

LEGISLATIVE ACTS OF THE USSR

Book Three

Fundamentals
of Public Health Legislation of the USSR and the Union
Republics

Fundamentals
of Legislation on Public Education of the USSR and the
Union Republics

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 the
Judicial System of the USSR

Fundamentals
of Civil Legislation of the USSR and the Union Republics

Fundamentals
of Civil Procedure of the USSR and the Union Republics

Fundamentals
of Criminal Legislation of the USSR and the Union
Republics

Fundamentals
of Criminal Procedure of the USSR and the Union
Republics

Fundamentals
of Corrective Labour Legislation of the USSR and the
Union Republics

LEGISLATIVE ACTS OF THE USSR

Book Three



Progress Publishers

Translated from the Russian

ЗАКОНОДАТЕЛЬНЫЕ АКТЫ СССР (Выпуск III)

На английском языке

General editor: L. N. Smirnov

Editors: K. F. Gutsenko, G. P. Kalyamin,

A. I. Lukyanov, I. S. Samoshchenko, S. L. Zivs

Compilers: P. P. Gureyev and V. M. Lashkov

Author of the Introductory Note: P. I. Sedugin

© Составление, вступительная статья, «Прогресс», 1983
Compilation and the Introductory Note © Progress
Publishers 1983

Printed in the Union of Soviet Socialist Republics

3 $\frac{1201000000-234}{014(01)-83}$ 68—83

CONTENTS

	<i>Page</i>
INTRODUCTORY NOTE	7
Fundamentals of Public Health Legislation of the USSR and the Union Republics	17
Section I. General Provisions	18
Section II. Engagement in Medical and Pharmaceutical Activity	24
Section III. Building a Favourable Hygienic and Epi- demiological Environment	26
Section IV. Medical and Prophylactic Aid to the Popu- lation	31
Section V. Maternity and Child Protection	34
Section VI. Sanatoriums and Health Resorts, Organisa- tion of Leisure, Tourism and Physical Culture	37
Section VII. Medical Expertise	39
Section VIII. Medicinal and Prosthetic Assistance	40
Section IX. International Treaties	41
Fundamentals of Legislation on Public Education of the USSR and the Union Republics	42
Section I. General Provisions	43
Section II. Preschool Education	49
Section III. Secondary Education	50
Section IV. General Secondary Education	51
Section V. Out-of-School Education	55
Section VI. Vocational Training	55
Section VII. Specialised Secondary Education	58
Section VIII. Higher Education	59
Section IX. Rights and Duties of Students	62
Section X. Training of Teachers. Practice of Teaching. Professional Rights and Duties of Educa- tional Workers	63
Section XI. Rights and Duties of Parents and Persons Acting in <i>Loco Parentis</i> in the Upbringing and Teaching of Children	65
Section XII. Instructional Facilities of Educational Es- tablishments	66
Section XIII. Responsibility for Violation of Legislation on Public Education	67
Section XIV. The Right of Aliens and Stateless Persons to Receive Education in the USSR. Inter- national Treaties	68

Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family	69
Section I. General Provisions	70
Section II. Marriage	73
Section III. The Family	76
Section IV. Registry Records	82
Section V. Application of Soviet Legislation on Marriage and the Family to Foreign Nationals and Stateless Persons. Application of the Marriage and Family Laws of Foreign States, and International Treaties	83
Fundamentals of Legislation of the USSR and the Union Republics on the Judicial System of the USSR	88
Section I. General Provisions	88
Section II. The Judicial System	93
Section III. Judges and People's Assessors	97
Fundamentals of Civil Legislation of the USSR and the Union Republics	100
Section I. General Provisions	101
Section II. Law of Property	110
Section III. Law of Obligation	115
Chapter 1. General Provisions	115
Chapter 2. Sale	118
Chapter 3. Delivery	120
Chapter 4. State Purchase of Agricultural Produce from Collective, State and Other Farms	123
Chapter 5. Lease of Property	124
Chapter 6. Lease of Housing	125
Chapter 7. Work and Labour	126
Chapter 8. Work and Labour for Capital Construction	127
Chapter 9. Carriage	129
Chapter 10. State Insurance	131
Chapter 11. Payments and Credit	132
Chapter 12. Obligations Arising from Causing Harm	134
Chapter 13. Obligations Arising from Rescue of Socialist Property	137
Section IV. Copyright	137
Section V. Law of Discovery	142
Section VI. Right to an Invention, Rationalisation Proposal and Industrial Design	142
Section VII. Law of Succession	146
Section VIII. Passive Capacity of Foreign Nationals and Stateless Persons. Application of Foreign Civil Laws and International Treaties	148
Fundamentals of Civil Procedure of the USSR and the Union Republics	152
Section I. General Provisions	152
Section II. Participants in the Trial; Their Rights and Duties	160
Section III. Proceedings in Courts of First Instance	163

Section IV.	Cassation and Supervision Proceedings	168
Section V.	Execution of Court Judgements	173
Section VI.	Civil Procedural Rights of Foreign Nationals and Stateless Persons. Suits Against Foreign Countries. Letters Rogatory and Judgements of Foreign Courts. International Treaties	176
Fundamentals of Criminal Legislation of the USSR and the Union Republics		180
Section I.	General Provisions	180
Section II.	Crime	182
Section III.	Punishment	187
Section IV.	Imposition of Punishment and Release from Punishment	197
Fundamentals of Criminal Procedure of the USSR and the Union Republics		216
Section I.	General Provisions	216
Section II.	The Participants in the Trial, Their Rights and Duties	223
Section III.	The Inquiry and the Preliminary Investiga- tion	226
Section IV.	Adjudication of Cases in Courts of First Instance	232
Section V.	Adjudication of Cases in the Cassation and Supervision Instances	235
Section VI.	Execution of the Judgement	240
Section VII.	Measures to Prevent Crimes	241
Fundamentals of Corrective Labour Legislation of the USSR and the Union Republics		243
Section I.	Corrective Labour Legislation of the USSR and the Union Republics	243
Section II.	General Provisions for the Execution of Sentences of Deprivation of Liberty, Exile, Restricted Residence and Corrective Labour Without Deprivation of Liberty	244
Section III.	Procedure and Conditions for Execution of Sentences of Deprivation of Liberty	247
Section III-A.	Procedure and Conditions of Execution of a Conditional Sentence to Deprivation of Liberty and Obligatory Labour and of Condi- tional Release from a Place of Confinement with Obligatory Labour	267
Section IV.	Procedure and Conditions for Serving Sen- tences of Exile, Restricted Residence and Corrective Labour Without Deprivation of Liberty	271
Section V.	Grounds for Release from Punishment; Help to Persons Released from Places of Confinement; Surveillance and Supervision Over Them	276
Law	of the Union of Soviet Socialist Republics on Protection and Utilisation of Historical and Cultural Monuments	281

I. General Provisions	282
II. State Registration of Historical and Cultural Monuments	285
III. Ensuring the Preservation of Historical and Cultural Monuments. Procedures and Conditions of Monument Utilisation	286
IV. Liability for Violation of Legislation on Protection and Utilisation of Historical and Cultural Monuments	291
V. International Treaties and Agreements	292
Law of the Union of Soviet Socialist Republics on Universal Military Service	293
Chapter I. Basic Provisions	294
Chapter II. Active Military Service of Privates, Seamen, Sergeants and Sergeants-Major	296
Chapter III. Training of Youth for Service in the Armed Forces of the USSR	298
Chapter IV. Call-up for Active Military Service	301
Chapter V. Deferment of Call-up for Active Military Service	306
Chapter VI. Release from the Armed Forces of the USSR and Transfer to the Reserve of Privates, Seamen, Sergeants and Sergeants-Major	308
Chapter VII. Military Service of Warrant Officers and Mitchmen	312
Chapter VIII. Military Service of Officers	312
Chapter IX. Rights, Duties and Responsibility of Servicemen and Reservists	316
Chapter X. Military Registration	319
Chapter XI. Call-up During Mobilisation, and Demobilisation	323
Law of the Union of Soviet Socialist Republics on Pensions and Allowances to Collective-Farm Members	325
I. General Provisions	326
II. Pensions	326
III. Maternity Allowances to Women Collective-Farm Members	331
IV. Funds for Paying Pensions and Allowances	332
V. Concluding Provisions	332
Law of the Union of Soviet Socialist Republics on the State Borders of the USSR	334
I. General Provisions	334
II. Regime of the State Border of the USSR	336
III. Border Regime	341
IV. Protection of the State Border of the USSR	343
V. Participation of State Bodies, Social Organisations and Individual Soviet Citizens in the Protection of the State Border of the USSR	352
VI. Responsibility for Violating the Legislation on the State Border of the USSR	353
Subject Index	354

INTRODUCTORY NOTE

This volume contains some of the major legislative acts of the USSR regulating social relations in administrative, political, and socio-cultural spheres.

All acts have been duly amended in accordance with the relevant provisions of the Constitution of the USSR passed in 1977.

A developed socialist society has been built in the USSR, in which the advantages of the socialist way of life are felt ever more fully, and the working people enjoy the great gains of the October Revolution on an ever larger scale.

The Constitution of the USSR proclaims heightening the living standard and cultural level as one of the main tasks of the socialist state of the whole people. To solve this task a ramified legislative base governing socio-cultural development is needed alongside the powerful economic potential.

Since its inception, the Soviet state has been devoting close attention to the development of public health. It was the first government in the world to concern itself with people's health and to provide free medical assistance to all. Suffice it to say that in the years of Soviet power people's life expectancy has more than doubled.

The Soviet state has been steadily increasing appropriations for health protection. Today, the Soviet health service has a highly developed material and technical base comprising many hospitals, polyclinics and other medical institutions. The provision of medicines is also improving.

There are more than 600,000 doctors and some two million nurses and other medical personnel in the USSR.

The *Fundamentals of Public Health Legislation of the USSR and the Union Republics* define the main organisational principles and the tasks of the Soviet public health system at all levels, thus guaranteeing the right of every citizen to health protection. They establish that health protection is the duty of all state bodies and social organisations. They also stress that it is the duty of every citizen to take care of his own health and that of others.

The *Fundamentals* protect the professional rights, honour and dignity of doctors and other medical personnel. They define the obligation of managers of health institutions to create requisite conditions for medical and pharmaceutical personnel constantly to improve their professional skill.

The *Fundamentals* provide for favourable sanitary and epidemiological conditions, define the powers of sanitary supervision and the duties of state bodies, cooperatives and social organisations in protecting the environment and improving the people's working and living conditions.

The *Fundamentals* also contain major provisions on mother and child protection. Protection of the health of mothers and children is an important task of the state; accordingly, the *Fundamentals* provide for material and legal guarantees that enable working women to look after their children properly.

The Soviet state attaches considerable importance to the progress of public education. The country has long since secured universal literacy.

The *Fundamentals of Legislation on Public Education of the USSR and the Union Republics* reflect the Soviet Union's enormous achievements in public education.

The *Fundamentals* lay down genuinely democratic, Leninist principles of public education, such as equal rights of all Soviet citizens in getting an education, irrespective of race and nationality, sex, attitude to religion, or social status. Citizens of all nationalities may, by their own choice, study in their native or any other language of the peoples of the USSR.

The *Fundamentals* define the structure of public education, which consists of general secondary education, vocational and technical training, specialised secondary and

higher education. and also pre-school and out-of-school education. The basic objectives of the general secondary school, specialised secondary school, and higher school are set forth in detail and it is established in particular that to acquire requisite practical skills institute or college graduates shall do probationary work in their respective fields. The Fundamentals also establish the material guarantees and privileges accorded to pupils and students, and define their rights and duties.

A most important task of the Soviet state and society is concern for the family, protection and encouragement of motherhood and provision of a happy childhood.

The *Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family* provide a legislative basis for this task.

Legislation on marriage and the family stipulates the procedure and conditions for concluding marriages, regulates personal and property relations that arise between spouses, between parents and children, and between other members of the family, and also some other relations.

The Fundamentals lay down and develop the principles formulated in the early years of Soviet power: full equality of women and men in family relations, free and voluntary conclusion of marriages, monogamy, and the right of divorce. In the USSR marital and family relations are regulated in law exclusively by the state. Only marriages concluded in state registrar's offices are considered valid. Church weddings and other religious rites have no legal effect.

Spouses are obligated to support each other materially. During the lifetime of the spouses the marriage contract may be terminated by divorce on the application lodged by one or both of the spouses.

The mutual rights and duties of parents and children are based on the origin of the children certified in a statutory manner. Father and mother have equal rights and duties in respect of their children; they must maintain their minor children and incapacitated adult children requiring their support. Parents are also obligated to protect the rights and interests of their minor children.

Socialist legality and the activity of law-enforcement bodies have been extended and entrenched in a number of legislative acts.

The *Fundamentals of Legislation of the USSR and the Union Republics on the Judicial System of the USSR* define the system of courts in the USSR, the procedure of forming them and their tasks and main lines of activity. In the USSR all courts are formed on the principle of election of judges and people's assessors. People's judges of district (town) people's courts are elected by citizens of the district (town) on the basis of universal, equal and direct suffrage by secret ballot for a term of five years. People's assessors of district (town) people's courts are elected at meetings of citizens at places of work or residence by a show of hands for a term of two and a half years. Superior courts are elected by the respective Soviets of People's Deputies for a term of five years.

Judges and people's assessors are responsible to their electors or the bodies that elected them, are accountable to them and may be recalled by them in the manner established by law.

The supreme judicial organ is the Supreme Court of the USSR, which supervises the judicial activity of the courts of the USSR and the courts of the Union Republics.

Property relations in socialist society are regulated on the basis of the *Fundamentals of Civil Legislation of the USSR and the Union Republics*.

According to the *Fundamentals*, Soviet civil legislation regulates property relations and related personal non-property relations with the purpose of creating the material and technical base of communism and ever fuller satisfaction of the people's material and cultural requirements.

The *Fundamentals* record the forms of property existing in the USSR. Socialist property consists of state (public) property; collective-farm and cooperative property; property of trade unions and other social organisations. The personal property of citizens serving to satisfy their daily needs is a derivative of socialist property.

The *Fundamentals* contain general provisions on the subjects of Soviet civil law—citizens and juridical (legal) persons. Under the law citizens may have property in personal possession, use dwellings and other property, may inherit and bequeath property, and choose the type of occupation and place of residence. They may have title to works of science, literature and art, discoveries, etc., and also have other property and personal non-property rights.

Earned income is the basis of the personal property of citizens. Personal property may include articles of everyday use, personal consumption and convenience, the implements and other objects of small-holding, a house, and earned savings. The personal property of citizens and the right to inherit it are protected by the state.

The Fundamentals contain the most important rules regulating contracts of purchase, delivery, lease of property, lease of housing, work and labour, carriage, etc.

The procedure for hearing civil suits in courts is determined by the *Fundamentals of Civil Procedure of the USSR and the Union Republics*. They lay down the major democratic principles of civil procedural law: administration of justice only by the court on the basis of the equality of citizens before the law and the court; participation of people's assessors and collegial hearing of cases; independence of judges and their subordination to the law alone; publicity of hearings, and so on.

According to the Fundamentals, any person concerned may apply to the court for protection of infringed or disputed rights or lawful interests. The court is obliged to hear cases in strict conformity with the law and other normative acts.

The courts have jurisdiction over disputes arising from civil, labour, collective-farm and family legal relations, and also some cases arising from administrative legal relations.

The Fundamentals determine the procedure for hearing cases in courts of first instance, on cassation and on a supervisory basis.

The *Fundamentals of Criminal Legislation of the USSR and the Union Republics* point out that criminal legislation has as its task the protection against criminal encroachments of the social, political and economic systems of the USSR, socialist property, the individual, the personal rights and freedoms of citizens, and of socialist law and order.

The Fundamentals establish that only a person guilty of committing an offence, i.e. a person who has intentionally or by negligence committed a socially dangerous act provided for by the criminal law, shall be subject to criminal responsibility and punishment.

No person may be found guilty of committing an offence

and subjected to criminal punishment other than by sentence of the court and in conformity with the law.

The Fundamentals reflect the humanism of Soviet criminal law. Some provisions tend to mitigate and narrow down criminal repression. The purpose of punishment is not confined to chastisement for the committed crime, but also to reforming and reeducating convicted persons in the spirit of an honest attitude to work, strict observance of laws, respect for the rules of socialist community life, and also prevention of further offences.

The procedure for the hearing of criminal cases by the courts is regulated by the *Fundamentals of Criminal Procedure of the USSR and the Union Republics*. They establish that criminal procedure must strengthen socialist legality and law and order, prevent and eradicate crime, protect society's interests and the rights and freedoms of citizens, and educate citizens in the spirit of undeviating observance of the Constitution of the USSR and Soviet laws, and of respect for the rules of socialist community life.

Justice in criminal cases is administered on the basis of the equality of citizens before the law and court, regardless of origin, social and property status, race and nationality, sex, education, language, attitude to religion, type and character of occupation, residence and other circumstances. It is important to note that legal proceedings are conducted in the respective language of the Union or Autonomous Republic, Autonomous Region or Autonomous Area, or in the language spoken by the majority of the population of the corresponding locality. The participants in the case who do not know the language in which the legal proceedings are conducted have the right to make statements, give testimony, lodge petitions, acquaint themselves with materials in the case, and speak in court in their native language, or use the services of an interpreter. Investigative and judicial documents are, in accordance with the procedure established by the law, handed to the accused in translation into his native language or into another language of which he has command.

The Fundamentals establish that the accused is assured the right to defence. The court, the procurator, the investigator and the person conducting the inquiry are obliged to provide the accused with the opportunity of defending himself by ways and means established by the law against

charges brought against him and to ensure protection of his personal and property rights. They may not place the onus of proof on the accused. It is also forbidden to seek to obtain testimony from the accused and other persons involved in the case through use of force, threats or other unlawful means.

The Fundamentals establish that supervision over precise and uniform observance of laws is exercised by the Procurator-General of the USSR and procurators subordinate to him, and also make it binding on the organs of inquiry, the investigator, procurator and the court, when conducting the inquiry, preliminary investigation and judicial proceedings, to bring out the causes and conditions that were conducive to the commission of the crime.

The *Fundamentals of Corrective Labour Legislation of the USSR and the Union Republics* are designed to ensure execution of criminal punishment. They establish the procedure and conditions of serving the sentence and applying corrective labour to persons sentenced to deprivation of liberty, exile, restricted residence and corrective work without deprivation of liberty, and also the procedure for the activity of institutions that execute sentences of the above-mentioned types. They also provide for the participation of the public in reforming and re-educating convicted persons. What is more, the Fundamentals establish guarantees for the observance of legality during the execution of criminal penalties. The latter are executed only by institutions duly authorised by the law. Persons sentenced in a court of law to criminal punishment serve it in corrective labour institutions of various strictness, depending on the gravity of the crime they committed. A most important element of reformation and re-education is employment of convicted persons and payment of appropriate remuneration to them for the work done.

The Soviet state steadfastly pursues the Leninist policy of peace and works for strengthening the security of nations and international cooperation. Defence of the Motherland is a most important function of the state, and is the concern of the whole people. In order to defend the gains of socialism and the peaceful labour of the Soviet people the USSR maintains armed forces and has instituted universal military service.

In accordance with the Constitution citizens of the USSR

must safeguard the interests of the Soviet state and help strengthen its might and authority. Defence of the Motherland is the sacred duty of every citizen of the USSR. Military service in the Armed Forces of the USSR is the honourable duty of Soviet citizens.

The *Law of the USSR on Universal Military Service* defines the principles of the legal status of servicemen and reservists, the procedure and duration of service, and the duties and responsibilities of the draftees.

The USSR has a ramified system of pensions, distinguished by a high level of social security of all working people. Old-age pensions are granted to collective-farm workers when they attain the age of 60 years (men) and 55 years (women), provided their length of service is not less than 25 and 20 years respectively. Old-age and disability pensions and pensions for loss of breadwinner have been established for collective-farm members and, maternity allowances for women members of collective farms.

The collective-farm pensions scheme has sidestepped the egalitarian approach: the higher the labour productivity of the collective-farm members and the greater the deductions to the pensions fund, the higher is the pension. The state system of collective-farm social security is an important incentive for the labour of collective farmers, which has been reflected in the *Law of the USSR on Pensions and Allowances to Collective-Farm Members*.

According to the Constitution of the USSR, concern for the preservation of historical monuments and other cultural values is the duty and obligation of all citizens of the USSR. The historical and cultural monuments of the peoples of the USSR reflect the material and spiritual life of many generations, history of the Soviet state. They contribute to the development of science, education and culture.

The collection also includes the new law on the state borders of the USSR, adopted on November 24, 1982. It reflects the inviolable peace policy of the Soviet state, its fidelity to international commitments. The law proceeds from the Leninist principles of the inviolability of state borders, peaceful settlement of border issues and the mutual renunciation of the use of force.

The new law preserves the continuity with the previous law on the state borders of the USSR and corresponds to the standards of international law.

The law takes into account the ideas and principles of the first legislative act on the borders adopted in 1918 and also of the Statutes on the Protection of the State Borders of the USSR, adopted in 1923, 1927 and 1960.

The *Law of the USSR on Protection and Utilisation of Historical and Cultural Monuments* and pertinent legislative acts of the Union Republics regulate social relations in this field. The monuments are property of the state, of collective farms, social organisations, and also of individual citizens. The law establishes the responsibility for failing to comply with the rules of protecting, using and registering monuments.

Soviet legislation is a new type of legislation which expresses the will and interests of the Soviet people. It is based on humanism, democratism and the principles of socialist legality.

At the present time Soviet laws are a constructive factor furthering the building of communism in the USSR.

**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 working 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 are 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 promoting 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 that 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 that 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 acts of the USSR and the Union Republics on public health.

ARTICLE 3. *Citizens' Right to Health Protection*

In accordance with the Constitution of the USSR, citizens of the USSR shall have the right to health protection.

This right shall be ensured by free qualified medical care provided by state health institutions; by extension of the network of therapeutic and health-building institutions; by the development and improvement of safety engineering and hygiene in industry; by carrying out broad preventive measures; by measures to improve the environment; by special care for the health of the rising generation, including prohibition of child labour, excluding the work done by children as part of the school curriculum; and by developing research to prevent and reduce the incidence of disease and ensure citizens a long and active life.

