SECTION XIV

THE RIGHT OF ALIENS AND STATELESS PERSONS  
TO RECEIVE EDUCATION IN THE USSR.  
INTERNATIONAL TREATIES AND AGREEMENTS

ARTICLE 64. *The Right of Aliens and Stateless Persons  
to Receive Education in the USSR*

Aliens and stateless persons who reside on the territory of the USSR shall have the right to receive education on a par with Soviet citizens in the manner stipulated by the legislation of the USSR.

ARTICLE 65. *International Treaties and Agreements*

Where international treaties or international agreements to which the USSR is a signatory provide for rules other than those contained in the legislation of the USSR and the Union Republics on public education, the rules of the international treaty or international agreement, as the case may be, shall be applied.

**ON THE PROCEDURE  
FOR PUTTING INTO EFFECT  
THE FUNDAMENTALS OF LEGISLATION  
OF THE USSR AND THE UNION REPUBLICS  
ON EDUCATION**

**Decree of the Presidium of the Supreme Soviet  
of the USSR of December 19, 1973**

*(Gazette of the Supreme Soviet of the USSR No. 51,  
1973, Item 726)*

In conformity with the Law of the USSR on the Approval of the Fundamentals of Legislation of the USSR and the Union Republics on Education of July 19, 1973 (*Gazette of the Supreme Soviet of the USSR No. 30, 1973, Item 392*), the Presidium of the Supreme Soviet of the USSR decrees:

1. Pending the bringing of the legislation of the USSR and the Union Republics in conformity with the Fundamentals of Legislation of the USSR and the Union Republics on Education, the USSR and Republican enactments on public education now in force shall be applied inasmuch as they do not run counter to the present Fundamentals.

2. The Fundamentals of Legislation of the USSR and the Union Republics on Education shall be applied to legal relations in the sphere of public education that arose after the enforcement of the Fundamentals, i.e., as of January 1, 1974.

Re legal relations in the sphere of public education that arose prior to the enforcement of the Fundamentals of Legislation of the USSR and the Union Republics on Education, the rights and duties that will arise after January 1, 1974, shall be defined in conformity with the present Fundamentals.

3. The admission of children and teenagers to boarding-schools and children's homes provided for by Articles 23 and 24 of the Fundamentals shall be effected in the manner established by the Council of Ministers of the USSR.

4. It shall be explained that the general education secondary schools for working youth stipulated in Article 26 of the Fundamentals shall also include general education specialised secondary evening (by shifts) schools and correspondence schools set up for employed persons with impaired hearing and speech. The provisions of Article 26 of the Fundamentals shall also apply to specialised classes set up for the said persons in general education secondary schools for working youth.

5. In compliance with the second part of Article 30 of the Fundamentals, the Council of Ministers of the USSR shall be entrusted with establishing a definite term during which vocational and technical schools may, as an exception, admit persons without education required for entry into these educational establishments.

6. The provision of the first part of Article 50 of the Fundamentals, stipulating conditions for allowing persons to engage in pedagogical activities, shall not apply to persons who have no required education but who have pedagogical experience and have been admitted to the teaching profession prior to January 1, 1974.

7. The Council of Ministers of the USSR shall bring the USSR Government decisions in conformity with the Fundamentals of Legislation of the USSR and the Union Republics on Education.

*REQUEST TO READERS*

Progress Publishers would be glad to have your opinion of this book, its translation and design and any suggestions you may have for future publications.

Please send your comments to 21, Zubovsky Boulevard, Moscow, USSR.

**PROGRESS PUBLISHERS  
PUT OUT RECENTLY**

TOPORNIN B., MACHULSKY E. *Socialism and Democracy. A Reply to Opportunists*

This work throws light on the latest opportunist theories which are misrepresenting the Marxist teaching on the substance and form of socialist democracy, people's self-administration under socialism, and the role the Communist Party and the socialist state play in scientific guidance of society. The authors show the contribution made by the Communist Parties in various socialist countries to the theoretical elaboration of the questions of building the state and developing people's democracy by the Marxist-Leninist classics.

**PROGRESS PUBLISHERS  
WILL SOON PUBLISH**

TUMANOV V. *Contemporary Bourgeois Legal Thinking. A Marxist-Leninist Appraisal of Major Concepts.* Progress. Theories and Critical Studies Series

The author is a Doctor of Law and a professor at the Institute of State and Law of the USSR Academy of Sciences.

He gives a critical analysis of all the basic tendencies in contemporary bourgeois legal thinking: judicial positivism and neo-positivism, the "re-birth" of natural law, "the supremacy of law", sociological jurisprudence, and phenomenology and existentialism in law. The book also contains an account of the development of bourgeois legal ideology from the eighteenth and nineteenth centuries up until the present day, when the general crisis of capitalism is accompanied by a crisis of bourgeois legal thinking.

Considerable space is devoted to the critique of Marxology and Sovietology.

**PROGRESS PUBLISHERS  
PUT OUT RECENTLY**

SHEVTSOV V. *National Sovereignty and the Soviet State*. Progress. Socialism Today Series

The author describes, in a popular form, the basic institutions in which state sovereignty is vested and through which it is exercised in the USSR, and characterises the fundamental constitutional principles underlying the correct balance between the sovereign rights of the Union as a whole and those of the constituent Republics.