ARTICLE 4. *Protection of the People's Health Is a Duty of all State Bodies and Social Organisations*

Protection of the people's health shall be a duty of all state bodies, enterprises, institutions and organisations. The competence of these bodies, enterprises, institutions and

organisations in looking after the health of the population shall be determined by the legislation of the USSR and the Union Republics.

Trade unions, cooperative organisations, Red Cross and Red Crescent societies and other social 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 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, and 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, and spa-treatment and disease-prevention institutions, holiday homes, holiday hostels, tourist camps, and other institutions for treatment and health-building purposes;

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 social organisations and working people's 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 bodies of state authority and administration the USSR shall exercise jurisdiction in the sphere of public health 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, state committees 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 designing 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 institutions, higher medical and pharmaceutical educational establishments, and advanced training courses for doctors;

7) establishment of all-Union sanitary-hygienic and sanitary-anti-epidemic rules 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 to build a favourable hygienic and epidemiological environment and ensure radioactive safety;

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 discharge of medicines, and approval of the diet of people undergoing treatment in medical and disease-prevention and other public health institutions;

9) establishment of a single nomenclature for public health institutions and standard regulations for them; determination of the procedure of defining the staff normatives for the medical, pharmaceutical, engineering, technical, teaching and other personnel of public health institutions;

10) establishment of basic provisions defining the procedure for the organisation and carrying out of medical expertises to determine a person's ability to work, and of forensic-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 matters 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 bodies of state authority and administration exercise jurisdiction in the sphere of public health over the elaboration of republican public health development plans and implementation of health-building measures, guidance of the republican public health bodies and institutions, adoption of public

health legislation, and settlement of other public health matters 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 bodies of state authority and administration of the USSR, the Union and Autonomous Republics, and local Soviets of 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 subordinate 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 People's Deputies, and shall control the institutions, enterprises and organisations which are directly subordinate 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 conditions and further development of public health and medical science, and for the quality of the medical aid given to the population.

The local Soviets of People's Deputies and their Executive Committees shall administer the public health bodies and institutions subordinate 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, coordinate and control the activity of all the enterprises, institutions and organisations in working out and implementing measures to protect public health, build a favourable hygienic and epidemiological environment, organise people's rest and 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 People's Deputies.

Other ministries, state committees, 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 coordinate 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 the territory of the USSR, 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 be effected in conformity with the established standards of medical aid to the population and with account being taken of the economic, geographical and other peculiarities of different regions of the country.

In designing and building population centres, housing developments, enterprises and other projects, provision shall be made for the construction of the requisite 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 specialist training and obtained medical titles in higher or specialised secondary educational establishments in the USSR.

Aliens and stateless persons permanently residing in the USSR, who have received specialist 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 on the territory of the USSR in accordance with their profession and title.

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

A doctor who has not worked in his profession for more than three years shall be sent as a trainee to improve his or her skill at an advanced training college or another respective medical institution to be subsequently admitted to medical practice in the manner determined by the USSR Council of Ministers.

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 of the USSR 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 workers of public health organisations in different specialities 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. *Improvement 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 improve their professional knowledge by periodically studying at advanced training colleges and in other appropriate public health institutions.

The managers of public health bodies and institutions shall be obliged to create the necessary conditions for the medical and pharmaceutical workers to improve systematically their qualification.

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 and pharmaceutical workers shall not divulge information about the citizens' diseases and the details of their intimate and family life which they have come to know during 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

Building a Favourable Hygienic and Epidemiological Environment

ARTICLE 18. *Favourable Hygienic and Epidemiological Environment*

A favourable hygienic and epidemiological environment in the USSR shall be built by comprehensive sanitary-hygienic and sanitary-anti-epidemic measures and by a system of state sanitary inspection.

Implementation of sanitary-hygienic and sanitary-anti-epidemic measures aimed at improving the environment and the people's working and living conditions and rest and leisure, and preventing disease and reducing the disease rate, shall be the duty of all state bodies, enterprises, institutions and organisations, collective farms, trade unions and other social organisations.

Breaches of sanitary-hygienic and sanitary-anti-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-anti-epidemic measures and observance of sanitary-hygienic and sanitary-anti-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 Population Centres*

The planning and building of population centres 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 provision shall be made 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 population centres, and commissioning blocks of flats, cultural and public service buildings, industrial and other enterprises and structures.

The procedure of coordinating 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*

Managers of enterprises and institutions, designing, building and other organisations, and collective-farm boards shall, when designing, building, reconstructing and running enterprises and communal service centres, 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 established by the legislation of the USSR and the Union Republics.

It shall be forbidden to commission new and reconstructed 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*

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

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, use 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 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 local Soviets of 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 and their sources.

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

ARTICLE 26. *Obligation to Coordinate 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 likely 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 rules 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 provided permission is 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 disease-preventive and children's institutions, stockbreeding farms, certain other enterprises, institutions and organisations, and also enterprises, institutions and organisations with harmful working conditions shall undergo compulsory medical examinations on being employed and periodical check-ups thereafter.

The list of professions and industries where medical examinations shall be compulsory and the procedure of these examinations shall be established 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 local Soviets of People's Deputies, managers of enterprises, institutions 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 People's Deputies may institute in established manner on the respective territory 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 that present a danger to others shall be subjected to compulsory hospital treatment and persons in contact with them must be quarantined.

Persons who carry 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 determined 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 determined 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*

Citizens of the USSR shall be given specialised medical aid in polyclinics, hospitals, dispensaries and other medical and disease-preventive 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 disease-preventive institutions, and if they are given out-patient treatment, they shall enjoy additional privileges, as provided for by the legislation 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, the medical and disease-preventive 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 established 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 sudden illness shall be given immediate aid by the nearest medical and disease-preventive institution irrespective of what department it belongs to.

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

If necessary, the sick may be sent to the respective medical and disease-preventive institutions in other Union Republics in the manner prescribed by the USSR Ministry of Public Health and to medical and disease-preventive 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 concerned 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 established 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 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 legislation of the USSR and the Union Republics may establish instances and the manner in which people suffering from the above-mentioned diseases are forcibly treated and forcibly hospitalised.

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

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

The Executive Committees of local Soviets of 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 transport and communications facilities and giving 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 disease-preventive institution.

Section V

Maternity and Child Protection

ARTICLE 38. *Encouragement of Motherhood. Guarantees for the Protection of the Health of Mother and Child*

In the USSR motherhood shall be protected and encouraged by the state; conditions shall be provided to mothers to enable them to combine work and motherhood; and labour protection and material and moral support shall be extended to mother and child.

Protection of the health of mother and child shall be ensured by the organisation of a wide network of women's consultation centres, maternity homes, sanatoriums and holiday homes for pregnant women and mothers with chil-

dren, crèches, kindergartens and other children's establishments; 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 earnings; general and sanitary improvement of working and living conditions; state and public assistance to families, and other measures as provided for by the legislation 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, disease-protective 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, collective 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.

Children being brought up in children's institutions and studying at schools shall be ensured the necessary conditions for preserving and strengthening their health and for hygienic upbringing. The amount of studies and work and the tentative pattern of children's school 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 social 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 made from the state budget as well as from the resources of enterprises, institutions, organisations, collective farms, trade unions and other social 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 children below the age of one year, as well as gravely sick children above that age who, in doctors' opinion, require maternal care undergo hospital treatment, 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 indus-

trial 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 carrying out of special measures aimed at preventing their illness, shall be exercised by public health bodies and institutions together with vocational training bodies, public education bodies, trade unions, the Young Communist League and other social 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, and by agreement with the Executive Committee of the local Soviet of 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 specialisation (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. *Coordination 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 coordinated 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 Camps and Other Recreation Facilities*

Citizens shall make use, in the established manner, of holiday homes, holiday hostels, tourist camps and other recreation 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 cooperative 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 general education schools, vocational 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 the health of citizens engaging in physical culture and sports shall be exercised by public health institutions.

Section VII

Medical Expertise

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

Expertise on citizens' temporary disability shall be carried out in public health institutions by a doctor or a commission of doctors who 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, decide on the need and period for a person's temporary transfer owing to illness to another job in the established manner, and also adopt decisions to send people for examination by a medical and labour commission of experts.

Expertise on long-term or permanent disability shall be carried out by medical and labour commissions of experts that 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 ac-

cordance 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 Forensic Psychiatric Expertises*

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

The manner of organising and carrying out forensic medical and forensic 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 Justice of the USSR and the Ministry of the Interior of the USSR.

Section VIII

Medicinal and Prosthetic Assistance

ARTICLE 52. *Manner in Which Medicinal Assistance Is 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

ARTICLE 55. *International Treaties*

Where an international treaty of the USSR establishes rules other than those contained in the public health legislation of the USSR the rules of this international treaty shall apply. Similar procedure shall also apply in the event of a discrepancy between the legislation of a Union Republic and the international treaty it has concluded.

Adopted on December 19, 1969. The text is given with subsequent amendments and additions

Gazette of the USSR Supreme Soviet, No. 52, 1969, Item 466; No. 25, 1979, Item 438

**FUNDAMENTALS
OF LEGISLATION ON PUBLIC EDUCATION
OF THE USSR AND
THE UNION REPUBLICS**

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 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 preschool 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, 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 improve-

ment of general, vocational, 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 developed 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 free provision of all forms of education, by the institution of universal compulsory secondary education for the young people, and broad development of vocational, specialised secondary and higher education, in which instruction is oriented towards practical activity and production; by the development of correspondence and evening courses; by the provision of state scholarships and privileges for pupils and students; by the free issuance of school textbooks; by the opportunity to attend a school where teaching is in the native language; by the provision of facilities for self-education; and by the organisation of various forms of training in production and improving the professional skills.

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 in the USSR shall be:

- 1) the equality of all citizens of the USSR in respect to receiving education, irrespective of origin, social and property status, race or nationality, sex, language, attitude

to religion, type and character of occupation, place of residence and other circumstances;

2) implementation of universal secondary education for the young people;

3) the state and social character of all educational establishments;

4) the freedom to choose a 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, full maintenance of part of students by the state, free issuance of school textbooks, provision of students with scholarships and statutory privileges, and rendering them other material assistance;

6) the uniform nature of public education and continuity of 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) coeducation;

12) the secular nature of education, excluding the influence of religion.

ARTICLE 5. *The System of Public Education in the USSR*

In accordance with the Constitution of the USSR, there exists, and is being improved in the USSR, a single system of public education which ensures general educational and occupational training of citizens, promotes communist education and spiritual and physical development of the young people and prepares them for work and public activity.

The system of public education in the USSR shall include:

preschool upbringing;

general secondary education;
out-of-school education;
professional training;
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 authority 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 similar establishments, approval of their regulations (statutes) and determination of the age of admission to the educational establishments and the periods of instruction in them;

5) organisation, reorganisation and liquidation of institutions of higher learning, and also specialised secondary, vocational schools, and 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 similar 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 similar establishments;

9) determination of 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 authority 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 under republican jurisdiction;

3) organisation, reorganisation and liquidation of general educational schools, vocational schools, and also specialised secondary schools under republican jurisdiction in the statutory manner;

5) determination of republican plans for the development of the instructional facilities and material equipment for educational institutions under republican and local jurisdiction;

6) exercise of state control over the activities of educational and other similar 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 authority and state administration of the USSR, the Union

and Autonomous Republics, and also by the local Soviets of 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 public education shall direct general secondary, vocational, specialised secondary and higher education, as a rule, through the Union-republican ministries, state committees 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 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 improve their instructional facilities, provide universal compulsory secondary education for the young people, take measures to strengthen the school's ties with production, improve labour education and occupational orientation, supervise the free provision of pupils of general educational schools with textbooks, guide pre-school and extramural upbringing, and help the vocational, specialised secondary and higher educational establishments situated on the territory of the Soviets.

ARTICLE 9. *Organs in Charge of Educational Establishments*

Educational establishments shall be placed under the jurisdiction of state organs. Certain types of educational establishments may be placed under the jurisdiction of collective farms, other cooperative societies and other social organisations.

ARTICLE 10. *Guidance of an Educational Establishment*

An educational establishment shall be guided by its director or rector, as the case may be. In his work he 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

members of the public to consider, on a collegiate basis, chief questions of instruction and education, methodological and scientific work in the respective educational establishment.

Social organisations functioning in an educational establishment shall take part in drafting and implementing 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, other cooperative societies, trade union, YCL, and other social 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 enhance their cultural level.

Educational organs and establishments shall assist citizens in the organisation of their self-education.

Section II

Preschool Education

ARTICLE 13. *Preschool Child-Care Establishments*

Crèches, kindergartens, combined nurseries of general and special purpose and other preschool child-care establishments shall be set up with a view to creating the most favourable conditions for bringing up children of preschool age and for rendering proper assistance to the family.

Children shall be placed in preschool establishments according to the wishes of parents or persons acting in *loco parentis*.

ARTICLE 14. *Tasks of Preschool Education*

In close cooperation with the family, preschool 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 Preschool Child-Care Establishments*

Preschool child-care establishments shall be organised by the executive committees of district, town, township, and rural Soviets of People's Deputies and with their sanction also by state enterprises, institutions and organisations, collective farms, other cooperative societies and social organisations.

ARTICLE 16. *Pedagogical Guidance of Preschool 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 preschool child-care establishments and provide them with pedagogical workers regardless of their departmental subordination.

Health protection bodies shall carry on medical and disease prevention work among children and staff the preschool child-care establishments with medical workers.

Section III

Secondary Education

ARTICLE 17. *Universal Secondary Education*

Universal compulsory secondary education of the young people which is a major condition for the socio-political and economic development of our society towards communism, for the growth of the working people's socialist con-

sciousness and culture, shall be effected with a view to further raising the educational level of the population of the USSR.

Universal secondary education shall be effected in general education secondary schools, in vocational 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 young people.

The uniformity of the general education secondary school shall be secured by the common principles of organising the educational process, by the basically 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 sciences, of work training, in the organisation of various extramural work, of socially useful work with due account for the pupils' age and individual features and 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 developing 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 also 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 pupils in the general education secondary school shall be effected in the educational process, extramural and out-of-school studies and in socially useful work. Lesson is the principal form of the educational work in school.

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:

- implementation of general secondary education for children and young people in keeping with the modern requirements of social, scientific and technological progress, arming of pupils with deep and solid knowledge of the fundamentals of science, inculcation in them of the striving to improve their knowledge continuously and of the ability to augment it independently and apply it in practice;

- formation in the younger generation of Marxist-Leninist world outlook, cultivation of socialist internationalism, Soviet patriotism and a readiness to defend the socialist Motherland;

- moulding of lofty moral qualities in pupils in the spirit of the standards of the moral code of builders of communism;

- ensuring of all-round, harmonious development of pupils and their culture; building of their health, the aesthetic and physical training of pupils;

- training of pupils for active participation in labour and social work, and a conscious choice of trade or profession.

ARTICLE 20. *The Language of Instruction in the General Education School*

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 addi-

tion 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 attached to 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 preschool child-care establishments.

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 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 their maintenance, instruction and upbringing.

ARTICLE 25. *Special General Education Schools and Boarding-Schools*

Health-building forest 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 are also 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 work.

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 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 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, other cooperative societies, trade union, YCL and other social organisations shall 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 out-of-school 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 building of their health.

Section VI

Vocational Training

ARTICLE 30. *Vocational Educational Establishments*

Vocational educational establishments are the principal schools to give young people vocational education and train new members of the working class.

Vocational educational establishments (schools) shall admit citizens of the USSR who have graduated from eight-year or general education secondary schools.

Vocational schools shall admit persons in accordance with the rules approved by the State Committee of the USSR for Vocational Training.

Vocational educational establishments shall carry on their activity on the basis of Regulations approved by the USSR Council of Ministers.

ARTICLE 31. *The Chief Tasks of Vocational Educational Establishments*

The chief tasks of vocational educational establishments shall include:

training for the national economy of harmoniously developed, technically educated, cultured young workers who have mastered professional skills that meet the requirements of modern production, scientific and technological progress and their prospects of development;

implementation of vocational and general secondary education of young people in vocational secondary schools;

moulding in pupils of Marxist-Leninist world outlook, instilling in them of lofty moral qualities, socialist internationalism, Soviet patriotism, a communist attitude to work and public property, the fostering of readiness to preserve and multiply the revolutionary and labour traditions of the working class;

aesthetic education and physical training of pupils, building of their health and their 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 vocational educational establishments and the enterprises, institutions and organisations on whose basis they function, as well as the responsibilities of ministries, state committees, departments, enterprises, institutions and organisations in building and improving

instructional facilities of these establishments and in creating 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, training complexes 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 start to work in production and also for persons who work in the national economy and wish to acquire a new trade or improve their skills.

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 improving the skills of workers on the job.

ARTICLE 34. *Awarding a Trade Qualification and Issue of a Testimonial or a Diploma*

Persons who have finished vocational educational establishments shall be given a relevant trade qualification (grade, class, category) and a testimonial in a statutory form, while persons who have shown especially good progress in study and exemplary conduct 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 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 a new qualification shall be given a uniform certificate of the newly acquired trade and of the grade, class or category they have been awarded.

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 specialised secondary educational establishments shall take the form of day-time, and evening and correspondence instruction.

Instruction in specialised secondary educational establishments without discontinuing work shall be a form of acquiring trades and improving skills by persons engaged in various sectors of the national economy.

Specialised secondary educational establishments shall carry on their activity on the basis of the Regulations for 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 Regulations by each specialised secondary educational establishment and endorsed by the respective ministry, state committee or department which is in charge of this establishment.

ARTICLE 36. *Chief Tasks of Specialised Secondary Educational Establishments*

The chief tasks of specialised secondary educational establishments shall include:

training of skilled specialists with specialised secondary and general secondary education, with proper theoretical knowledge and practical skills 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, communist attitude to work and public property, of culture, socialist internationalism, Soviet patriotism, a readiness to defend the socialist Motherland; physical training of pupils.

ARTICLE 37. *The Right to Enter Specialised Secondary Educational Establishments*

The right to enter specialised secondary educational establishments shall accrue to citizens of the USSR who have an 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. *Practical Training of Pupils of Specialised Secondary Educational Establishments*

Practical training of pupils of specialised secondary educational establishments shall be part of the educational process, enabling them to acquire the habits of work as specialists and, in the case of technical and agricultural trades, also the skill in a trade.

Practical training of pupils shall be organised in conformity with the Regulations for Practical Training of 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 public 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 included in a statutory manner in the category of the institutes of higher learning.

Higher educational establishments shall practise the system of day-time, evening and correspondence instruction.

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.

Higher educational establishments shall carry on their activity on the basis of the Regulations for the Higher Educational Establishments in the USSR, approved by the USSR Council of Ministers, and of the Rules, elaborated in conformity with the afore-mentioned Regulations by each higher educational establishment and approved by the ministry, state committee 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 skills 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 of 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 Enter Higher Educational Establishments*

The right to enter 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 of Students and Graduates*

The practical training of students in higher educational establishments shall be part of the 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 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 be awarded a qualification in accordance with the speciality they have received, and 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 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 classes, implement in time the assignments provided for by syllabuses and curricula, improve their ideological and cultural level, participate in socially useful work and self-service, abide by the regulations of their educational establishments.

Students shall observe discipline and the rules of socialist community life, preserve and multiply socialist property, be intolerant towards 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 Educational Establishments*

Teachers meant for educational establishments shall be trained in universities, institutes and other institutions of higher learning and in some specialities 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 courses shall admit 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*

Persons who have a requisite education and professional training may be 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.

Routine competence check-ups of the teachers of general education schools and the instructors of vocational schools shall be conducted systematically for the purpose of raising their teaching skill and developing their 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 action 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, out-of-school institutions, vocational 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 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 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 People's Deputies, the organs and institutions of public education, ministries, state committees and departments shall provide the conditions for a normal work and systematic improvement of qualifications of teachers and other educational workers, guarantee 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 teaching in preschool child-care institutions and general education schools according to their residence, and also in vocational 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 health building 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 pupils' attendance 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, preschool 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
of Educational Establishments**

ARTICLE 59. *Conditions for Opening Educational Establishments*

Educational establishments may be opened provided there are appropriate building, 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 Instructional Facilities in Educational Establishments*

The development of instructional facilities in educational establishments shall be financed from the funds allocated from the state budget and also from capital investments envisaged in the economic and social development plan. The finances of enterprises, collective farms, other cooperative societies and organisations may also be used for these purposes, provided they have expressed their voluntary consent.

The buildings to house educational establishments shall be erected according to projects approved in the statutory manner.

ARTICLE 62. *Participation of Enterprises, Institutions and Organisations in the Building up of the Instructional Facilities of Educational Establishments*

State enterprises, institutions and organisations, collective farms, other cooperative societies, trade union, YCL and other social organisations shall take part in the improvement of the instructional facilities of the educational establishments in the statutory manner.

Section XIII

Responsibility for Violation of Legislation on Public Education

ARTICLE 63. *Responsibility for Violation of Legislation on Public Education*

Officials and ordinary citizens who have violated legislation on universal compulsory secondary education of young people, 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

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*

Where an international treaty of the USSR provides for rules other than those contained in the legislation of the USSR on public education, the rules of the international treaty shall apply. A similar procedure shall apply whenever legislation of a Union Republic diverges from an international treaty it has concluded.

Adopted on December 17,
1973. The text is given with
subsequent amendments
and additions

*Gazette of the USSR Su-
preme Soviet*, No. 30, 1973,
Item 392; No. 34, 1979,
Item 554

**FUNDAMENTALS
OF LEGISLATION OF THE USSR AND
THE UNION REPUBLICS
ON MARRIAGE AND THE FAMILY**

Concern for the Soviet family, in which the public and personal interests of citizens harmoniously combine is one of the most important tasks of the Soviet state.

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 ensuring of a happy childhood.

The communist upbringing of the rising generation and their physical and cultural development is 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 legislation on marriage and the family is designed to promote the final delivery 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 accordance with the equality of the rights of women and men in the USSR, as laid down in the Constitution of the USSR, they shall enjoy equal personal and property rights in family relations.

ARTICLE 4. *Equality of Citizens in Family Relations*

All citizens 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 origin, social and property status, race and nationality, sex, education, language, attitude to religion, type and character of occupation, place of residence and other circumstances.

ARTICLE 5. *Protection of the Family by the State. Protection and Encouragement of Motherland*

In accordance with the Constitution of the USSR, the family in the USSR is protected by the state.

The state shows concern for the family by setting up and developing an extensive network of maternity homes, crèches and kindergartens, boarding-schools and other children's institutions, organising and improving public services and catering, paying allowances for the birth of a child, granting allowances and other privileges to unmarried mothers and families with many children, and other types of allowances and assistance to the family.

Maternity in the USSR is held by the people in high esteem and protected and encouraged by the state. The protection of the interests of mother and child is ensured by special measures to protect the women's work and health, creating conditions enabling women to combine work and maternity; legal protection, material and moral support of mother and child, including granting women maternity leaves and preserving maintenance and other benefits to expectant mothers and mothers.

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 at a state registrar's 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

registrar's 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. Application of the Legislation of the Union Republics on Marriage and the Family*

Legislation on marriage and the family consists 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 promulgated in accordance with these Fundamentals.

The legislation of the Union Republics deals 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.

Contraction of marriage, relations between spouses and between parents and children, adoption, the establishment of paternity, the exaction of maintenance payments (alimony), 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 record 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.

ARTICLE 8. *Statute of Limitations*

Claims arising from matrimonial and family relations shall not be subject to the statute of limitations, with the exception of cases when the period during which the right can be restored is established by the legislation of the USSR and the Union Republics. In such cases the statute of limitations shall be applied by the court in accordance with civil legislation unless otherwise established by the law.

Section II

Marriage

ARTICLE 9. *Contraction of Marriage*

Marriage shall be contracted at a state registrar's 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 registrar's office shall carry the right and obligations for the spouses.

A marriage shall be registered one month after the couple intending to marry submit an application to a state registrar's 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 registrar's 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 disease 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 premarital 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 own, 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 the property that is the spouses' joint common property, their shares shall be recognised as equal. In certain cases the court may depart from the principle of equality of the spouses' shares on account of the interests of minor children or the reasonable interests of either spouse.

Property belonging to either spouse prior to marriage or received by them during marriage either as a gift or by inheritance shall be the property of the spouse concerned.

A three-year period of limitation shall be established for claims concerning division of property that is the common joint property of divorced spouses.

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.

The legislation of the Union Republics shall establish the spouses' right to own, use and dispose of the property of a collective-farm household.

ARTICLE 13. *The Obligations of Spouses in Respect to Mutual Maintenance*

The spouses shall be obliged to support each other materially. In the event of one refusing to provide such support, a non-able-bodied spouse in need of material aid and also a wife during pregnancy and during one year after the birth of a child shall be entitled to receive maintenance pay-

ment from the other spouse, this being secured through a court of law provided that the latter spouse is able to provide such maintenance. This right shall be retained after dissolution of marriage.

A divorced spouse who requires support shall also be entitled to maintenance if he or she becomes disabled within one year after dissolution of marriage. Where spouses have been married a long time, a court of law shall also be entitled to award maintenance in favour of the divorced spouse if the latter has reached pensionable age not later than five years after dissolution of marriage.

In certain cases, a spouse may be exempted from supporting the other spouse or the period of maintenance may be limited. The legislation of the Union Republics shall establish the conditions in which the court of law may exempt a spouse from maintaining the other spouse or may limit that obligation to a specific period.

ARTICLE 14. *Termination of Marriage*

A marriage shall cease with the death, or a court declaration of the death of either of the spouses.

During the lifetime of the spouses, the marriage may be dissolved through a divorce upon the application of either or both of the spouses.

A marriage shall be dissolved by the court. The court shall take steps to reconcile the spouses.

A marriage shall be dissolved where it is established by the court 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 to the court for dissolution of the marriage during the pregnancy of the wife and during one year after a childbirth.

When passing a decision to dissolve a marriage the court, whenever necessary, shall take measures to protect the interests of minor children and a non-able-bodied spouse.

The spouses who do not have minor children may have their marriage dissolved, by mutual consent, at a registrar's office. In such cases the divorce shall be registered and certificates on the marriage dissolution shall be issued three months after the spouses have applied for a divorce.

The registrar's offices shall also dissolve marriages involving the following:

persons who are legally certified as absent without a trace;
persons who are legally certified as legally incapable
owing to mental disease or feeble-mindedness;
persons sentenced for crimes to deprivation of liberty
for not less than three years.

Where a dispute arises the marriage shall be dissolved
by the court.

A spouse who has changed his surname upon marriage
shall have the right, after the dissolution of the marriage,
to retain that name or, on request, to revert to the premar-
ital surname, which is given him during registration of
the dissolution of marriage in the registrar's office.

ARTICLE 15. *Invalidity of Marriage*

A marriage may be declared null and void in cases of
violation of the conditions set forth in Article 10 of the
present Fundamentals and in cases of registration of mar-
riage without the intention of establishing a family (ficti-
tious marriage). A marriage shall be declared null and
void by the court.

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 the 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 in a legal pro-
cedure.

The child's origin of parents in wedlock shall be certi-
fied by the parents' marriage certificate. The child's origin
of parents not in wedlock shall be established through the
submission of a joint statement by the child's father and
mother to a state registrar's office.

Where a child is born to parents not in wedlock, and
in the absence of a joint statement from the parents, pa-
ternity may be established by the court on the application

of one of the parents or the child's trustee (guardian), and also of the child itself when it attained majority. The legislation of the Union Republics may provide for the right of other persons to apply to the court for establishment of their paternity.

In establishing paternity the court shall take into consideration the cohabitation and the running of 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 the court. Should the mother die, or if she is recognised legally incapable, deprived of parental rights, 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 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.

The person registered as the child's father or mother may challenge the entry within one year since the time he (she) knew or should have known about the entry made. If at that time the person registered as father or mother was a minor, a one-year term shall be calculated since he (she) attained majority.

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 be obliged to bring up their children, concern themselves with their physical development and train-

ing, train them for socially useful work, and raise them as worthy members of socialist society.

Parents shall be obliged to maintain their minor children and non-able-bodied children who have attained majority but are in need of support.

Protection of the rights and interests of minor children 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.

Parent's rights may not be implemented against the children's interests.

Parents shall also enjoy equal rights and bear equal duties in relation to their children in cases where the marriage has been dissolved. Parental disputes over the children's place of residence and upbringing shall be settled by the 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 state or social 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 and if the children have not been adopted. Only the court 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 shall be obliged to care for their parents and help them.

Children who have attained majority shall be duty bound to maintain their non-able-bodied 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 evaded their parental duties.

ARTICLE 21. *Duties of Other Family Members in Respect to Maintenance Payments*

The duty to maintain parentless minor children may devolve on other relatives—grandfather, grandmother, brother or sister and also on the child's stepfather and stepmother.

The duty to maintain non-able-bodied family members who have attained majority but need support, should they be unmarried 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 persons.

ARTICLE 22. *The Amount of Maintenance*

Maintenance for minor children 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 the court where a maintenance-paying parent has other minor children who, if maintenance is exacted 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 group invalid, or if the children are working and have sufficient earnings.

The court shall be entitled to decrease the size of maintenance or exempt a person altogether if the children are

being fully maintained by the state or by a social organisation. Money for the upkeep of children placed in children's institutions may be recovered from the parents of the children for such institutions in the amounts 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 minor children being established as a definitive sum of money. The sum shall be specified on the basis of the parent's presumed earning (income) with reference to the above-mentioned provisions.

Parents paying maintenance for minor children 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 counted when deducting maintenance shall be determined according to the procedure established by the Council of Ministers of the USSR.

Where parents pay maintenance for non-able-bodied children who have attained majority and are in need of support, and also in all other instances of recovering money 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. *Procedure for the Payment or Recovery 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 institutions where pension or scholarship is received.

Voluntary maintenance payment shall not preclude the right of the person in receipt of maintenance to sue for the recovery of maintenance.

The management of an enterprise, institution or organisation shall monthly deduct maintenance from the wages (pension, allowance, 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 minor children and in their interests.

Adoption shall be effected by decision of the executive committee of a district, town or ward Soviet of People's Deputies at the request of the person wishing to adopt a child.

For the purpose of adoption the consent shall be requested of parents who have not been deprived of parental rights, and also the consent of the adopted, 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 evade their duties in bringing up a child, adoption may, as an exception, be made without their consent. The 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 the court.

The legislation of the Union Republics shall establish the rules of adoption, the conditions for invalidating adoption, the conditions for annulling adoption, and 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 Foster-Parents, Adoptees and Their Relatives*

Adoptees and their offspring—with regard to foster-parents and their relatives—and foster-parents and their relatives—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 par-

ents 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. Minor children who at the moment of adoption are entitled to a pension or allowance from state or social organisations, this in the event of loss of the breadwinner, shall retain this right after adoption.

At the request of foster-parents, 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 minor children 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 also be established for the protection of the personal and property rights and interests of majors whose state of health prevents them from independent exercise of their rights and fulfilment of their duties.

Trusteeship and guardianship shall be instituted by the executive committee of a district, town, ward, township or rural Soviet of 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

Registry Records

ARTICLE 27. *Status 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 registrar's office.

ARTICLE 28. *Procedure for Disputing Entries in Registers*

State registrar's offices 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 registrar's 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, restoring or annulling 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 into marriage about the state of health and family position, and the explanation of their rights and duties as future spouses and parents.

Section V

**Application of Soviet Legislation
on Marriage and the Family
to Foreign Nationals and Stateless Persons.
Application of the Marriage and
Family Laws of Foreign States,
and International Treaties**

ARTICLE 30. *The Rights and Duties of Foreign Nationals and Stateless Persons in Matrimonial and Family Relations*

Foreign nationals, while staying in the USSR, shall enjoy rights and have duties in matrimonial and family relations equally with Soviet citizens. Some exceptions may be established by a law of the USSR.

Stateless persons domiciled in the USSR shall enjoy rights and have duties in matrimonial and family relations equally with Soviet citizens.

ARTICLE 31. *Marriage Between Soviet Citizens and Foreign Nationals and Between Foreign Nationals in the USSR*

Marriages between Soviet citizens and foreign nationals and also marriages between foreign nationals shall be concluded in the USSR under Soviet legislation.

Marriages between foreign nationals 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 at USSR Consular Institutions. Recognition of Marriages Concluded Outside the USSR*

Marriages between Soviet citizens resident outside the USSR shall be concluded at consular institutions of the USSR.

Should marriages between Soviet citizens and marriages between Soviet citizens and foreign nationals 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 Arts. 10 and 15 of the present Fundamentals.

Marriages between foreign nationals contracted outside the USSR 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 Foreign Nationals and of Marriages Between Foreign Nationals in the USSR. Recognition of Divorces Granted Outside the USSR*

Marriages between Soviet citizens and foreign nationals and also between foreign nationals in the USSR shall be dissolved in accordance with Soviet legislation.

Dissolution of marriages between Soviet citizens and foreign nationals 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 spouses be resident outside the USSR at the moment of dissolution.

Dissolution of marriages between foreign nationals performed outside the USSR in accordance with the laws of the states in question shall be recognised as valid in the USSR.

A Soviet citizen residing outside the USSR shall have the right to dissolve marriage with the spouse resident outside the USSR, irrespective of his citizenship, in a Soviet court.

Where, under Soviet legislation, marriage may be dissolved in a registrar's office, the marriage may be dissolved in a consular institution of the USSR.

ARTICLE 34. *Establishment of Paternity in the USSR, Recognition of Paternity Established Outside the USSR*

Paternity shall be established in the USSR, irrespective of the citizenship and place of residence of the parents and child, in accordance with Soviet legislation.

Where Soviet legislation permits establishment of paternity in registrar's offices the parents resident outside the USSR, at least one of whom is a citizen of the USSR, may apply for establishment of paternity to consular institutions of the USSR.

ARTICLE 35. *Adoption of Children Who Are Soviet Citizens and Reside Outside the USSR. Adoption of Children by Foreign Nationals in the USSR and Adoption of Children Who Are Foreign Nationals*

Adoption of a child who is a Soviet citizen and resides outside the USSR shall be effected at consular institution of the USSR. If the foster-parent 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.

Adoption in the USSR of children who are Soviet citizens by foreign nationals and also adoption of children who are foreign nationals and reside in the USSR shall be effected in accordance with Soviet legislation.

The legislation of the Union Republics shall establish the rules for adoption of children of Soviet citizenship by foreign nationals on the territory of the USSR.

ARTICLE 36. *Establishment of Trusteeship (Guardianship) Over Soviet Citizens Resident Outside the USSR and Over Foreign Nationals in the USSR. Recognition of Trusteeship (Guardianship) Outside the USSR*

Trusteeship (guardianship) over minor, legally incapable Soviet citizens or those with limited active capacity, resident outside the USSR, and also over foreign nationals resident in the USSR shall be established under Soviet legislation.

Trusteeship (guardianship) established over Soviet citizens who reside outside the USSR under the laws of the states in question shall be recognised as valid in the USSR, if an appropriate consular institution of the USSR does not object to the establishment or recognition of such trusteeship (guardianship).

Trusteeship (guardianship) established over foreign nationals outside the USSR according to the laws of respective states shall be recognised as valid in the USSR.

ARTICLE 37. *Status Registration of Soviet Citizens Resident Outside the USSR*

Status registration of Soviet citizens resident outside the USSR shall be effected in consular institutions of the USSR.

The legislation of the USSR and the Union Republic whose citizens are the persons concerned shall be applied in the registration procedure at consular institutions of the USSR. When the persons concerned are citizens of different Union Republics or it has not been established the citizens of which Republic they are, the legislation

of one of the Union Republics shall be applied with their consent, and in the event of disagreement, the decision of the consul who effects registration shall prevail.

ARTICLE 38. *Recognition of Documents Issued by Agencies of Foreign States to Certify Registry Records*

The documents issued by competent bodies of foreign states to certify the registry records issued outside the USSR in accordance with the laws of the states in question in respect of the citizens of the USSR, foreign nationals and stateless persons shall be recognised as valid in the USSR if there is a consular legalisation.

ARTICLE 39. *Application of Foreign Laws and International Treaties*

Foreign laws on marriage and the family or recognition of registry records based on such laws may not be applied in the USSR if their application or recognition contradicts the principles of the Soviet system.

Where an international treaty to which the USSR is a signatory establishes rules other than those contained in Soviet legislation on marriage and the family, the rules of the international treaty shall apply.

The same procedure shall be applied in respect of the marriage and family legislation of a Union Republic, if the international treaty to which the given Union Republic is a signatory has established rules other than those provided for by that Union Republic's legislation on marriage and the family.

Adopted on June 27, 1968.
The text is given with subsequent amendments and additions

Gazette of the USSR Supreme Soviet, No. 27, 1968, Item 244; No. 42, 1979, Item 696

**FUNDAMENTALS
OF LEGISLATION OF THE USSR AND
THE UNION REPUBLICS
ON THE JUDICIAL SYSTEM
OF THE USSR**

Section I

General Provisions

ARTICLE 1. *Administration of Justice by the Court Alone*

In accordance with the Constitution of the USSR, justice in the USSR shall be administered by the court alone.

In the USSR there are the Supreme Court of the USSR, the Supreme Courts of the Union Republics, the Supreme Courts of the Autonomous Republics, territory, regional and town courts, courts of Autonomous Regions, courts of Autonomous Areas, district (town) people's courts, and also military tribunals in the Armed Forces of the USSR.

ARTICLE 2. *Legislation on the Judicial System in the USSR*

The judicial system in the USSR shall be defined by the Constitution of the USSR, the constitutions of the Union and the constitutions of the Autonomous Republics, the present Fundamentals and other legislative acts of the USSR, laws on the judicial system and other legislation of the Union Republics promulgated in accordance therewith.

ARTICLE 3. *The Tasks of the Court*

The administration of justice by the court shall be aimed at an all-out strengthening of socialist legality and law and order, prevention of offences and other breaches of the law, and shall have as its task the protection against any encroachments:

on the social, political and economic systems of the USSR, as laid down in the Constitution of the USSR;

on the social, economic, political and personal rights and freedoms of citizens proclaimed and guaranteed by the Constitution of the USSR and Soviet laws;

on the rights and lawful interests of state enterprises, institutions, organisations, collective farms, other cooperative organisations, their associations, and other social organisations.

Through all of its activity the court shall educate citizens of the USSR in the spirit of devotion to the Motherland and the cause of communism, in the spirit of strict and undeviating observance of the Constitution of the USSR and Soviet laws, solicitous attitude to socialist property, observance of labour discipline, honest attitude to the state and social duty, respect for the rights, honour and dignity of citizens, and the rules of socialist community life.

While applying measures of criminal punishment, the court shall not only chastise the criminals but shall also aim to correct and reeducate them.

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, organisations, collective farms, other cooperative organisations, their associations, and other social organisations;

b) examination in judicial session of criminal cases and either application of the measures of punishment stipulated by the law to the persons guilty of commission of a crime or acquittal of the innocent.

ARTICLE 5. *The Equality of Citizens Before the Law and the Court. The Right of Citizens to Legal Protection*

In the USSR, justice shall be administered on the principle of the equality of citizens before the law and the court, regardless of their origin, social and property status, race or nationality, sex, education, language, attitude to religion, type and character of occupation, place of residence and other circumstances.

Citizens of the USSR shall have the right to the protection by the court from encroachments on their honour and dignity, life and health, and personal freedom and property.

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*

All courts in the USSR shall be constituted on the principle of electivity of judges and people's assessors.

ARTICLE 8. *Collegial Hearing of Civil and Criminal Cases in All the Courts*

There shall be collegial hearing of civil and criminal cases in all the courts.

In the courts of first instance all civil and criminal cases shall be heard by a bench consisting of a judge and two people's assessors.

In the judicial collegia of the respective courts cases shall be heard on cassation and by way of supervision by a bench consisting of three members of the court.

The presidium of the court shall hear cases with the majority of the members of the presidium.

The plenary session of the court shall hear cases with not less than two-thirds of its membership attending.

ARTICLE 9. *The Equal Rights of People's Assessors and Judges in Administering Justice*

In administering justice people's assessors shall enjoy the right of a judge.

ARTICLE 10. *The Independence of Judges and Their Subordination Only to the Law*

Judges and people's assessors shall be independent and subordinate only to the law.

ARTICLE 11. *The Language in Which Judicial Proceedings Are Conducted*

Judicial proceedings shall be conducted in the language of the Union or Autonomous Republic, Autonomous Region

or Autonomous Area or in the language of the majority of the population in a given locality. The participants in the case not having command of the language in which judicial proceedings are conducted shall be given full opportunity to acquaint themselves with the material of the case, to participate in the proceedings through an interpreter, and also the right to speak in court in their native language.

ARTICLE 12. *Open Hearing of Cases in All the Courts*

The hearing of cases in all the courts shall be open. Hearing in camera shall only be permitted in cases established by the law, with the observance of all the rules of judicial procedure.

ARTICLE 13. *Assurance of the Accused of the Right of Defence*

The accused shall be assured of the right of defence.

ARTICLE 14. *Legal Aid Provided by the Bar to Citizens and Organisations*

In the judicial proceedings in civil and criminal cases the bar shall render legal aid to citizens and organisations.

The procedure for providing legal aid by advocates and also the rights and duties of advocates taking part in the criminal and civil proceedings shall be determined by legislation of the USSR and the Union Republics.

ARTICLE 15. *Procurator's Supervision over Observance of Laws in Cases Heard by Courts*

The Procurator-General of the USSR and the procurators subordinate to him shall, on the grounds and in the manner established by legislation of the USSR and the Union Republics, exercise supervision over the observance of the laws in cases heard by courts.

The procurator shall help the court in fulfilling its tasks, ensuring strict observance of the principle of the independence of judges and their subordination only to the law.

ARTICLE 16. *Participation of Representatives of Social Organisations and Work Collectives in Judicial Proceedings*

Representatives of social organisations and work collectives shall be permitted to participate in judicial proceed-

ings in civil and criminal cases in the manner established by the legislation of the USSR and the Union Republics.

ARTICLE 17. *Officers of the Court*

Officers of the court shall execute decisions, judgements, rulings and orders in civil cases and sentences, judgements, rulings and order in criminal cases as regards recovery of property, and also other decisions and orders in the instances prescribed by law.

Officers of the court shall be attached to courts and appointed by heads of justice departments of Executive Committees of territory, regional and town Soviets of People's Deputies, ministers of justice of Autonomous Republics, or ministers of justice of Union Republics that have no regional divisions.

The court officers' demands to execute decisions, sentences, judgements, rulings and orders of courts and other decisions and orders subject to execution shall be binding on all state enterprises, institutions, organisations, collective farms, other cooperative organisations, their associations, other social organisations, officials and ordinary citizens throughout the territory of the USSR.

ARTICLE 18. *Organisational Guidance of the Courts*

Organisational guidance of the courts, within the limits and in the manner provided by the legislation of the USSR and the Union and Autonomous Republics shall be exercised by:

the Ministry of Justice of the USSR—in respect of courts of the Union Republics and military tribunals;

ministries of justice of the Union Republics—in respect of the Supreme Courts of Autonomous Republics, territory, regional, and town courts, courts of Autonomous Regions and Autonomous Areas, and district (town) people's courts;

the ministries of justice of Autonomous Republics, justice departments of the Executive Committees of territory, regional and town Soviets of People's Deputies—in respect of district (town) people's courts.

The Ministry of Justice of the USSR shall:

- 1) draft proposals on the organisation of courts, election of judges and peoples' assessors;
- 2) direct work with the courts' staff;
- 3) monitor organisation of the courts' work;

- 4) study and generalise the judicial practice, coordinating this activity with the Supreme Court of the USSR;
- 5) organise the keeping of 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 representations on giving guiding instructions on application of legislation.

The Ministry of Justice of the USSR and the ministries of justice of the Union and Autonomous Republics, and the justice departments of Executive Committees of territory, regional and town Soviets of People's Deputies shall be duty bound to give an all-out assistance in the implementation of the tasks of the court and strictly observe the principle of independence of judges and their subordination only to the law.

Section II

The Judicial System

ARTICLE 19. The Courts of the USSR and the Courts of the Union Republics

Courts of the USSR and courts of the Union Republics shall function in the Union of Soviet Socialist Republics.

The Supreme Court of the USSR and military tribunals shall be courts of the USSR.

Courts of a Union Republic shall be: the Supreme Court of the Union Republic, the Supreme Courts of Autonomous Republics, territory, regional, and town courts, courts of Autonomous Regions, courts of Autonomous Areas, and district (town) people's courts.

ARTICLE 20. The Procedure Governing Election of District (Town) People's Courts

The people's judges of district (town) people's courts shall be elected by the citizens of the district, town or ward on the basis of universal, equal and direct suffrage by secret ballot for a term of five years.

The people's assessors of district (town) people's courts shall be elected at general meetings of citizens at their places of work or residence, and of servicemen in their

military units by a show of hands for a term of two and a half years.

The procedure governing the election of people's judges and people's assessors of district (town) people's courts shall be determined by the laws on the election of district (town) people's courts of the Union Republics.

ARTICLE 21. *The Composition of the District (Town) People's Court*

District (town) people's courts shall be elected and comprise a people's judge (people's judges) and people's assessors.

In electing two or more people's judges a district, town or ward Soviet of People's Deputies shall confirm, at its session, the chairman of a respective district (town) people's court from among the people's judges elected.

ARTICLE 22. *The Procedure Governing the Election of Territory, Regional, and Town Courts, and the Courts of Autonomous Regions and Autonomous Areas*

The territory, regional, and town courts, and the courts of Autonomous Regions and Autonomous Areas shall be elected by the respective Soviets of People's Deputies for a term of five years.

ARTICLE 23. *The Composition of the Territory, Regional, and Town Court, and the Court of an Autonomous Region and Autonomous Area*

The territory, regional, and town court, and the court of an Autonomous Region and Autonomous Area shall consist of a chairman, deputy chairmen, members of the court and people's assessors, and shall function through the following bodies:

- 1) the presidium of the court;
- 2) the judicial collegium for civil cases;
- 3) the judicial collegium for criminal cases.

ARTICLE 24. *The Procedure Governing the Election and the Jurisdiction of the Supreme Court of an Autonomous Republic*

The Supreme Court of an Autonomous Republic shall be the highest judicial organ of the Autonomous Republic.

The Supreme Court of an Autonomous Republic shall exercise supervision over the judicial activity of all the courts of the Autonomous Republic in accordance with the procedure established by the legislation of the USSR and the Union Republics.

The Supreme Court of an Autonomous Republic shall be elected by the Supreme Soviet of the Autonomous Republic for a term of five years.

ARTICLE 25. *The Composition of the Supreme Court of an Autonomous Republic*

The Supreme Court of an Autonomous Republic shall consist of a chairman, deputy chairman, members of the Supreme Court and people's assessors, and shall function through the following bodies:

- 1) the presidium of the Supreme Court;
- 2) the judicial collegium for civil cases;
- 3) the judicial collegium for criminal cases.

ARTICLE 26. *The Procedure Governing the Election and the Jurisdiction of the Supreme Court of a Union Republic*

The Supreme Court of a Union Republic shall be the highest judicial organ of the Union Republic.

The Supreme Court of a Union Republic shall exercise supervision over the judicial activity of all the courts of the Union Republic in accordance with the procedure established by the legislation of the USSR and the Union Republics.

The Supreme Court of a Union Republic shall be elected by the Supreme Soviet of the Union Republic for a term of five years.

ARTICLE 27. *The Composition of the Supreme Court of a Union Republic*

The Supreme Court of a Union Republic shall consist of a chairman, deputy chairmen, members of the Supreme Court and people's assessors, and shall function through the following bodies:

- 1) the plenary session of the Supreme Court;
- 2) the judicial collegium for civil cases;
- 3) the judicial collegium for criminal cases.

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 28. *The Procedure Governing the Election and the Jurisdiction 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 courts of the USSR and also of the courts of the Union Republics, within the limits established by the Law 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 29. *The Composition of the Supreme Court of the USSR*

The Supreme Court of the USSR shall consist of Chairman, Deputy Chairmen, members of the Supreme Court of the USSR and 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:

1) the Plenary Session of the Supreme Court of the USSR;

2) the Judicial Collegium for Civil Cases of the Supreme Court of the USSR;

3) the Judicial Collegium for Criminal Cases of the Supreme Court of the USSR;

4) the Military Collegium of the Supreme Court of the USSR.

The organisation of the Supreme Court of the USSR and its activities shall be determined by the Law on the Supreme Court of the USSR.

ARTICLE 30. *Military Tribunals*

Judges of military tribunals shall be elected by the Presidium of the Supreme Soviet of the USSR for a term of five years, and people's assessors by meetings of servicemen for a term of two and a half years.

Organisation and jurisdiction of the military tribunals in the Armed Forces of the USSR shall be determined by the Statute on Military Tribunals, approved by the Law of the USSR.

In administering justice the military tribunals shall abide by the Constitution of the USSR, the present Fundamentals, other legislation of the USSR, and also legislation of the Union Republics.

Section III

Judges and People's Assessors

ARTICLE 31. *The Requirements Made Upon Candidates for the Office of Judges and People's Assessors*

Any citizen of the USSR who has, by the day of the election, attained the age of 25 years may be elected judge or people's assessor.

Any citizen of the USSR who is on active military service and has attained the age of 25 years by the day of the election, may be elected a judge of a military tribunal, and any citizen of the USSR who is on active military service may be elected a people's assessor of a military tribunal.

ARTICLE 32. *The Term for Which People's Assessors Are Empanelled to Perform Their Duties in Court*

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 hearing of a court case begun with their participation.

ARTICLE 33. *Retention of Wages and Salaries for People's Assessors During the Performance of Their Duties in Court*

The people's assessors elected from among industrial workers, collective farmers and office and professional workers shall, during the performance of their duties in court, retain their average wages and salaries in the place of their permanent work.

People's assessors who are not industrial workers, collective farmers or office and professional workers shall be recompensed for the costs incidental to the performance of their duties in court. The procedure of recompensing and amount of recompense shall be established by the legislation of the Union Republics.

ARTICLE 34. *Accountability of Judges and People's Assessors*

Judges and people's assessors shall be accountable to their electors or the bodies that have elected them and shall report to them.

ARTICLE 35. *Recall of Judges and People's Assessors or Their Discharge Before the Expiry of Their Term*

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 that has elected them or under a court judgement passed on them.

The procedure governing the recall of the judges and people's assessors of the courts of the USSR and the Union Republics or their discharge before the expiry of their term shall be determined by the legislation of the USSR and legislation of the Union Republics, respectively.

ARTICLE 36. *Immunity of Judges and People's Assessors*

Judges and people's assessors may not, during performance of their duties in court, be charged with criminal responsibility, arrested or subjected to administrative penalties meted out by a court:

1) the people's judges and people's assessors of people's courts, chairmen, deputy chairmen, members and people's assessors of territory, regional, and town courts, the courts

of Autonomous Regions and Autonomous Areas and the Supreme Courts of Autonomous Republics—without the consent of the Presidium of the Supreme Soviet of the Union Republic;

2) 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;

3) the chairmen, deputy chairmen, members and people's assessors of military tribunals—without the consent of the Presidium of the Supreme Soviet of the USSR;

4) the Chairmen, 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.

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.

Adopted on December 25, 1958. The text is given with subsequent amendments and additions

Gazette of the USSR Supreme Soviet, No. 1, 1959, Item 12; No. 33, 1971, Item 332; No. 27, 1980, Item 545

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

Developed socialist society has been built in the USSR, a logical stage on the way to communism.

The main tasks of the socialist state of the whole people are the creation of the material and technical basis of communism, improvement of socialist social relations and their transformation into communist relations, the education of man of communist society, and the raising of the working people's material and cultural standards.

The basis of the economic system in the USSR is socialist ownership of the means of production in the form of state (public) and collective-farm and cooperative property. The state helps to develop collective-farm and cooperative property and to bring it closer to state property.

Personal property is a derivative of socialist property and is a means of satisfying the citizens' requirements. 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 economy on the basis of state plans for economic and social development, taking account of the branch and territorial principles and combining centralised management with the economic independence and

initiative of enterprises, associations and other organisations.

Soviet civil legislation regulates property relations conditioned by 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 legality in the sphere of property relations and safeguarding the rights of socialist organisations and individual citizens.

Soviet civil legislation must actively 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 plans 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.

In Soviet society property relations shall be based on the socialist system of economy and socialist property in the means of production. The economic development of the USSR shall be determined and guided by state plans for economic and social development.

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, cooperative and other social organisations;
between citizens and state, cooperative and other social 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, land, mining, water and forest relations, and also relations within collective farms arising from their Rules shall be regulated respectively by family, labour, land, mining, water, forest and collective-farm legislation, respectively.

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 purchases of agricultural produce from collective, state and other farms; relations of organisations of 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, technical improvements, industrial designs and other achievements of science and technology, and also other relations whose regulation is referred, by the Constitution of the USSR, the present Fundamentals and other legislative acts of the USSR, to the jurisdiction of the

USSR. Concerning 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 and other forms of foreign economic activity shall be determined by special legislation of the USSR regulating foreign trade and other forms of foreign economic activity, 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, cooperative and other social organisations—planning acts;

from discoveries, inventions, technical improvements, and the production of scientific, literary and artistic works;

from harm 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 the onset of 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 building communism.

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 prevention of the acts infringing the right; adjudication of specific performance; termination or modification of a legal relation; recovery, from the person infringing the right, of damages caused and, in cases provided for by law or contract, of contractual sanction (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 social organisations.

In cases specifically prescribed by law, civil rights shall be protected administratively.

The bringing of a suit arising from relations between organisations shall be preceded by filing a claim. Exemptions from this rule shall be established by the legislation of the USSR.

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 statements defamatory to the honour and dignity of a citizen or organisation are circulated through the press they must, if found untrue, be retracted in the press as well. If statements found untrue and defamatory to the citizen's honour and dignity are contained in a document issued by an organisation, the said document shall be replaced. The manner of retraction in other cases shall be established by a court of law.

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 action prescribed by the court judgement.

ARTICLE 8. *Passive and Active Capacity of Citizens*

The capacity to have civil rights and duties (passive capacity) shall belong equally to all citizens of the USSR. The citizen's passive capacity shall begin at birth and cease at death.

The citizen's capacity by his acts to acquire civil rights and to create for himself civil duties (active capacity) shall arise at majority, i.e., upon his attainment of the age of eighteen years. The limited active capacity of minors, and also the cases and the manner of limiting the active capacity of adults, shall be determined by the legislation of the USSR and the Union Republics.

No one may be restricted in passive or active capacity, except in the cases and in the manner established by law. Legal transactions seeking to limit passive or active capacity shall be null and void.

ARTICLE 9. *Content of Passive 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, technical improvement, and industrial design and also have other property and non-property personal rights.

ARTICLE 10. *Declaring a Citizen Absent Without a Trace or Dead*

A citizen may be declared absent without a trace in a judicial proceeding, where no information concerning his whereabouts is available at the place of his permanent residence 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 residence 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 serviceman or any other citizen missing without a trace 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 without a trace 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 which possess separate property and may in their own name acquire property and non-property personal 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 at their own account, having fixed and circulating assets assigned to them and a separate balance sheet; institutions and other state organisations financed from the state budget and having separate estimates, and whose executives are authorised to dispose of credits (with exemptions provided for by law); state organisations financed from other sources and having separate estimates and a balance sheet;

collective farms, inter-collective-farm and other cooperative organisations and their associations, other social organisations and, in cases provided for by the legislation of the USSR and the Union Republics, enterprises and institutions of these organisations and their associations with separate property and a separate balance sheet;

state-cum-collective-farm and other state-cum-cooperative organisations;

other organisations in cases provided for by the legislation of the USSR.

Juridical persons shall operate on the basis of their rules (statutes). Institutions and other state organisations on the state budget and, in cases provided for by the legislations of the USSR and the Union Republics, other organisations as well may operate under a general statute for organisations of this type.

The institutions 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. *Passive Capacity of Juridical Persons*

Juridical persons shall have civil passive 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 (the property assigned to them) which, in accordance with the legislation of the USSR and the Union Republics, may be recovered.

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 reimburse the debt 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 comply with 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 (Art. 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 recovered 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 recovered 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 for that which was performed shall be recovered 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 brought by a person whose right has been infringed (statute of limitations) shall be three years; for action brought by state organisations, collective farms, cooperative and other social 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 suspension and interruption 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 cognizance 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 expiration 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 state organisations for the return of state property from the unlawful possession of collective farms, co-operative and other social 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, active and passive legal capacity 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 law of the place where the transaction is concluded shall also apply to the obligations arising from a transaction, unless otherwise provided for by law or agreement of the parties;

4) obligations arising from harm 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 harm was caused shall apply;

5) relations arising from inheritance shall be subject to the law of the place of opening of inheritance;

6) matters of the statute of limitations shall be decided in accordance 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 (public) property, collective-farm and cooperative property, the property of trade unions and other social organisations shall be socialist property.

The state shall protect socialist property and create conditions for its increase.

No one may use socialist property for personal gain and for other avaricious purposes.

ARTICLE 21. *State Property*

State property is the common possession of the entire Soviet people and the main form of socialist property.

The state shall be the sole owner of all state property.

The land, its minerals, waters and forests shall be the exclusive property of the state and granted only for use. The state shall own the basic means of production in industry, construction and agriculture, means of transport and communication, the banks, the property of state-orga-

nised trade, public utility and other enterprises, the basic urban housing and other property needed for carrying out the tasks of the state.

ARTICLE 22. *Procedure for the Disposal and Recovery of State Property*

The procedure governing the transfer of buildings, structures, plant and other property constituting the fixed assets of state organisations, to other state organisations and also collective farms, other cooperative and social organisations shall be determined by the legislation of the USSR and the Union Republics.

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.

Buildings, structures, plant and other property constituting the fixed assets of state organisations may not be the object of mortgage, nor may they be recovered to meet the claims of creditors. Recovery may be applied to other assets, with 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 recovery 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*

Collective farms and other co-operative organisations and their associations shall own means of production and other property they need to carry out their tasks in line with their rules.

The 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 recovered to meet the claims of creditors. Recovery may be applied to other assets, with 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 recovery 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 Unions and Other Social Organisations*

Trade unions and other social organisations shall own the property they need to carry out their tasks in line with their rules.

The 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 unions and other social organisations, and also their cultural and educational funds may not be recovered to meet the claims of creditors. Recovery may be applied to other assets, with 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 recovery 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*

Citizens' earned incomes shall underlie their personal property. Personal property may include household effects and furnishings, articles of personal use and convenience and subsidiary household husbandry, a dwelling house and labour savings. Citizens' personal property and the right to inherit it shall be protected by the state.

Every citizen may have one dwelling house (or part thereof) 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 the dwelling house which may be in the personal ownership of a citizen 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.

The property in the personal ownership of citizens may not serve to derive unearned income and be used to the detriment of the interests of society.

ARTICLE 26. *Common Property*

Property may belong by right in common property to two or more collective farms, other co-operative and social organisations, or to the state and one or more collective farms or other co-operative and social 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 26. *Operative Management of Property*

The property assigned to state, inter-collective-farm, state-cum-collective-farm and other state-cum-co-operative organisations shall be operatively managed by these organisations, which shall enjoy the right to own, use and dispose of their property within the limits established by the law and in conformity with the aims of their activity, planned assignments and the purpose of their 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 common economy, or any other property conveyed by them 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 reclaim his property from the unlawful possession of another.

Where the property has been acquired on a non-gratuitous basis from a person not entitled to alienate it, of which the purchaser did not know and was not required to know (*bona fide* purchaser), the owner shall have the right to reclaim his property from the purchaser 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 reclaim the property in any case.

State property, and also the property of collective farms, other co-operative and social organisations unlawfully alienated by any means whatsoever may be reclaimed by the organisations concerned from any purchaser.

Money and bearer securities may not be reclaimed from a *bona fide* purchaser.

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 Art. 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 the Right to Property for the Party Acquiring Property Under Contract*

The right to property (the right of operative management) for the party acquiring property under contract

shall arise from the moment the thing is transferred unless the law or contract provides otherwise.

Transfer shall be deemed accomplished by handing over the things to the acquiring party, or by handing over the things to a transport organisation 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. Transfer of the bill of lading or other warrant shall be deemed equivalent to transfer of 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 permitted 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 other grounds specified in Art. 4 of the present Fundamentals.

Obligations shall 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 the 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 deemed as such by the 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, if one of the parties is a collective farm or an inter-collective-farm or state-cum-collective-farm enterprise, organisation or association and by the appropriate arbitration (mediation) board, if the parties are state, co-operative and other social organisations (except collective farms, inter-collective-farm and state-cum-collective farm enterprises, organisations and associations), 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 the 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 a contractual sanction (fine, penal interest), security 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 contractual sanction (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 contractual sanction (fine, penal interest).

The law or contract may provide for cases in which only penalty (fine, penal interest) but no 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 (Art. 36 of the present Fundamentals) only in the pres-

ence 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 of 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 of Sale*

By contract of 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 therefor.

Where the buyer is a state organisation or other organisation mentioned in Art. 26 of the present Fundamentals it shall acquire the right of operative management of property.

ARTICLE 40. *Price*

State, co-operative and other social 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 conform to the terms of the contract, and in the absence of any stipulation in the contract, to the usual requirements. The thing sold by a trading organisation must correspond to the standard, technical specifications or samples established for things of this type, unless the contrary follows from the character 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 USSR and 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 Art. 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 USSR and the Union Republics.

Title to goods sold on credit shall arise for the buyer in accordance with the rules of Art. 30 of the present Fundamentals.

CHAPTER 3

DELIVERY

ARTICLE 44. *Contract of Delivery*

By contract of delivery, the supplier organisation shall undertake to convey by a definite date or dates to the ownership (operative management) of the buyer organisation (customer) specified goods in accordance with the planning act of distribution of goods which is binding on both organisations; the buyer organisation 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, Spe-

cial Terms of Delivery for Separate Types of Goods (Art. 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, unless 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 standards, technical specifications or samples. Contract may provide for delivery of goods of higher quality than that specified by standards, approved technical specifications or samples.

In the event of delivery of goods of lower quality than that required by 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 standards or technical specifications but prove to be of a lower grade than that 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, 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 (Art. 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 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 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 by complete ones, 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 Contract of Delivery*

Contracts of 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, STATE AND OTHER FARMS

ARTICLE 51. *Contract of 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 collec-

tive and state farms. The legislation of the USSR may provide for cases of state purchases of agricultural produce by contract from other farms as well.

ARTICLE 52. *Content of Contract of Delivery of Agricultural Produce*

Contracts of 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 in due time and pay for it at the fixed prices, and also the amounts and the dates of advance cash payments to collective farms;

the duties in helping the collective, state and other farms to organise the production 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 of 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 payment.

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 major 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 condition; make current repairs at his own expense, unless otherwise provided for by law

or contract; and upon the termination of the lease contract return the property in the condition he had received it, with allowance for 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 other social 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 certain 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. *Contract for the Lease of Housing*

Living accommodation in houses owned by the state or by social organisations shall be used in accordance with the contract of the lease of housing concluded between the lessor, i.e., the house-management office (and in its absence an enterprise, institution or organisation concerned) and the lessee, i.e., the citizen to whom the apartment assignment document has been issued.

The contract of the lease of housing in houses belonging to citizens according to the right of personal property shall be concluded between the lessee and the house-owner.

A contract of the lease of housing shall be concluded, changed and rescinded on the terms and in the manner determined by the legislation of the USSR and the Union Republics.

ARTICLE 57. *Repealed.*

ARTICLE 58. *Repealed.*

ARTICLE 59. *Repealed.*

ARTICLE 60. *Repealed.*

ARTICLE 61. *Repealed.*

ARTICLE 62. *Repealed.*

ARTICLE 63. *Repealed.*

CHAPTER 7

WORK AND LABOUR

ARTICLE 64. *Contract of Work and Labour*

By contract of work and labour, the contractor shall undertake to perform a job at his own risk and on the order 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 default 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 said 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 Separate Types of Contract of Work and Labour*

The rules governing separate types of contracts of work and labour between organisations and also rules governing the contract of work and labour for providing everyday services to citizens (everyday service order) shall be established by the legislation of the USSR and the Union Republics.

The Councils of Ministers of the Union Republics shall approve standard contracts for separate types of services offered to citizens. Departures from the terms of the standard contracts limiting the rights of customers shall be invalid.

CHAPTER 8

WORK AND LABOUR FOR CAPITAL CONSTRUCTION

ARTICLE 67. *Work and Labour Contract of Capital Construction*

By work and labour contract of 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. *General Contractor and Subcontractor*

Work and labour contract 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 general contractor, shall have the right, on the basis of subcontractor's contract, to assign fulfilment of separate parts of the work to specialised organisations (Art. 38 of the present Fundamentals).

Contract of assembly of equipment shall be made by the customer either with the general contractor, or with the supplier of the equipment.

With the consent of the general contractor, contracts of assembly or other special operations may be made by the customer with assembly and other specialised organisations.

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 the progress and quality of the building and assembly operations, and also the quality of the materials used, without, however, interfering in the contractor's operational 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 Work and Labour Contract of Capital Construction*

For non-performance or improper performance of duties under work and labour contract of 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 Work and Labour Contract for Capital Construction*

Work and labour contracts 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 work and labour contracts of capital construction on collective farms.

CHAPTER 9

CARRIAGE

ARTICLE 72. *Contract of Carriage*

By contract of 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 of 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 deliver such luggage to its destination and to issue it to the person authorised to receive it; 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 of the carriage of goods belonging to state, co-operative and other social organisations shall be made on the basis of the goods haulage plan which is binding on both parties.

Contracts of 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 this 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 (Art. 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 consignee or the consignor.

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 dif-

ferent 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 this 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 treaties.

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 this 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, other co-operative and social

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, other co-operative and social organisations shall be permitted only in the cases and within the limits established by the legislation of the USSR.

ARTICLE 84. *Disposal of Cash on the Accounts of Organisations at Credit Institutions*

Organisations shall 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, other co-operative and social 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 this Article.

Citizens' deposits at labour savings state banks and the State Bank of the USSR may be recovered 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 recovered), or for the separation of a deposit which is the spouses' common property. Citizens' deposits in 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 CAUSING HARM

ARTICLE 88. *General Grounds for Liability for Causing Harm*

Harm caused to the person or property of a citizen, and also harm caused to an organisation, shall be subject to indemnification in full by the person causing the harm.

The person causing the harm shall be absolved from indemnification, where he proves that the harm was not caused by his fault.

An organisation shall indemnify the harm caused by the fault of its functionaries in the performance of their labour (official) duties.

Harm caused by lawful acts shall be subject to indemnification only in the cases provided for by the law.

ARTICLE 89. *Liability for Harm Caused by Unlawful Acts of State and Social Organisations and Also Officials*

Harm caused to a citizen by unlawful acts of state and social organisations and also officials in performing their official duties in the field of administration shall be indemnified on general grounds (Art. 88 of the present Fundamentals) unless the law provides otherwise. Responsibility for causing harm to organisations through such acts shall set in in the order established by the law.

Harm caused to a citizen from unlawful conviction, unlawful bringing to criminal responsibility, unlawful detention in custody as a measure of constraint, unlawful imposition of the administrative penalty in the form of arrest or corrective labour, shall be indemnified by the state in full, regardless of the guilt of the officials of the bodies of inquiry and preliminary investigation, the procurator's office and the court, in the manner established by the law.

ARTICLE 90. *Liability for Harm Caused by Sources of Increased Hazard*

Organisations and citizens (transport organisations, industrial enterprises, building sites, owners of motorcars, etc.) whose activity is attended with increased hazard to others shall repair the harm caused by the source of increased hazard, unless they prove that the harm arose from force majeure or intent on the victim's part.

ARTICLE 91. *Liability for Injury to Health or Death of Person for Whom the Person or Organisation Causing Harm 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, this organisation or citizen must compensate

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 compensation for the injury shall belong to persons who are unable to earn and who had been the deceased'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 Injury to Health or Death of Person for Whom the Person or Organisation Causing Harm 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 compensate to the injured person for the injury caused, in accordance with the rules of Arts. 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 compensation for the injury shall belong to the persons listed in the second part of Art. 91 of the present Fundamentals.

ARTICLE 93. *Consideration of the Fault of the Injured Person and Property Status of the Party Causing Harm*

Where gross negligence on the part of the person injured has contributed to the occurrence of, or increase in, the harm, the amount of compensation, depending on the degree of fault of the injured person (and where the person causing harm is at fault, depending on the degree of his fault), must be reduced or compensation of injury must be denied altogether.

The court may reduce the amount of compensation for the harm caused by a citizen, depending on his property status.

ARTICLE 94. *Subrogated Claims*

An organisation or citizen liable for the harm caused must, in answer to a subrogated claim filed by state social insurance or social security agency, reimburse the amounts of allowance or pensions which have been paid to persons listed in Arts. 91 and 92 of the present Fundamentals.

Where the amount of the compensation for the harm has been reduced (Art. 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. *Compensation for the 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 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 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 disseminate 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, except in the cases specified by the 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 the law.

Standard contracts for the use of a work (publishing, production, script and other author's contracts, depositing manuscripts in libraries) 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 to which the USSR is a party.

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 prose work 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;

8) to publish works in the relief-point type intended for the blind.

ARTICLE 104. *Use of the Work Without the Author's Consent With Payment of Emoluments*

The following shall be permitted without the author's consent but with an indication of his name and payment of emoluments:

1) public performance of published works; however, where no admission fee is charged, the author shall have the right to emoluments only in the cases specified 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 (Point 4 of Art. 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 published 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 should 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 publishing such works through their reproduction.

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 since the day of the author's death.

The legislation of the Union Republics shall establish the range of 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 Rationalisation Proposals, 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 provided for in the Statute on Discoveries, Inventions and Rationalisation Proposals.

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 settled in a court of law.

Section VI

Right to an Invention, Rationalisation Proposal and Industrial Design

ARTICLE 110. *Author's Certificate and Patent to an Invention*

The author of an invention may, at his discretion, request either recognition of his authorship and transfer to the state of the exclusive right to the invention, or recognition of his authorship and consolidation to him of the exclusive right to the invention. In the first instance, an author's certificate shall be issued for the invention; in the second instance, a patent. Author's certificates and

patents shall be issued on the terms and in the manner specified in the Statute on Discoveries, Inventions and Rationalisation Proposals.

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 an Author's Certificate Is Issued*

Where an author's certificate is issued for the invention, the state's exclusive right to the said invention shall be in force, during fifteen years from the date the application thereto has been filed. The state shall concern itself with realising the invention with due allowance for the expediency of its use.

Co-operative and other social organisations may use the inventions falling within their ambit on equal terms with state organisations.

Use of the said inventions by other organisations and persons for business purposes for fifteen years since the date the application thereto has been filed shall be only allowed with the permission of the duly authorised state body.

An inventor to whom an author's certificate is issued shall, in the event his invention is used, have the right to remuneration, depending on the economic or other positive effect resulting from the use of his invention, and also the right to the privileges in accordance with the Statute on Discoveries, Inventions and Rationalisation Proposals.

ARTICLE 112. *Rights of the Holder of a Patent for Invention*

Patents shall be issued for fifteen years from the date the application has been made. From the same date, the rights of the applicant shall be protected. No one may use the invention without the consent of the person to whom the patent belongs (patent holder). The patent holder may issue a licence for the use of the invention or surrender the patent to another. The action of the patent may be terminated before the expiry of its term in the cases and manner determined by the Council of Ministers of the USSR.

An organisation which before the filing of the application for the invention had applied 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 said invention. Disputes on this question shall be settled in a judicial proceeding.

Where the invention is of special importance to the state, but where no agreement has been reached with the patent holder concerning the transfer of the patent or the issue of a licence, the Council of Ministers of the USSR may compulsorily buy out the patent or give the organisation concerned a permit to use the invention and establish the amount of remuneration to the patent holder.

ARTICLE 113. *Rights of the Author of a Rationalisation Proposal*

The author of a rationalisation proposal accepted for realisation shall be issued a certificate establishing his authorship. He shall have the right to remuneration, depending on saving or other positive effect resulting from the realisation of his proposal, and also the right to the privileges in accordance with the Statute on Discoveries, Inventions and Rationalisation Proposals.

ARTICLE 113¹. *Right to an Industrial Design*

The author of an industrial design may at his own choice either demand recognition of his authorship and transfer to the state of the exclusive right to the industrial design or demand recognition of his authorship and consolidation to him of the exclusive right to the industrial design. In the former case a certificate is issued to the industrial design, in the second case a patent. Certificates and patents shall be issued on the terms and in the manner established by the Regulations on Industrial Designs, approved by the Council of Ministers of the USSR.

When a certificate has been issued to the industrial design, the state's exclusive right to the design shall be operative during ten years from the date of the design's priority.

The exclusive right to the industrial design based on the patent shall be operative during five years from

the date of the design's priority. This period may be prolonged on the initiative of the patent holder, but for not more than five years.

The author of an industrial design, to whom a certificate has been issued, shall have the right to remuneration if the said design is used, and also the right to the privileges in accordance with the Regulations on Industrial Designs.

Patenting abroad of industrial designs made within the borders of the USSR and industrial designs made by Soviet citizens abroad and also any transfer of Soviet industrial designs abroad shall only be permitted in the manner established by the Council of Ministers of the USSR.

ARTICLE 114. *Participation of the Author of an Invention, Rationalisation Proposal or Industrial Design in Realising His Proposals*

Authors of inventions, rationalisation proposals and industrial designs shall participate in realising their proposals in the manner determined by the Council of Ministers of the USSR.

ARTICLE 115. *Descent by Inheritance of the Rights of the Author of an Invention, Rationalisation Proposal or Industrial Design*

The right to obtain a certificate of authorship or a patent for an invention, a certificate for a rationalisation proposal or a certificate or patent for an industrial design and remuneration for the invention, rationalisation proposal and industrial design and also the exclusive right to the invention and industrial design based on a patent, shall descend by inheritance in the manner established by the law.

ARTICLE 116. *Disputes Concerning Authorship and Payment of Remuneration*

Disputes concerning the authorship (co-authorship) of an invention and industrial design shall be decided in a court of law. Disputes concerning priority of rationalisation proposals, 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, rationalisation proposals and industrial designs

shall be decided in accordance with the procedure established by the Statute on Discoveries, Inventions and Rationalisation Proposals and the Statute on Industrial Designs, respectively, with the author 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 the law and under a will.

Inheritance by operation of the 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 deceased person shall pass to the state by right of succession.

ARTICLE 118. *Inheritance by Operation of the Law*

Where inheritance is by operation of the law, the children (including the adopted children), the spouse and the parents (foster-parents) of the deceased person shall be heirs of the first class, in equal shares. The posthumous child of the deceased person shall also be an heir of the first class.

The grandchildren and great-grandchildren of the deceased person 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 inheritance by operation of the law.

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 the law only in the absence of heirs of the preceding class or in the event of their non-acceptance of the inheritance.

Non-able-bodied persons who had been dependents of the deceased person for not less than one year prior to his death shall be heirs-at-law. In the presence of other heirs, they shall inherit 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 testator, 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 other social organisations.

Children of the deceased person (including adopted children) who are minors or who are unable to earn, and also the spouse, the parents (foster-parents) and dependents of the deceased person 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 inheritance by law (*portia legitima*). In determining the size of the *portia legitima*, 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 state labour savings banks and the State Bank of the USSR by special instructions of depositors shall be determined by the statutes of said credit institutions and the rules laid down in the established manner.

ARTICLE 120. *Liability of Heir for the Debts of the Deceased Person*

An heir who accepts the inheritance shall be liable for the debts of the deceased person within the limits of the actual value of the estate which passes to him by inheritance. The state, where it receives property under Arts. 117 and 119 of the present Fundamentals, shall be liable on the same grounds.

ARTICLE 121. *Place of the Opening of Inheritance*

The last domicile of the testator, and where that is unknown, the place where the property, or its principal part, is located shall be deemed to be the place of the opening of inheritance.

Section VIII

Passive Capacity of Foreign Nationals and Stateless Persons. Application of Foreign Civil Laws and International Treaties

ARTICLE 122. *Passive Capacity of Foreign Nationals*

Foreign nationals shall enjoy in the USSR passive capacity equally with Soviet citizens. Exemptions may be established by the law of the USSR.

The Council of Ministers of the USSR may impose retaliatory restrictions on citizens of countries imposing special limitations on the passive capacity of Soviet citizens.

ARTICLE 123. *Passive Capacity of Stateless Persons*

Stateless persons shall enjoy in the USSR passive capacity equally with Soviet citizens. Exemptions may be established by the law of the USSR.

ARTICLE 123¹. *Law Applying to the Active Capacity of Foreign Nationals and Stateless Persons*

The active capacity of the foreign national shall be determined pursuant to the law of the country whose citizen he is.

The active capacity of the stateless person shall be determined pursuant to the law of the country in which he is domiciled.

The active capacity of foreign nationals and stateless persons in respect of transactions made in the USSR and obligations arising from causing harm in the USSR shall be determined under the Soviet law.

Foreign nationals and stateless persons permanently resident in the USSR may be deemed legally unfit or fit to a limited extent in the manner established by the legislation of the USSR and the respective Union Republic.

ARTICLE 124. *Passive Capacity of Foreign Enterprises and Organisations*

Foreign enterprises and organisations may without special authorisation make foreign trade transactions in the USSR and the concomitant clearing, insurance and other operations with Soviet foreign trade associations and other Soviet organisations entitled to make such transactions.

The passive capacity of foreign enterprises and organisations in making foreign trade transactions and the concomitant clearing, insurance and other operations shall be determined pursuant to the law of the country where said enterprises or organisations have been founded.

ARTICLE 125. *Law Applying to the Form of Transaction*

The form of transaction made 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 made by Soviet organisations, and the procedure governing their signing, regardless of the place where such transactions are made, 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 made, unless otherwise provided for by agreement of the parties.

Accrual and termination of the title to a thing under a foreign trade transaction shall be determined pursuant to the law of the place where it is made unless otherwise provided for by agreement of the parties.

The title to a thing being carried under a foreign trade transaction shall be determined pursuant to the law of the country from which said thing has been despatched, unless otherwise provided for by agreement of the parties.

The place of conclusion of the transaction shall be determined pursuant to the Soviet law.

ARTICLE 126¹. *Law Applying to the Form and Period of Validity of a Proxy*

The form and period of validity of a proxy shall be determined pursuant to the law of the country where the

proxy has been issued. However, a proxy cannot be deemed invalid owing to the non-observance of the form, provided the latter meets the requirements of the Soviet law.

ARTICLE 126². *Law Applying to the Period of Limitation of a Claim*

The period of limitation of a claim shall be determined pursuant to the law of the country whose legislation is applied to determine the rights and obligations of the parties to the legal relation concerned.

Claims to which the period of limitation is not applied shall be determined by Soviet legislation.

ARTICLE 126³. *Law Applying to the Right of Property*

Title to a thing shall be determined pursuant to the law of the country where the thing is located.

Accrual and termination of title to a thing shall be determined pursuant to the law of the country where the thing was at the moment when an action or other circumstance took place that served as a ground for accrual or termination of the title to the thing, unless otherwise provided for by the legislation of the USSR and the Union Republics.

ARTICLE 126⁴. *Law Applying to Obligations Arising from Causing Harm*

The rights and duties of the parties in the obligations arising from causing harm shall be determined pursuant to the law of the country where an action or other circumstance occurred that served as a ground for a claim for indemnifying the harm.

The rights and duties of the parties in obligations arising from causing harm abroad, if the parties are Soviet citizens or Soviet organisations, shall be determined pursuant to the Soviet law.

A foreign law shall not apply if the action or other circumstance that serves as a ground for a claim for indemnifying harm is not illegal pursuant to Soviet legislation.

ARTICLE 127. *Law Applying to Succession*

Relations arising from succession shall be determined by the law of the country where the testator had his last domicile.

The ability 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 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 meets 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 ability of a person to make or revoke a will, and also the form of the latter, if a structure located in the USSR is bequeathed.

ARTICLE 128. *Limitation to the Application of a Foreign Law*

A foreign law shall not apply where its application would contradict the fundamental principles of the Soviet system.

ARTICLE 129. *International Treaties*

Where an international treaty to which the USSR is a party establishes rules other than those contained in Soviet civil legislation, the rules of the international treaty shall apply.

The same procedure shall apply in respect of civil legislation of a Union Republic, where an international treaty to which the Union Republic is a party establishes rules other than those provided for by the civil legislation of the said Union Republic.

Adopted on December 8, 1961. The text is given with subsequent amendments and additions

Gazette of the USSR Supreme Soviet, No. 50, 1961,
Item 525; No. 45, 1966,
Item 955; No. 21, 1969,
Item 185; No. 24, 1970,
Item 207; No. 33, 1972,
Item 289; No. 9, 1973,
Item 138; No. 12, 1973,
Item 173; No. 45, 1973,
Item 637; No. 42, 1976,
Item 585; No. 21, 1977,
Item 313; No. 44, 1981,
Item 1184

**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 from 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 system of the USSR, the socialist system of economy and socialist property, protecting the socio-economic, political, and personal rights and freedoms of citizens, guaranteed by the Constitution of the USSR and Soviet laws, and the lawful interests of citizens, and also the rights and lawful interests of state enterprises, institutions, organisations, collective farms, other cooperative organisations and their associations, and other social organisations.

Civil procedure must promote the strengthening of socialist legality, 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 cases, perform several acts of procedure or execute the judgements 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 cases, in accordance with the rules of territorial cognizance.

The procedure in civil cases shall be governed by the laws of civil procedure in force at the time the cases are tried, the separate acts of procedure are performed or the court judgements are executed.

ARTICLE 4. *Cognizance of Civil Cases*

The courts shall have cognizance over disputes arising from 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 or state-cum-collective-farm enterprise, organisation or their association, 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 or mediation boards. The procedure governing the operation of comrades' courts or mediation boards shall be established by the legislation of the Union Republics.

The courts shall have cognizance 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 from administrative legal relations referred by the law to the jurisdiction of courts. In the cases and in the manner provided for by law the courts shall hear complaints on the actions of officials breaking the law, abusing their powers and infringing the rights of citizens.

The courts shall have cognizance 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 absent without a trace or dead, to declare a citizen legally unfit in consequence of mental disorder or feeble-mindedness.

The courts shall also have cognizance over other cases referred by the law to their jurisdiction.

The courts shall also hear cases involving foreign nationals, stateless persons or foreign enterprises and 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 enterprises, institutions, organisations, collective farms, other cooperative organisations, their associations, other social 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 by the Court Alone 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 origin, social and property status, race and nationality, sex, education, language, religious beliefs, occupation, place of residence and other circumstances.

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.

In administering justice people's assessors shall enjoy all rights of a judge. 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 members of the court.

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 socialist legal consciousness 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, Autonomous Region or Autonomous Area, or in the language of the majority of the population in a given locality.

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 of which they have command.

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 con-

cerning the intimate life of participants in the trial or to ensure secrecy of adoption of children.

To safeguard the privacy of correspondence and telegraphic communications, personal correspondence and personal telegraphic communications of citizens may be read in open court proceedings only with the permission of the persons engaged in the said correspondence or telegraphic communications. Otherwise such correspondence and telegraphic communications shall be read and investigated in camera.

Cases shall be heard in camera with the observation of all the rules of court procedure. 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 authority 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, and the Supreme Courts of the Union and Autonomous Republics*

The Supreme Court of the USSR shall exercise supervision of the judicial activity of the courts of the USSR, and also of the courts of the Union Republics, within the limits established by the law.

The Supreme Courts of the Union Republics and the Supreme Courts of the Autonomous Republics shall exer-

cise supervision of the judicial activity of the courts of the respective Republics.

ARTICLE 14. *Procurator's Supervision in Civil Procedure*

Supervision of the faithful and uniform 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 and by the procurators subordinate to him.

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 entered into legal force shall be mandatory for all state enterprises, institutions, organisations, collective farms, other cooperative organisations, their associations, other social organisations, officials and individual 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 concerned 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 conse-

quences 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 evidence, 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 it relies as the basis for its 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 socialist legal consciousness.

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 legal 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. *Legal Expenses*

Legal expenses shall consist of a state duty and the costs incurred in the proceedings.

Legal expenses 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 and salaries or file other claims arising from 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 rationalisation proposal;

3) plaintiffs in suits for alimony;

4) plaintiffs in suits for damages caused by maiming or other injury to health, and also death of the breadwinner.

The legislation of the USSR and the Union Republics may provide for other instances in which parties are excused from payment of legal expenses for the benefit of the state.

The court or judge may, depending on the citizen's property status, excuse him from the payment of legal expenses 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 enterprises, institutions, organisations, collective farms, other cooperative organisations, their associations, and other social 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, 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 against 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 for 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 grounds 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 in support of plaintiff or in support of 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 litigants, except for the right to modify the grounds 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 appeal to the court in defence of the rights and lawful interests of other persons or enter a case at any stage of the proceedings, wherever this is required for the protection of state or social 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, Institutions, Enterprises, Organisations and Individual Citizens in Defence of the Rights of Others*

In the cases provided for by law, organs of state administration, trade unions, state enterprises, institutions, organisations, collective farms, other cooperative organisations, their associations, other social organisations or individual 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, institutions, enterprises and organisations enumerated in the present Article, through their representatives, and individual 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 Cognizance of Motions in Civil Suits*

The judge, sitting alone, shall decide whether or not to take cognizance of a motion in a civil suit.

The judge shall refuse to take cognizance of the motion:

1) where the case is not subject to trial by courts;
2) where the party concerned that has brought action to the court has failed to comply with the procedure for preliminary extra-judicial settlement of dispute established by law for the given category of cases:

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 said dispute to a mediation board;

7) where the case 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 the interested person 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 points 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. *Security for a Claim*

The court or the judge, on the motion of participants in the case or on its own motion, may take steps to secure a claim. 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, examine documentary evidence 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*

Representatives of social organisations and work collectives which are not parties to the case may, by a ruling of the court, be permitted to take part in judicial proceedings 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 work collectives shall be determined by the legislation of the Union Republics.

ARTICLE 37. *The Court's Judgement*

The judgement of the court shall 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 fully or in part; the time limit and the manner of appealing against 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 enterprises, institutions, organisations, collective farms, other cooperative organisations, their associations, other social organisations, and individual citizens.

The judgement of the court shall be made by a majority vote, in writing 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 enterprises, institutions, organisations, collective farms, other cooperative organisations, their associations or other social organisations shall add a rider to its judgement and transmit it to the enterprises, institutions, organisations, officials or work 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 Legal Force*

The court judgement shall enter into legal force upon the expiry 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 enter into legal force 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 enter into legal force immediately upon pronouncement.

Where the judgement has entered into legal force, 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 capacity by a party;
- 3) defendant's service in a combat unit of the Armed Forces of the USSR, or motion of plaintiff who is in a combat 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 accord, suspend proceedings in a case.

ARTICLE 41. *Dismissal of Action*

The court shall dismiss an action:

1) where the case is not subject to court investigation;
2) where the interested person who has brought action to the court 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 acceptance of 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 the interested person who has brought an action 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 unfit person;

3) where the motion on behalf of the interested person has been filed by a person who is not empowered to plead the cause.

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, the interested person shall have the right to file the same suit in accordance with the general procedure.

ARTICLE 43. *Transmission of Cases from a Court of One Union Republic to a Court of Another Union Republic*

Transmission of cases from a court of one Union Republic to a 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 had 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 court shall be served on the parties and other participants in the case.

The procedure governing the serving of copies of the appeal and protest and the procedure governing the serving of notice of the time and place of the review of the case in a cassation court 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.

Representatives of social organisations and work collectives that are not a party to the case shall be admitted to the review of cases in cassation proceedings. In addition, once they participated in the court of first instance no additional powers shall be required.

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 Arts. 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, separately from the judgement, 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, 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. *Review of Final Judgements, Rulings and Orders by Way of Judicial Supervision*

Judgements, rulings and orders which have entered into legal force may be reviewed by way of judicial supervision

on protests lodged by procurators, chairmen of the courts and their deputies in whom this power is vested by law.

Officials who are authorised to lodge protests by way of supervision may suspend the execution of relevant judgements, rulings and orders pending the termination of the proceedings by way of supervision.

An official who has lodged a protest by way of supervision shall have the right to withdraw it prior to the hearing of the case. In the course of hearing, the protest may neither be withdrawn nor changed.

In a review of a case by way of supervision, the court, on the ground of the materials on record in the case and those additionally submitted, shall verify whether the judgement, ruling or 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 review by way of supervision shall be established by the legislation of the Union Republics.

ARTICLE 50. *Powers of the Court Reviewing a Case by Way of Supervision*

The court, having reviewed a case by way of supervision, may enter a ruling or order:

1) leaving the judgement, ruling or order without modification, and the protest, without satisfaction;

2) quashing the judgement, ruling or 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 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 orders in the case in force;

5) modifying the judgement, ruling or 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 Court Judgements, Rulings and Orders by Way of Supervision*

Invalidity of court judgements, rulings or orders or essential violations of the rules of substantive or adjective law shall be grounds for the reversal by way of supervision.

A court judgement, ruling or order shall be subject to reversal by way of supervision, with the court dismissing the case or refusing to proceed in the case, on the grounds enumerated in Arts. 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 a review of the case by way of supervision, predetermine the conclusions which may be drawn by the cassation court in a fresh hearing of the case.

ARTICLE 53. *Review of Final Judgements, Rulings and Orders by Reason of Newly Discovered Circumstances*

Judgements, rulings and orders which have entered into legal force may be reviewed by reason of newly discovered circumstances.

The following shall be grounds for a review of judgements, rulings and 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 order or decision of any other body which served as ground for the given judgement, ruling or order.

The judgement that has entered into legal force shall be reviewed, by reason of newly discovered circumstances, by the court that has passed this judgement. The rulings and orders of the cassation or supervisory instances that had altered the judgement of the court of first instance or passed a new judgement shall be reviewed, by reason of newly discovered circumstances, by the court that changed the judgement or passed a new judgement.

The period of and the procedure governing the review of final judgements, rulings and 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 Judgements That Have Entered into Legal Force*

Court judgement shall be executed upon entering into legal force, with the exception of cases of immediate exe-

cution, as established by the legislation of the Union Republics.

Compulsory execution of court judgements shall be made upon the expiry 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 some 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 enterprises, institutions, organisations, collective farms, other cooperative organisations, their associations, other social organisations, officials and individual 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 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. *Recovery of Property of Citizens, State Enterprises, Institutions, Organisations, Collective Farms, Other Cooperative Organisations, Their Associations, and Other Social 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 recovered on the strength of a court sentence or judgement satisfying a civil suit which arose from criminal case or a court judgement in action for alimony (in the absence of earnings or other property which may be recovered), or for partition of a deposit which is marital community property.

The debtor's wages or other earnings, pension or scholarship may be recovered, 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 recovered, where the amount to be recovered is not greater than the part of the monthly wage or other earnings, pension or scholarship which may be recovered under law.

Social insurance benefits paid during temporary disability, and also allowances paid from collective-farm mutual aid funds may be recovered only by a court order for recovery of alimony or compensation of damages caused by a maiming or other injury to health, and also by death of the breadwinner.

Recovery from state enterprises, institutions, organisations, collective farms, other cooperative organisations, their associations, and other social 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 enterprises, institutions, organisations, collective farms, other cooperative organisations, their associations, and other social organisations, the proportion of wages or other earnings, pensions and students' scholarships which may not be recovered, and also the order of priority for satis-

faction of claims for recovery in the event of insufficiency of the amounts recovered, shall be established by the legislation of the USSR and the Union Republics.

ARTICLE 58. *Execution of Judgements in Parts Relating to the Recovery of Property, Compositions in Court, and Other Decisions and Orders*

Execution of judgements in parts relating to the recovery of property, court rulings and orders, compositions in court, awards of comrades' courts and 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 Foreign Nationals and Stateless Persons.
Suits Against Foreign Countries,
Letters Rogatory and Judgements of Foreign Courts.
International Treaties**

ARTICLE 59. *Civil Procedural Rights of Foreign Nationals, and Foreign Enterprises and Organizations*

Foreign nationals 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 shall have the right to apply to the court and shall enjoy civil procedural rights equally with Soviet citizens.

ARTICLE 60¹. *Cognizance by Soviet Courts of Civil Suits Arising from Disputes Involving Foreign Nationals, Stateless Persons, and Foreign Enterprises and Organisations and Also Arising from Disputes in Which at Least One Party Resides Abroad*

Cognizance by Soviet courts of civil suits arising from disputes involving foreign nationals, stateless persons, foreign enterprises and organisations, and also arising from disputes in which at least one party resides abroad shall be determined by the legislation of the USSR and in the cases other than those mentioned by the legislation of the USSR by the cognizance rules established by the legislation of the Union Republics.

ARTICLE 61. *Suits Against Foreign Countries. Diplomatic Immunity*

Filing of a suit against a foreign country, securing collection of a claim against it and recovery 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 treaties of the USSR 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 international treaties of the USSR.

Where a foreign country does not accord the Soviet state, its property, or its representatives the same judicial immunity which, in accordance with the present Article, is accorded foreign countries, their property or their representatives in the USSR, the Council of Ministers of the USSR or other authorised organ may impose retaliatory measures in respect of that country, its property or its representatives.

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 treaties 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 international treaties of the USSR. 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 entered into legal force.

ARTICLE 64. *International Treaties*

Where the international treaty to which the USSR is party establishes other rules than those contained in Soviet legislation on civil procedure, the rules of the international treaty shall apply.

The same provision shall apply in the respect of civil

procedure legislation of a Union Republic where the international treaty to which the Union Republic is a party establishes rules other than those provided for by the legislation of the Union Republic on civil procedure.

Adopted on December 8, 1961. The text is given with subsequent amendments and additions

Gazette of the USSR Supreme Soviet, No. 50, 1961, Item 526; No. 33, 1972, Item 289; No. 21, 1977, Item 313; No. 42, 1979, Item 697

**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 encroachments, of the social system of the USSR, its political and economic systems, socialist property, the person, rights and freedoms of citizens and the whole of the socialist law and 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 penalties to be applied to persons who have committed offences.

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 provide for 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 by carelessness, commit-

ted a socially dangerous act provided for by the criminal law, shall be subject to criminal responsibility and punishment.

No one may be found guilty of committing a crime and subjected to punishment as a criminal except by the sentence of a court and in conformity with the law.

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 treaties, do not come within the jurisdiction of Soviet courts 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, foreign nationals shall be subject to responsibility under the Soviet criminal laws in the instances provided for by international treaties.

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 encroaches on the social system of the USSR, its political and economic systems, socialist property, the person and the political, labour, property and other rights and freedoms of citizens, or any other socially dangerous act provided for by the criminal law, which infringes the socialist law and 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 7¹. *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; breach of the rules on currency operations and speculation in currency or securities under aggravating circum-

tances; embezzlement of state or social property on a large or an especially large scale; robbery under aggravating circumstances; brigandage; intentional destruction or damage of state or social property or the personal property of individual citizens under aggravating circumstances; murder (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; abuse of authority or official powers 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, decision, rider or ruling which has entailed grave consequences; forcing to give evidence under aggravating circumstances; attempt on the life of a militiaman or a voluntary squad patrolman; malicious or especially malicious hooliganism; hijacking of an aircraft; stealing of firearms, ammunition or explosives; stealing of narcotics under aggravating circumstances, and also sale and stealing for the purpose of sale, making, acquiring, keeping, shipment or sending of narcotics; disobedience under aggravating circumstances; resistance to the chief or forcing him to violate his official duties; violent action in respect of a chief; desertion from the army; 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 Carelessness*

A crime shall be deemed committed by carelessness where the person who has committed it anticipated the possibility of socially dangerous consequences ensuing from

his action 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, brigandage, robbery, theft, malicious and especially 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 Compos Mentis*

A person who, at the time of the commission of a socially dangerous act, was *non compos mentis*, 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 of sound mind who has committed a crime but who, before judgement was rendered by the court, has been afflicted with a mental illness depriving him of the possibility of accounting for or governing his actions, shall not be subject to punishment as well, 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 meting out punishment, the court shall 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 reforming and reeducating 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 penalties 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 servicemen on short-term active service.

Apart from these basic penalties, the following supplementary penalties 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 penalties.

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 murder under the aggravating circumstances indicated in the articles of the criminal laws of the USSR and the Union Republics which establish responsibility for murder, 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 the sentence is to be 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 settlement colonies for persons who have committed crimes by carelessness, and in colonies with general, reinforced, strict and special regime or in prison, and also in educative labour colonies with a general and reinforced regime.

The serving of punishment in corrective labour colonies shall be assigned to men:

who have been sentenced for the first time to deprivation of liberty for a term of not more than five years for crimes committed by carelessness—in settlement colonies for persons who committed crimes by carelessness;

who have been sentenced for the first time to deprivation of liberty for intentional minor crimes or who have been sentenced for the first time for grave crimes for a term of up to three years, and also those who have been sentenced for the first time for crimes committed by carelessness for a term of more than five years—in colonies with a general regime;

who have been sentenced for the first time to deprivation of liberty for grave crimes for a term of more than three years—in colonies with a reinforced regime;

who have either been sentenced for especially dangerous crimes against the state or who had earlier served punishment in the form of deprivation of liberty—in colonies with a strict regime;

who have been deemed especially dangerous recidivists—in colonies with a 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 a strict regime; to women sentenced for the first time for a term of up to five years for crimes committed by carelessness—in settlement colonies for persons who have committed crimes by carelessness and to other women sentenced to deprivation of liberty—in colonies with a general regime.

The serving of punishment in educative labour colonies shall be assigned:

to male minors sentenced for the first time to deprivation of liberty for minor crimes, 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 a general 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 a 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 persons sentenced for the first time to deprivation of liberty for a term of up to ten years for crimes committed by carelessness—in settlement colonies for persons who committed crimes by carelessness; by persons not deemed especially dangerous recidivists—in corrective labour colonies of any type except those with a special regime; and by convicted male minors—in educative labour colonies with a general regime instead of colonies with a 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 23¹. *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; embezzlement of state or social property on an especially large scale; brigandage with intent to seize state or social property or the personal property of citizens under aggravating circumstances; murder (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 the rape of a minor or rape resulting in especially grave consequences, and also the rape of a little girl; attempt on the life of a militiaman or a voluntary squad patrolman in connection with their official or social activity in maintaining public order; aircraft hijacking; who has thereafter again committed any one of the enumerated crimes for which he is 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 disturbances; the making or uttering of counterfeit money or securities; breach of the rules on currency operations; embezzlement of state or social property under aggravating circumstances (with the exception of small-scale stealing); brigandage with intent to seize state or social property or the personal property of citizens; murder (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, robbery or swindling committed under aggravating circumstances; speculation under aggravating circumstances; taking a bribe; attempt on the life of a militiaman or a voluntary squad 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, stealing, making, acquiring, keeping, shipment or sending of narcotics for the purpose of sale, sale of such substances, and also their steal-

ing under aggravating circumstances; 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 point 2 of the first part of the present Article and who has thereafter again committed malicious hooliganism or any of the crimes enumerated in point 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 points 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 cancelled or expunged in the order provided for by the law.

The recognition of a person an especially dangerous recidivist shall be revoked when the record of his conviction is cancelled.

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 manner provided for by the law, before the commission of the given crime.

ARTICLE 23². *Conditional Conviction to Deprivation of Liberty, with Obligatory Work*

In imposing punishment to an adult able-bodied person convicted for the first time to deprivation of liberty for an intentional crime for a term of up to three years, and for a crime committed by carelessness for a term of up to five years, the court, taking account of the nature and degree of social danger of the crime committed, the character of the guilty person and other circumstances of the case, and also possibility of reforming and reeducating him without isolating him from society, but maintaining surveillance over him, may choose to convict the said person conditionally to deprivation of liberty, making it binding on him to work in the places pinpointed by the bodies in charge of the execution of the sentence, stating the motives for such a decision in the judgement.

In convicting a person conditionally to deprivation of liberty with obligatory work, the court may also impose on him additional measures of punishment in the cases and the manner stipulated by the legislation of the USSR and the Union Republics. The rules of the sixth part of Art. 38 of the present Fundamentals shall not be applied to such persons.

Conditional conviction to deprivation of liberty with obligatory work shall not be applied:

1) to persons sentenced for especially dangerous crimes against the state; banditry; murder (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 committed by a group of persons, or the rape of a minor or rape resulting in especially grave consequences, and also the rape of a little girl; especially malicious hooliganism;

2) to persons to whom, in addition to punishment for the crime they committed, measures of compulsory treatment of alcoholism or drug addiction have been applied, and those who have not completed the course of treatment of a venereal disease;

3) to convicted foreign nationals and stateless persons.

When a conditionally sentenced person shirks work in

the place determined by the bodies in charge of the execution of the sentence, or systematically and maliciously breaks labour discipline, public order or the rules of residence established for him, he shall be sent, under the ruling of the court, to serve deprivation of liberty as imposed in the sentence. The period of shirking work shall not be counted and the period during which the convicted person worked may be counted by the court, fully or in part, in the period of serving punishment on a day for day basis.

If the conditionally convicted person has, during the term of deprivation of liberty imposed by the court, committed a fresh crime the court shall impose on him punishment according to the rules provided for in Art. 36 of the present Fundamentals.

ARTICLE 24. *Exile and Restricted Residence*

Exile consists in the removal of the convicted person from the place of his residence, with obligatory settlement in a specified locality.

Restricted residence consists 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 imposed, as a basic and as a supplementary punishment, for a term of not more than five years.

Exile and restricted residence may be imposed, 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 Labour Without Deprivation of Liberty*

Corrective labour without deprivation of liberty shall be imposed for a term of up to two years and shall be served

either at the convicted person's place of work or in any other place in the area of his or her residence. Deductions for the benefit of the state shall be made from the earnings of the person sentenced to corrective labour 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 labour without deprivation of liberty to be served at his place of work, shirks serving of punishment, the court may on the representation of an agency of the interior or on a request of a social organisation or work collective, send the said person to serve punishment in other places defined by the bodies in charge of application of corrective labour but in the convicted person's residence area.

In the event a person who is sentenced to corrective labour without deprivation of liberty to be served at his serving of punishment the court may replace the remaining part of the term of corrective labour by a penalty in the form of deprivation of liberty for the same term.

The procedure for serving corrective labour 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 specified activity may be imposed by the court as a basic or a supplementary punishment for a term of up to five years.

This punishment may be imposed 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 specified activity.

ARTICLE 27. *Fine*

Fine is a monetary exaction imposed by the court in the instances and within the limits established by the law.

The fine shall be established, depending on the gravity of the crime committed and taking account of the guilty person's material position at the amounts of up to 300 roubles and for crimes of avarice of up to 1,000 roubles. In

22 July 1988

F by legislative act of the USSR

exceptional cases, provided for by legislation of the USSR, higher amounts of fine may be established for certain crimes.

There shall be no substitution of deprivation of liberty for fine or fine for deprivation of liberty.

In the event the person maliciously evades payment of the fine imposed as the basic penalty the court may replace the fine's unpaid part by a penalty in the form of corrective labour without deprivation of liberty on the basis of one month of corrective labour for twenty roubles of fine, but for a term of not more than two years.

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 Remanding in the Guardhouse for Corrective Labour*

Assignment to a disciplinary battalion for a term of three months to two years may be applied to servicemen on short-term active service, who committed crimes, 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 servicemen, remanding in the guardhouse for a term of up to two months shall be substituted for corrective labour without deprivation of liberty.

ARTICLE 30. *Confiscation of Property*

Confiscation of property consists 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 judgment 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

**Imposition of Punishment
and Release from Punishment**

ARTICLE 32. *General Principles for Imposing Punishment*

The court shall impose 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 imposing punishment, the court, guided by socialist legal consciousness, 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 imposition 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 imposing punishment, the court may also take into consideration mitigating circumstances not indicated in the law.

ARTICLE 34. *Circumstances Aggravating Responsibility*

In the imposing of punishment, the following shall be deemed to be circumstances aggravating responsibility:

1) commission of the crime by a person who has previously committed a 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 also provide for circumstances aggravating the responsibility of the guilty person other than those indicated in the present Article.

ARTICLE 35. *Imposition 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 final punishment as an aggregate by incorporating the lighter punishment in the heavier, or fully or partially cumulating the penalties imposed, 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 penalties 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 imposed 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. *Imposition 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 imposed under the new judgement.

In the cumulation of penalties in the manner provided for by the present Article, the total term of punishment shall not exceed the maximum term established for the given type of punishment. In the cumulation of penalties involving deprivation of liberty, the total term of punishment shall not exceed ten years, and for crimes for which the law allows imposition of deprivation of liberty for a term of more than ten years, it shall not exceed fifteen years.

ARTICLE 37. *Imposition 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 impose 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 imposing punishment in the form of deprivation of liberty or corrective labour, 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 crime and justifies the trust shown him by exemplary behaviour and honest work. The behaviour of conditionally convicted persons shall be supervised by agen-

cies of the interior and that of convicted minors also by commissions for minors under the Executive Committees of district, town and ward Soviets of People's Deputies in accordance with the legislation of the USSR and the Union Republics.

Considering the circumstances of the case, the character of the guilty person and also petitions by social organisations or the work collective 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 reeducation and reformation. In the absence of the said petition the court may impose an obligation on a work collective or a person concerned, with their consent, to supervise the conditionally convicted person and carry out educational work with him (her).

In the event a conditionally convicted person systematically violates public order during the probation period, which entails measures of administrative penalty or public influence, the court may, on the representation of agency of the interior and, in respect of minors, also of the commission for minors under the Executive Committee of a district, town or ward Soviet of People's Deputies, pass a rider on revoking conditional conviction and sending the convicted person to serve punishment imposed by the sentence.

If a conditionally convicted person who has been sent for reforming and reeducation under the surveillance of a social organisation or a work collective failed to justify their trust, broke his promise to prove, by exemplary behaviour and honest work, that he had been reformed, or left the work collective to evade public influence, the court may, on the petition of a social organisation or a work collective, pass a rider on revoking the conditional conviction and sending the convicted person to serve punishment as imposed by the sentence.

In the event a conditionally convicted person commits a fresh crime within the probation period, the court shall impose punishment on him in accordance with the rules provided for by Art. 36 of the present Fundamentals.

Under conditional conviction supplementary punishments, with the exception of exile, restricted residence and confiscation of property, may be imposed.

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.

ARTICLE 39. *Stay of Execution of a Sentence Imposed on a Serviceman or Reservist in Wartime*

In wartime, execution of a sentence involving deprivation of liberty rendered in respect of a serviceman or reservist 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 penalties.

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, release 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 the sentence has been stayed, the court shall add the punishment previously imposed to the new punishment, in accordance with the rules provided for by Art. 36 of the present Fundamentals.

ARTICLE 39¹. *Stay of Execution of the Sentence*

In imposing punishment to a person for the first time sentenced to deprivation of liberty for a term of up to three years the court may, taking account of the character and degree of social danger of the committed crime, the character of the guilty person and other circumstances of the case, and also possibility of reforming and reeducating him without isolating him from society, stay the execution of the sentence in respect of such a person for a term of one to two years. The court may in such cases also stay the execution of supplementary penalties.

The stay of execution of a sentence shall not apply to persons enumerated in points 1 and 2 of the third part of Art. 23² of the present Fundamentals.

In staying execution of a sentence the court may make it binding on the convicted person to remove, within a specified period, the harm made, start to work or study, not

to change his (her) place of residence without permission of an agency of the interior, notify these agencies about change in the place of his (her) work or studies, periodically report for registration in the agency of the interior, and assign to him (her) other duties as provided for in the legislation of the Union Republics, the fulfilment of which may help him (her) reform and be reeducated. The court may also assign to a certain work collective or person, with their consent, the duty to keep surveillance over the convicted person and carry on educational work with him (her).

The behaviour of convicted persons in relation to whom execution of the sentence to the deprivation of liberty has been stayed shall be supervised by the agencies of the interior and that of convicted minors also by commissions for minors under the Executive Committees of district, town, or ward Soviets of People's Deputies in accordance with legislation of the USSR and the Union Republics.

Where a convicted person in relation to whom execution of a sentence to deprivation of liberty has been stayed fails to fulfil the duties assigned him by the court or violates public order or labour discipline, which entails administrative, disciplinary or public measures, the court may, on the representation of an agency of the interior, or a commission for minors under the Executive Committee of a district, town or ward Soviet of People's Deputies or work collective vested with the duty to keep surveillance over the convicted person and carry on educational work with him (her), pass a rider revoking the stay of execution of the sentence to the deprivation of liberty and sending the convicted person to serve deprivation of liberty as imposed by the sentence.

After the expiry of the term of stay of execution of the sentence the court shall, on the representation of the agency supervising the convicted person's behaviour and depending on his (her) attitude to work or studies as well as his (her) behaviour during the term of stay of the execution of the sentence as established by the court, pass a rider releasing the convicted person from punishment or sending him (her) to serve deprivation of liberty as imposed by the sentence.

In the event the convicted person commits a fresh crime

within the term of stay of the execution of the sentence, the court shall add the earlier punishment to the new one according to the rules, provided for in Art. 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 fresh 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 him-

self. Furthermore, criminal proceedings may not be instituted against such 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 the Execution of Judgement of Conviction*

A judgement of conviction shall not be executed where it has not been executed within the following periods 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. *Release from Criminal Responsibility and Punishment*

A person who has committed an act containing indicia of a crime may be released 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 him (her) 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 under the judgement of the court 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.

A person who has committed an act containing indicia of a crime and which does not present a great social danger may be released from criminal responsibility where it is deemed that he (she) can be reformed and reeducated without applying criminal punishment. In this event one of the following decisions may be made in accordance with legislation of the USSR and the Union Republics:

- 1) to bring the person to administrative responsibility;
- 2) to transfer the materials of the case to a comrades' court for its consideration;
- 3) to transfer the materials of the case to a commission for minors;
- 4) to pass the person on parole of a social organisation or work collective.

Release from criminal responsibility and bringing to administrative responsibility shall only be permitted in cases of crimes for which the law provides punishment in the form of deprivation of liberty for a term of not more than one year, or another, lighter punishment.

ARTICLE 44. *Conditional Release from Punishment Short of a Full Term and Substitution of a Lighter Punishment*

Conditional release from punishment short of a full term or substitution of a lighter punishment for the unserved part of the punishment may be applied to persons sentenced to deprivation of liberty, conditionally sentenced to deprivation of liberty with obligatory labour, to exile, restricted residence, corrective labour or despatch to a disciplinary battalion, and also persons conditionally released from places of confinement with obligatory labour in accordance with Art. 44² of the present Fundamentals, with the exception of persons enumerated in Art. 44¹ of the present Fundamentals.

Conditional release from punishment short of a full 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 short of a full 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 representation by the body in charge of the execution of the punishment and the watch commission under the Executive Committee of the local Soviet of People's Deputies and in relation to persons conditionally sentenced to deprivation of liberty with obligatory labour and conditionally released from places of confinement with obligatory labour, also on a joint representation of the management and social organisations at the convicted person's place of work.

Conditional release from punishment short of a full term or substitution of a lighter punishment for the unserved part of the punishment may be applied after the convicted person has actually served at least a 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 confinement have committed an intentional crime for which they have been sentenced to deprivation of liberty,

conditional release from punishment short of a full 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.

To persons convicted for banditry, actions disorganising 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; embezzlement of state or social property on an especially large scale; brigandage with intent to seize state or social property or the personal property of citizens under aggravating circumstances; rape committed by a group of persons or the rape of a minor or rape resulting in especially grave circumstances, and also the rape of a little girl; taking or giving a bribe or intermediacy in bribery under aggravating circumstances; attempt on the life of a militiaman or voluntary squad 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 by assault; making, acquiring, keeping, shipping or sending for the purpose of sale or sale of narcotics under aggravating circumstances; stealing of narcotics under aggravating circumstances.

Under conditional release from punishment short of a full term or substitution of a lighter punishment the convicted person may also be released from supplementary penalties 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 work is 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 work collective, with its consent, the duty to supervise the person conditionally released short of a full 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 (her).

In the event the person to whom conditional release short of a full term was applied has committed a fresh crime within the unserved part of the punishment, the court shall impose punishment on him in accordance with the rules provided for by Art. 36 of the present Fundamentals.

ARTICLE 44¹. *Non-Application of Conditional Release from Punishment Short of a Full Term and of Substitution of a Lighter Punishment*

Conditional release from punishment short of a full term and substitution of a lighter punishment for the unserved part of the punishment shall not be applied:

- 1) to an especially dangerous recidivist;
- 2) to a person convicted for an especially dangerous crime against the state;
- 3) to a person convicted for murder under aggravating circumstances;
- 4) to a person to whom deprivation of liberty was substituted for the death penalty by way of pardon or amnesty;
- 5) to a person who has earlier been convicted more than two times for intentional crimes to deprivation of liberty if his (her) record of conviction for an earlier crime has not been cancelled or expunged in the manner established by the law;
- 6) to a person who has earlier been conditionally released from places of confinement before he served the full term of his punishment imposed by the court or if he has been conditionally released with obligatory work, and again committed an intentional crime within the unserved part of the punishment or obligatory term of work.

ARTICLE 44². *Conditional Release from Places of Confinement with the Convicted Person's Obligatory Labour*

Adult able-bodied persons serving punishment in places of confinement, with the exception of convicted persons serving punishment in settlement colonies for persons who committed crimes by carelessness, and also in other settlement colonies, provided such persons can be further reformed and reeducated without isolating them from society but under surveillance over them, may be conditionally released from places of confinement with obligatory labour in places determined by the bodies in charge of the execution of the sentence.

Conditional release from places of deprivation of liberty with obligatory labour may be applied:

1) to persons convicted for a term of up to ten years inclusive after they actually served not less than one-third of the term of punishment assigned them;

2) to persons convicted for a term of more than ten years after they actually served not less than a half of the term imposed on them;

3) to persons convicted for crimes enumerated in the sixth part of Art. 44 of the present Fundamentals after they actually served not less than two-thirds of the term of punishment assigned them.

Conditional release from places of confinement with the convicted person's obligatory labour shall be applied by the court at the place when the convicted person serves the punishment, on a joint representation of the body in charge of the execution of the sentence, and the watch commission under the Executive Committee of the local Soviet of People's Deputies, provided the convicted person gives a pledge to prove, through exemplary behaviour and honest attitude to work, that he has been reformed.

Conditional release from places of confinement, with the convicted person's obligatory labour, shall not be applied:

1) to persons enumerated in points 2 and 3 of the third part of Art. 23² of the present Fundamentals;

2) to persons enumerated in Art. 44¹ of the present Fundamentals;

3) to persons who systematically or maliciously violate the rules of serving punishment.

If a conditionally released person shirks work or systematically and maliciously violates labour discipline, public order or the rules of residence established for him, he shall be sent, under the rider of the court, to serve deprivation of liberty as imposed by the sentence. The period of his shirking work shall not be counted and the period during which the conditionally released person worked can be counted by the court, fully or in part, as the term of serving punishment on a day for day basis.

If a conditionally released person has committed a fresh crime within the obligatory term of work, the court shall impose on him punishment according to the rules provided in Art. 36 of the present Fundamentals.

ARTICLE 45. *Conditional Release from Punishment Short of a Full 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 short of a full 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 labour for crimes committed when under the age of eighteen years.

Conditional release from punishment short of a full 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 studies.

Conditional release from punishment short of a full 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 representation by the body in charge of the execution of the punishment and the commission for minors or the watch commission under the Executive Committee of the local Soviet of People's Deputies.

Conditional release from punishment short of a full 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 conviction, 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 confinement, 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 short of a full term or substitution of a lighter punishment for the unserved part of the punishment may be applied after they actually served 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; brigandage with intent to seize state or social property or the personal property of citizens under aggravating circumstances; murder under aggravating circumstances; rape committed by a group of persons or the rape of a minor or rape resulting in especially grave consequences, and also the rape of a little girl; attempt on the life of a militiaman or a voluntary squad 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 by assault,

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 actually served at least two-thirds of the assigned term of punishment.

In the substitution of corrective labour for the unserved part of deprivation of liberty, this shall be imposed within the limits established by the law for this type of punishment, and shall not exceed the unserved term of deprivation of liberty.

In applying conditional release from punishment short of a full term or substitution of a lighter punishment for the unserved part of the punishment, the court may impose on a given work collective or a person, with their consent, the duty to supervise the person conditionally released short of a full 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 (her).

In the event the person to whom, when under the age of eighteen years, conditional release from punishment short of a full term was applied, has during the unserved part of the punishment committed a fresh crime, the court shall impose punishment on him in accordance with the rules provided for by Art. 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 servicemen who have served punishment in the form of remanding in the guardhouse instead of corrective labour;

probation period, they do not commit a fresh crime and where during the said period conditional conviction in respect of these persons has not been repealed on other grounds provided for by the law;

2¹) persons conditionally sentenced to deprivation of liberty with obligatory work if they do not commit a fresh crime within the term of their obligatory employment or are not sent to places of confinement to serve punishment under the grounds provided for by the law;

2²) persons sentenced to deprivation of liberty under Art. 39¹ of the present Fundamentals when they, during the term of the stay of the execution of the sentence, do not commit a fresh crime and the sentence is not executed in the statutory manner;

3) persons sentenced to social censure, fine, deprivation of the right to hold specified offices or to engage in specified activity, or to corrective work, 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 five 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 establishes that the convicted person has been reformed and 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 social organisations, eliminate the record of his conviction short of a full term 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.

Adopted on December 25, 1958. The text is given with subsequent amendments and additions

Gazette of the USSR Supreme Soviet, No. 1, 1959, Item 6; No. 21, 1961, Item 222; No. 14, 1962, Item 147; No. 29, 1969, Item 249; No. 22, 1972, Item 176; No. 11, 1973, Item 157; No. 16, 1974, Item 245; No. 18, 1974, Item 275; No. 7, 1977, Item 116; No. 8, 1977, Item 137; No. 33, 1981, Item 965; No. 42, 1982, Item 793

**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, exposure of guilty persons, and 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 and convicted.

Criminal procedure shall help to consolidate socialist legality and law and order, prevent and eradicate crime, protect the interests of society and the rights and freedoms of citizens, and educate citizens in a spirit of undeviating observance of the Constitution of the USSR and 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 Inadmissibility 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 *corpus delicti*;
- 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, which has entered into legal force, under the same accusation, or a court rider or ruling on the termination of the case on the same grounds;
- 10) with respect to a person concerning whom there is a ruling in force taken by the organ of inquiry, investiga-

tor or procurator on the termination of the case in the same indictment, with the exception of cases when the need for instituting proceedings was recognised by the court which hears the criminal case in question.

Where the circumstances indicated in points 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 points 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 5¹. *Termination of a Criminal Case and Bringing the Person to Administrative Responsibility or Transfer of the Material of the Case to a Comrades' Court, Commission for Minors or Transfer of the Person on Parole*

Criminal proceedings may be terminated in the cases and the manner stipulated by the legislation of the USSR and the Union Republics if:

- 1) the person has been brought to administrative responsibility;
- 2) the material in the case has been transferred to a comrades' court;
- 3) the material in the case has been transferred to a commission for minors;
- 4) the person has been transferred on parole to a social organisation or work collective.

A criminal case may not be terminated on the grounds mentioned in this Article if the person who has committed an act containing indicia of a crime objects thereto. In this case proceedings shall be continued in the usual manner.

ARTICLE 6. *Immunity of the Person*

No person may be subjected to arrest otherwise than by a judgement of the court or with the sanction of the procurator.

The procurator shall be obliged 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 sentence 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 also subjected to criminal punishment otherwise than by a sentence of the court and in conformity with the law.

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 origin, social and property status, race and nationality, sex, education, language, attitude to religion, occupation, place of residence and other circumstances.

ARTICLE 9. *Participation of People's Assessors and Collegiality in the Hearing of Cases*

Criminal cases in all courts shall be heard by judges and people's assessors elected in accordance with the procedure established by the law.

Criminal cases in all the courts of first instance shall be heard by a bench consisting of a judge and two people's assessors.

On administering justice people's assessors shall enjoy the rights of a judge. 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 at least 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, judges and people's assessors shall be independent and subordinate

only to the law. Judges and people's assessors shall decide criminal cases on the strength of the law, in conformity with the socialist legal consciousness 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, Autonomous Region, or Autonomous Area or in the language of the majority of the population in a given locality.

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, file petitions, acquaint themselves with all materials in the case, speak in court in their native language and 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. *Publicity of Court Hearing*

Hearing 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, hearing in camera shall be allowed, upon a motivated rider 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.

Cases shall be heard in camera with all the judicial procedure rules being observed.

The judgements of the courts shall in all instances be pronounced publicly.

ARTICLE 13. *Assurance of the Accused of the Right to Defence*

The accused shall have the right to defence.

The court, the procurator, the investigator and the person conducting inquiry shall be obliged 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 inquiry shall be obliged to take all the measures stipulated by the law for a 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 mitigate and which aggravate his guilt.

The court, the procurator, the investigator and the person conducting inquiry may not lay the onus 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 hearing 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 inquiry shall assess the evidence in accordance with their inner convictions based on a comprehensive, thorough and objective examination of 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 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 inquiry, the secretary of the judicial session, the expert, specialist 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 courts 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 courts of their respective Republics.

ARTICLE 20. *Procurator's Supervision in Criminal Proceedings*

Supervision over the strict and uniform 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 and by 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 officials whatsoever, being subordinate only to the law and guided by the instructions of the Procurator-General of the USSR.

The decisions of the procurator rendered in accordance with the law shall be binding on all institutions, enterprises, organisations, officials and individual 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 hearing in the court of first instance; to make challenges; and to file complaints against the actions and decisions of the person conducting inquiry, the investigator, the procurator and the court.

The accused shall have the right to the last plea.

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 therewith. On the procurator's order the defence counsel may 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 investigation 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 social organisations and other persons accorded this right by the legislation of the Union Republics may act as defence counsel.

The organ of preliminary investigation, the procurator, the court that hears the case, and also the manager of a legal aid office and presidium of the collegium of advocates shall have the right, in the manner stipulated by the legislation of the USSR and the Union Republics, to release the accused, fully or in part, from payment of legal fees.

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 hearing; 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 harm has been inflicted shall be deemed to be the victim.

A citizen who has been deemed to be the victim of a crime shall have the right to give testimony on the case. The victim and his representative shall have the right: to present evidence; to enter petitions; to acquaint themselves with the material of the case from the moment of completion of the preliminary investigation; to participate in court hearing; to make challenges; to file complaints against the actions of the person conducting inquiry, the investigator, the procurator and the court; and also to file complaints against the judgement or riders of the court and the rulings 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 hearing.

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 hearing; 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 rider 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 himself with the material of the case within the limits established by the law; to participate in the judicial hearing; to make challenges; to file complaints against the acts of the person conducting inquiry, the investigator, the procurator and the court, and also to file complaints against that part of the judgement and the rider 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 Investigation**

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 investigators of agencies of the interior 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, as provided for in Arts. 1-6 and 9), 27 (the part relating to concealment of state criminals, as provided for by Arts. 1-6, 9, 15 and 25). Investigators of the Procurator's Office and investigators of agencies of the interior shall also conduct preliminary investigation in criminal cases provided for by points (a), (b) and (c) of Art. 23 (divulgence of military secrets or loss of documents containing military secrets) of the Law on Criminal Responsibility for Military Crimes.

A preliminary investigation 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*

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 detection 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 hearing 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 cooperation 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 individual citizens.

ARTICLE 31. *Supervision of the Observance of the Laws by the Agencies of Inquiry and Preliminary Investigation*

Supervision of the observance of the laws by the organs of inquiry and preliminary investigation shall be effected by the procurator in accordance with the Law of the USSR On the Procurator's Office of the USSR.

The procurator's instructions shall be issued in writing and shall be binding on the investigator and the person conducting inquiry.

ARTICLE 32. *Remanding of a Person Suspected of the Commission of a Crime*

The agency of inquiry or the investigator shall have the right to remand 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 grounds to suspect a person of the commission of a crime, he may be detained only in the event he 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 remanded 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 remanding of a person suspected of the commission of a crime, stating the grounds and motives for which he has been remanded and notifying the

procurator thereof within 24 hours. It shall be the duty of the procurator to issue his sanction to remand in custody or to release the remanded person within 48 hours from the moment of receiving notification of his remanding.

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 and the court or prevent the establishment of the truth in a criminal case or will engage in criminal activity, and also to ensure execution of the sentence, the person conducting 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, remanding 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 instances, 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 remanded in custody before the indictment has been presented to him has the right: to file complaints against the acts of the person conducting inquiry, the investigator or the procurator, to give explanations and to enter petitions.

ARTICLE 34. *Remanding in Custody*

Remanding 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 for the term of more than one year. In exceptional cases this measure of preventive restriction may be applied in cases involving crimes for which the law provides punishment in the form of deprivation of liberty for the term of not more than one year.

With respect to persons accused of the commission of the gravest crimes, whose list shall be established by the law, remanding in custody may be applied for no other reason than the danger of the crime.

Remanding 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, to three months, and by the procurator of the Union Republic, and the Chief Military Procurator, to six months from the first day of remanding in custody. The term of remanding 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.

When the court returns the case, in which the term of the accused's remanding in custody has expired, for a new investigation, and when by virtue of circumstances of the case the measure of preventive restriction in the form of remanding in custody cannot be changed, the term of remanding in custody shall be prolonged by the procurator, who supervises the investigation, within one month since he received the case. The term may be further prolonged with account being taken of the time the accused was in custody before the case was sent to the court in the manner and within the limits established by the third part of this Article.

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 impoundment 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 ruling 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 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 rider on the committal of the accused for trial or shall return the case for further investigation 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 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 Court Hearing*

It shall be the duty of the court of first instance, in hearing 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 exhibits, 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 hear other cases before the completion of the hearing of the case already commenced.

ARTICLE 38. *The Equality of Rights of the Participants in the Court Hearing*

The prosecutor, the defendant, the defence counsel, the victim and also the civil plaintiff, the civil defendant and their representatives in the court hearing shall enjoy equal rights in presenting evidence, participating in the scrutiny of the evidence and in filing petitions.

ARTICLE 39. *The Participation of the Defendant in the Court Hearing*

The hearing of a case in a session of the court of first instance shall proceed with the participation of the defendant, whose presence in court shall be mandatory. Hearing of a case in the absence of the defendant shall be permitted only in exceptional cases, as expressly provided for by the law.

ARTICLE 40. *Participation of the Procurator in the Court Hearing*

The procurator shall maintain the state accusation before the court, take part in scrutinising the evidence, give conclusions on the questions arising during the court hearing, and present to the court his considerations concerning the application of the criminal law and the measure of punishment with respect to the defendant.

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 court hearing, 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 Representatives of Social Organisations and Work Collectives in the Court Hearing*

Representatives of social organisations and work collectives may take part in the proceedings in criminal cases.

Representatives of social organisations and work collectives may, by a rider of the court, be allowed to take part in the court hearing of criminal cases as voluntary prosecutors or defence counsel.

In cases involving minors the court may invite to the court representatives of enterprises, institutions and organisations in which the minor in question studied or worked, as well as representatives of commissions and inspectorates for minors and, whenever necessary, those of other organisations.

ARTICLE 42. *The Limits of the Court Hearing*

The hearing 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 defendant and does not infringe his right to defence. Where changes in the indictment entail infringement of the defendant'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 shall 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 motivated.

A judgement of conviction may not be founded on assumptions and shall be rendered only where, in the course of the court hearing, the defendant'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 hearing 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 defendant's act did not contain the *corpus delicti* and also where the defendant'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 defendant, his defence counsel and legal representative, and also the victim and his representative 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 reasons and 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 orders and rulings 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. *Hearing of Cases on Cassation Appeal and Protest*

In hearing 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 hearing 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 court hearing; 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 hearing 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 cassation court.

ARTICLE 46. *Inadmissibility in the Cassation Instance of Increasing the Convicted Person's Punishment or Applying to Him a Law on a Graver Crime*

In hearing 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, Rider or Ruling That Has Taken Legal Effect*

Review by judicial supervision of a court judgement, rider or ruling 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, and their deputies shall, in accordance with their competence, have the right to stay the execution of a protested judgement, rider or ruling of any court of the USSR, a Union and Autonomous Republic, pending decision of the case by way of judicial supervision, the Chief Military Procurator and the Chairman of the Military Collegium of the Supreme Court of the USSR, of any military tribunal, and the Deputy Chief Military Procurator, of the military tribunal of an army, flotilla, unit or garrison. The same right with respect to a protested judgement, rider or ruling of any court of a Union Republic and of its constituent Autonomous Republics shall be enjoyed by the Procurator and the Chairman of the Supreme Court of a Union Republic and their Deputies. Where there are facts testifying to a patent breach of a law these persons shall have the right, concurrently with obtaining the criminal case on demand, to stay the execution of the judgement, rider or ruling for a term of not more than three months pending protesting against them.

Review by way of judicial supervision of a judgement, rider or ruling of conviction passed by the court because of the need to apply a law on a graver crime, the mildness of the punishment or on other grounds incurring worsening of the convicted person's position, and also of a judgement, rider or ruling of acquittal passed by 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 hearing of the case by way of supervision, the court may: leave the protest unsatisfied; vacate the judgement and all the subsequent judicial riders and rulings and terminate the proceedings in the case or refer it for a fresh investigation or a fresh court hearing; vacate the cassation rider and also all the subsequent judicial riders and rulings where they have been rendered and refer the case for a fresh cassation hearing; vacate the riders and rulings rendered by way of supervision and leave in force, either with or without changes, the judgement of the court and the cassation rider; make changes in the judgement, rider or ruling of the court.

In the hearing of the case by way of judicial supervision, the court may mitigate the punishment assigned to the convicted person 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 hearing of criminal cases by way of supervision to maintain the protest he has entered or to give his conclusions on a case being heard on the protest of the chairman of the court or his deputy.

The convicted person, the acquitted person, their defence counsel, legal representatives of minors, the victim and his representative, the civil plaintiff, the civil defendant and their representatives may, whenever necessary, be summoned to the session of the court hearing the case by way of judicial supervision to give explanations.

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 hearing of a case by way of cassation or by way of judicial supervision shall be these: one-sidedness or incompleteness of the preliminary 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, and of the application by the court of first instance of this or that criminal law and the measure of punishment.

Equally, the court hearing the case by way of judicial supervision, in vacating a cassation rider, shall not have the right to predetermine the findings of the cassation court in a re-examination of the case.

ARTICLE 52. *Hearing 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 procedure.

Increase of the punishment or application of a law on a graver crime in a fresh hearing 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 Force and Its Execution*

The judgement shall take legal effect upon the expiry of the period for cassation appeal or protest if it has not been appealed or protested against. 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 hearing 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 that has taken legal effect shall be committed for execution by the court that has made it not later than three days within the day it took legal effect or the case was returned by the cassation court.

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 defendant is in custody, the court shall release him from custody in the courtroom.

Supervision of the legality of the execution of judgements shall be exercised by the procurator.

ARTICLE 54. *The Binding Nature of Court Judgements, Riders and Rulings*

The judgements, riders and rulings of the court which have taken legal effect shall be binding on all state and social institutions, enterprises and organisations, officials and individual citizens, and shall be subject to execution throughout the territory of the USSR.

Section VII

Measures to Prevent Crimes

ARTICLE 55. *Ascertaining the Causes and Conditions Conducive to Committing a Crime*

In conducting the inquiry, preliminary investigation and during the court hearing of a criminal case the organ of inquiry, investigator, procurator and the court shall have the duty to ascertain the causes and conditions that were conducive to committing the crime.

ARTICLE 56. *Representation by the Organ of Inquiry, Investigator, and Procurator in a Criminal Case*

Having ascertained the causes and conditions that were conducive to committing the crime, the organ of inquiry, investigator and procurator shall make representation to the pertinent state body, social organisation or official that measures should be taken to remove the said causes and conditions.

The requisite measures shall be adopted within a month upon the said representation and the results shall be reported to the person who has made it.

ARTICLE 57. *Rider (Ruling) of the Court*

Given the requisite grounds, the court shall pass a rider (ruling) to draw attention of state bodies, social organisations or officials to the breaches of the law established in the case, the causes and conditions conducive to the commission of the crime, and calling for the adoption of appropriate measures.

The rider (ruling) may also be made when the court has found violation of citizens' rights and other breaches of the law committed during the inquiry, preliminary investigation or hearing of the case by the lower court. On the basis of hearing the court may pass a rider (ruling) in other cases as well where it deems it necessary.

Not later than a month the appropriate measures shall be taken on the rider (ruling) and the results reported to the court that passed the rider (ruling).

Adopted on December 25, 1958. The text is given with subsequent amendments and additions

Gazette of the USSR Supreme Soviet, No. 1, 1959,
Item 15; No. 18, 1960,
Item 149; No. 26, 1961,
Item 270; No. 16, 1963,
Item 181; No. 36, 1970,
Item 362; No. 6, 1972,
Item 51; No. 7, 1977,
Item 120; No. 33, 1981,
Item 966

**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 reforming and reeducating convicted offenders in the spirit of a conscientious attitude to labour and exact observance of the laws and respect for the rules of 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 consists 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 refor-

mation and reeducation 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. *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 Republic 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 lib-

erty 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.

Указ 677
12 Oct
1727

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 foreign nationals 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 Reformation and Re-education of Convicted Persons*

The basic means for the reformation and reeducation of convicted persons shall be: the regime of serving sentence,

socially useful work, political educational work, general and vocational instruction.

The means for reformation and reeducation 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 foreign nationals 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 Reformation and Reeducation of Convicted Persons*

The public shall take part in the reformation and reeducation 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 reformation and reeducation 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 Law on the Procurator's Office of 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 reveal 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 include 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 Art. 23 of the Fundamentals of Criminal Legislation of the USSR and the Union Republics.

ARTICLE 12. *The Despatch 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 Art. 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, a procurator of the arms and services of the Armed Forces, a military district, a group of troops or a fleet within two months; with the sanction of a procurator of a Union Republic and the Chief Military Procurator 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 remanding in custody has been applied to him, the period of keeping him in the investigatory isolation ward shall be determined in accordance with Art. 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 convicted for the first time for minor criminal offences and persons convicted for the first time for major criminal offences [to not more than three years] in corrective labour colonies with a general regime 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 in accordance with the rules contained in Arts. 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 foreign nationals and stateless persons shall be kept, as a rule, separately from convicted citizens of the USSR. Convicted persons despatched by a court's sentence to settlement colonies for persons who committed offences by carelessness and convicted persons transferred to settlement colonies in the manner stipulated by Art. 33 of the present Fundamentals shall be kept separately, in different settlement colonies.

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 are divided into colonies with a general regime, reinforced regime, strict regime and special regime, and settlement colonies for persons who committed offences by carelessness, 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 deprivation 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 for persons who committed offences by carelessness shall be served by persons who were convicted for the first time to deprivation of liberty for not more than five years for offences committed by carelessness, while 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 Art. 33 of the present Fundamentals.

ARTICLE 15. *Prisons*

In prisons, sentences 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 been sentenced to deprivation of liberty for more than five years; by persons transferred from corrective labour colonies on the grounds provided for by Art. 34 of the present Fundamentals.

Persons left in prison in the way envisaged by Art. 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 serve punishment in a 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 are 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 Arts. 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 the 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 accor-

dance 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 receive money orders, to correspond, and to send money orders to their relatives.

ARTICLE 20. *Specifics of the Regime in Corrective Labour Settlement Colonies*

In corrective labour settlement colonies for persons who committed offences by carelessness and 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.

Given a conscientious attitude to work and exemplary behaviour, convicted persons who have served their sentences in settlement colonies for persons who committed offences by carelessness and convicted persons who have served their sentences in settlement colonies where they were transferred in a manner provided for by Art. 33 of the present Fundamentals, the court may have the period of their work in settlement colonies credited to their general record of service upon the joint motion made by the organ in charge of the execution of sentences and the watch commission under the Executive Committee of a local Soviet of People's Deputies.

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 Art. 12 of the present Fundamentals, have been left for domestic work in prisons and investigatory isolation wards 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. Two prolonged visits may be replaced by six brief visits.

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 Arts. 33 and 34 of the present Fundamentals.

ARTICLE 23. *Purchase by Convicted Persons of Food-stuffs and Prime Necessities*

Convicted persons shall be allowed to purchase food-stuffs 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 roubles 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 24¹. *Brief Travels Outside the Place of Confinement*

Convicted persons serving their sentences in corrective labour colonies with a general regime, in settlement colonies for persons who committed offences by carelessness, in settlement colonies and educative labour colonies may be allowed to make brief travels outside the place of confinement for a period not exceeding 7 days, not counting the time needed to travel both ways (not more than five days) in connection with extraordinary personal circumstances: death or grave illness of a near relation that threatens his or her life, natural calamity that caused considerable material harm to the convicted person or his family.

Brief travels may be permitted by the chief of a corrective labour institution upon agreement with a procurator,

with due account for the personality and behaviour of the convicted person. The time of a travel outside the corrective labour institution shall be included in the term of serving a sentence. The convicted person's travel fare shall be paid by him personally or by his relatives. During the time spent by the convicted person outside the corrective labour institution he shall not be credited with earnings.

The procedure of allowing convicted persons to make brief travels outside the place of confinement in connection with extraordinary personal circumstances shall be determined by the Ministry of the Interior of the USSR upon agreement with the Procurator's Office of the USSR.

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 make proposals and statements, lodge complaints with state organs, social organisations and officials. Proposals, statements and complaints of convicted persons shall be despatched 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 despatched 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 shall be subordinate to their main task, that of the reform and reeducation 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 educa-

tive 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, except on cases specially provided for by the law.

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. By way of exception from this rule maintenance for minor children shall be calculated from the entire sum earned by the convicted person, including the part that is deducted to refund the expenditure incurred in maintaining corrective labour institutions and shall be deducted until this expenditure is fully refunded.

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 for persons who committed offences by carelessness and in settlement colonies, and also convicted women who are allowed to live outside the colony in accordance with Art. 36 of the present Fundamentals, 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.

cut?
1959
June

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*

Universal compulsory secondary education for young convicted persons and compulsory general educational

eight-year schooling for convicted persons below forty years of age shall be provided in corrective labour institutions. Those who study shall be released from work to take examinations during the period provided for by the legislation of the USSR and the Union Republics on labour. Wages shall not be credited to them during this period, meals being provided free of charge.

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 roubles for the purchase of food and prime necessities on public holidays and in educative labour colonies, up to two roubles 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 reform 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 one third of the sentence, while convicted persons enumerated in the sixth part of Art. 44 and Art. 44¹ of the Fundamentals of Criminal Legislation of the USSR and the Union Republics accordingly after serving not less than half or two-thirds of the sentence.

Convicted persons who have proved their reform 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 foodstuffs for up to one month;

cancellation of the improved conditions envisaged in Arts. 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, reinforced 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 Art. 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; persons convicted for offences committed by carelessness and sent to settlement colonies for persons who committed crimes by carelessness may be transferred to colonies with a general regime; 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 shall 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.] Deleted, 25 July 1958

Pregnant women, nursing mothers, minors and sick persons shall be provided with improved accommodation and other conditions and be given higher food rations. According to a resolution passed by a medical commission, such persons may be allowed to receive extra food parcels delivered by mail or in person.

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 reform, 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 reform 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 foreign nationals 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 health-resort localities, in the border zones 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 III-A

**Procedure and Conditions of
Execution of a Conditional Sentence
to Deprivation of Liberty and Obligatory Labour and
of Conditional Release From a Place of Confinement
with Obligatory Labour**

ARTICLE 39¹. The Sending of Convicted Persons to Places of Obligatory Labour

Persons who have been conditionally sentenced to the deprivation of freedom with obligatory labour who are at liberty at the moment the sentence enters into force shall travel to the place they are to work at the state's expense. In such cases, the court that has passed the sentence shall

forward a ruling on the execution of the sentence to the organ of the interior in the convicted person's place of residence. The said organ shall provide the convicted person the order for departure to the place of obligatory labour. Not later than three days after he has received the order, the convicted person shall leave for his place of work and arrive during the period of time necessary to get there, as indicated in the departure order.

Persons given suspended sentences with obligatory labour who are being held in custody at the moment the sentence comes into force shall be sent to their place of work according to the procedure established for persons convicted to deprivation of liberty. These persons and those who are conditionally released from places of confinement with obligatory labour shall be released from custody when they have reached their place of work.

Persons who have committed crimes in complicity shall be sent to work, as a rule, at different enterprises.

When a convicted person evades receipt of the order to leave for his place of work or fails to leave within the established period or to arrive at his place of work, he shall be detained by the organ of the interior with the procurator's sanction for not more than 30 days for the purpose of establishing the reasons for his violating the procedure for going on his own to the place of work. The organ of the interior shall send the detainee to his destination in the manner established for persons sentenced to deprivation of liberty or, if there is evidence of evasion of the execution of the sentence, it shall pass the relevant material on to the court in the place the convicted person was detained for deciding which place of confinement to send him to in accordance with the sentence.

ARTICLE 39². *Rights and Duties of Persons Who Have Been Conditionally Sentenced and Conditionally Released; the Responsibility of These Persons for Violation of Labour Discipline, Public Order and Registration Rules, and Surveillance over Them*

Persons who have been conditionally sentenced to deprivation of liberty with obligatory labour and persons who have been conditionally released from a place of confinement with obligatory employment shall have the duties

and enjoy the rights established by the law for the citizens of the USSR with the following restrictions:

they shall work where they are sent by the organs in charge of the execution of the sentence, and in the event of production necessity, they may be transferred without their consent to another job, including one in another locality. They shall reside, as a rule, in special hostels; the stay of a convicted person in free time outside the hostel may be allowed only by the organ of the interior in charge of surveillance; given good behaviour and a conscientious attitude towards their work, and if they have a family, they may, on the order of the chief of the organ of the interior, be permitted to reside with their families on the premises they rent;

they shall be forbidden, during the mandatory work period, to leave the boundaries of the administrative district in their place of work without special permission of the organ of the interior in charge of surveillance. Moreover, they shall report to the organ of the interior from one to four times a month for registration. Periodicity of the convicted person's registration shall be established by order of the chief of the organ of the interior that exercises surveillance over the convicted persons.

In exceptional cases, given exemplary behaviour and an honest attitude to work, persons who have been conditionally sentenced to deprivation of liberty with obligatory labour and released from the places of confinement with obligatory labour may, by the joint decision of the management of the enterprise and the organ of the interior, be allowed to leave the bounds of the administrative district on a mission, vacation, or for other valid reasons.

Violation of labour discipline or public order shall incur disciplinary or administrative measures under the legislation in force.

Persons who have violated labour discipline, public order or registration rules may, on the order of the chief of the organ of the interior, be forbidden to live outside the hostel for up to six months, to leave the hostel in the time stipulated, and also to stay in some places, or may be subject to other penalties provided for by the legislation of the Union Republics.

A convicted person who evades work or systematically or wilfully violates labour discipline, social order or rules

of residence stipulated for him may be detained by the organ of the interior with the procurator's sanction for a period of not more than 10 days for the purpose of cutting short the evasion of the execution of a sentence and of passing the relevant material to the court so that it could decide the question of sending him to a place of confinement in accordance with the sentence.

The management shall immediately notify the organ of the interior of the convicted person's absence from his job for more than three days for any unknown reason or of failure to return to the place of work on a day established after leave or mission.

A convicted person who has left the bounds of the administrative district in the place of his work without due authorisation shall be detained by the organ of the interior with the procurator's sanction for a period of not more than 30 days to determine the reasons for the unauthorised departure. The organ of the interior shall send the detainee to his place of work in the manner established for persons sentenced to deprivation of liberty, or given data on the evasion of the execution of a sentence shall pass the relevant material to the court at the place of the convicted person's residence so that it could decide where to send him for confinement in accordance with the sentence.

Surveillance over persons conditionally sentenced to the deprivation of liberty with obligatory labour and conditionally released from places of confinement with obligatory labour shall be exercised by organs of the interior. The procedure for keeping surveillance and hostel regulations for residents shall be established by the USSR Ministry of the Interior in agreement with the Procurator's Office of the USSR.

ARTICLE 39³. *The Labour of Persons Conditionally Sentenced and Conditionally Released, Their Discharge from Work and Transfer to Work in Another Locality*

The management of enterprises at the place of work of those who have been conditionally deprived of liberty with obligatory labour and conditionally released from the place of confinement with obligatory labour shall draw these persons into socially useful work, as far as possible taking account of their respective qualifications, organise their

vocational training, and provide the requisite housing and other conditions.

The management of enterprises shall be forbidden to discharge persons who have been conditionally sentenced and conditionally released during the period of their obligatory labour, except in cases of conditional release before their term expires, transfer to other enterprises, sending them to places of confinement for serving sentence or recognition, in the established procedure, as first- and second-group invalids.

The management may transfer these persons for work in another locality only in agreement with the organ of the interior that exercises surveillance.

ARTICLE 39^a. *Political Educational Work Among Persons Who Have Been Conditionally Sentenced or Conditionally Released*

Political educational work shall be carried out among persons who have been conditionally sentenced to the deprivation of liberty with obligatory labour or who have been conditionally released from the places of confinement with obligatory labour, aimed at educating them in the spirit of a conscientious attitude to work, strict observance of the laws, respect for the rules of socialist community life and care of socialist property, and at enhancing their consciousness and cultural level and developing their positive initiative.

The participation of convicted persons in political educational activities shall be encouraged and taken into account in ascertaining the extent of their reformation and reeducation.

Political educational work among convicted persons shall be carried out by the management, work collectives, social organisations and the organ in charge of the execution of the sentence.

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 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 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 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 af-

ter 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 reform and reeducation 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 work collectives 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, wherever necessary, 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 legislation of the USSR and the Union Republics; these organs shall also participate in conducting political 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 studies 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 in the place of their work, the organ in charge of the execution of this type of punishment may submit to the court its representation, while the social organisation or labour collective may request the court that these persons should be sent to serve their sentences to other places of confinement in the area where the convicted persons reside. Where persons convicted to corrective labour without deprivation of liberty in other places evade the serving of sentences, the organ in charge of the execution of this type of punishment may give them a warning.

In cases of wilful evasion in serving their sentences by persons convicted to corrective labour without deprivation of liberty, 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

**Grounds 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.

A person conditionally convicted to a deprivation of liberty with obligatory labour or conditionally released from a place of confinement with obligatory labour shall be released by a court of law from further serving the sentence short of the full term, if he is recognised in a statutory manner a first- or second-group invalid, provided he became disabled as a result of maiming or occupational disease.

Where a person, indicated in the third part of the present Article, has received first- or second-group disablement due to reasons not connected with his work in production, the court may release him from further serving the sentence short of the full term or send him to a place of confinement.

The procedure for releasing person, indicated in the first, second, third and fourth parts of the present Article, from further serving the sentence shall be determined by the legislation of the USSR and the Union Republics.

ARTICLE 46¹. *Representation Regarding Conditional Release Before Completing Sentence Short of the Full Term and the Replacement of Punishment by a Milder Penalty or Conditional Release from a Place of Confinement with Obligatory Involvement of a Convicted Person in Work*

In respect of the convicted person who may be released conditionally from further serving the sentence short of the full term in accordance with Arts. 44, 44² and 45 of the Fundamentals of Criminal Legislation of the USSR and the Union Republics or may have the remaining part of his sentence replaced by a milder penalty, or may be released conditionally from a place of confinement with obligatory involvement in work, the organ in charge of the execution of the punishment shall submit to a court of

law, together with the organs and social organisations indicated in the afore-mentioned articles of the Fundamentals of Criminal Legislation, a representation regarding conditional release before completing sentence short of the full term or the replacement of the remaining part of sentence by a milder penalty, or conditional release of the convicted person from a place of confinement with obligatory involvement in work.

The representation shall contain data describing the convicted person's behaviour, his attitude to labour and study during the time of serving sentence. The representation sent to a court should be simultaneously accompanied by the convicted person's personal file.

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 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 People's Deputies concerning the provision of employment to persons released from punishment shall be binding on the heads of enterprises, institutions and organisations.

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 social organisations and work collectives, 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 organs of the interior (militia) 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.

Adopted on July 11, 1969.
The text is given with
subsequent amendments
and additions

Gazette of the USSR Supreme Soviet, No. 29,
1969, Item 247; No. 18,
1973, Item 229; No. 7,
1977, Item 118; No. 37,
1977, Item 556; No. 51,
1977, Item 772; No. 33,
1981, Item 967; No. 42,
1982, Item 793

**LAW
OF THE UNION OF
SOVIET SOCIALIST REPUBLICS
ON PROTECTION AND UTILISATION OF
HISTORICAL AND CULTURAL
MONUMENTS**

Monuments of history and culture in the USSR are the possession of the people. The Soviet state adheres to Leninist principles in regard to its cultural heritage and provides every condition for conservation and effective utilisation of monuments in the interests of building communism.

The historical and cultural monuments of the peoples of the USSR represent the material and spiritual life of past generations, the many centuries of the history of our country, the popular struggle for freedom and independence, the revolutionary movement, the making and evolution of the Soviet socialist state.

Such monuments reflect the signal events of the Great October Socialist Revolution, of the Civil and Great Patriotic Wars, achievements of the working class, collective farmers and intellectuals in their creative endeavour, the fraternal friendship of the peoples of our country, and the heroic struggle of the Soviet people for building socialism and communism.

The historical and cultural monuments of the peoples of the USSR are an inalienable part of the world cultural heritage and demonstrate the tremendous contribution that the peoples of our country have made to world civilisation.

Monuments in the USSR serve to promote science, education and culture, the formation of lofty sentiments of Soviet patriotism, the ideological and moral, internationalist and aesthetic education of the working people.

Protection of monuments is a major function of state bodies and social organisations. Concern for the preservation of historical and cultural monuments is a patriotic duty of every citizen of the USSR.

Soviet legislation shall actively promote protection and utilisation of historical and cultural monuments and observance of the law in this field.

I. General Provisions

ARTICLE 1. *Historical and Cultural Monuments*

Historical and cultural monuments shall be buildings, memorial sites and objects associated with historical events in the life of the people, the evolution of society and the state, works of material and spiritual creative endeavour of historical, scientific, artistic or other cultural value.

All historical and cultural monuments on the territory of the USSR shall be protected by the state.

ARTICLE 2. *Objectives of Soviet Legislation on Protection and Utilisation of Historical and Cultural Monuments*

Soviet legislation on protection and utilisation of historical and cultural monuments shall regulate social relations in the protection and utilisation of monuments so as to ensure their preservation for present and future generations and their effective use for scholarly study and information for the communist education of the working people.

ARTICLE 3. *Legislation of the USSR and the Union Republics on Protection and Utilisation of Historical and Cultural Monuments*

Legislation of the USSR and the Union Republics on protection and utilisation of historical and cultural monuments consists of the present Law and other USSR legislation, laws and other legislative enactments of the Union Republics on protection and utilisation of historical and cultural monuments promulgated in accordance with the Law.

ARTICLE 4. *Ownership of Historical and Cultural Monuments*

Historical and cultural monuments shall be owned by the state and collective farms, other cooperative organisations and their associations, social organisations and individual citizens.

Sale, presentation as a gift or other alienation of historical and cultural monuments shall be permissible with compulsory advance notification of state bodies for monument protection. In sales of monuments the state shall enjoy preferential right of purchase.

ARTICLE 5. *Types of Historical and Cultural Monuments*

The historical and cultural monuments mentioned in Art. 1 of the present Law include the following:

Historical monuments: buildings, structures, memorial sites and objects associated with the most important events in the life of the people, evolution of society and the state, revolutionary movement, the Great October Socialist Revolution, the Civil and Great Patriotic Wars, socialist and communist construction, the strengthening of international solidarity, and the evolution of science and technology, culture and living conditions, the lives of eminent political, state and military figures, popular heroes, men in science, literature and the arts;

Archaeological monuments: sites of ancient towns, barrows, remains of ancient settlements, fortifications, workshops, canals, roads, ancient burial places, stone-carved images, petroglyphs, ancient objects, and areas of historical cultural layers of ancient settlements;

Civic and architectural monuments: architectural ensembles and complexes, historical centres, residential blocks, squares, streets, remnants of ancient lay-out and construction of towns and other population centres; buildings of civil, industrial, military and religious architecture, and of folk architecture, and also related items of monumental, fine, decorative and applied art, as well as artistic parks and gardens, and natural landscapes;

Artistic monuments: items of monumental, fine, decorative and applied and other kinds of art;

Documentary monuments: acts by state power and state administration bodies, other written and graphic documents, motion pictures and photographic documents and

sound records, and also ancient and other manuscripts and archives, records of folklore and music, and rare publications.

Historical and cultural monuments may also include other objects of historical, scientific, artistic or other cultural value.

ARTICLE 6. *State Administration in Protection and Utilisation of Historical and Cultural Monuments*

State administration in protection and utilisation of historical and cultural monuments shall be vested in the Council of Ministers of the USSR, the Councils of Ministers of the Union Republics, the Councils of Ministers of the Autonomous Republics, Executive Committees of territory, regional, area, district, town, rural and township Soviets of People's Deputies, and in state bodies specially authorised to protect monuments and exercised by them in compliance with the legislation of the USSR and of the Union Republics.

ARTICLE 7. *State Control of Protection and Utilisation of Historical and Cultural Monuments*

The purpose of state control of protection and utilisation of historical and cultural monuments shall be to ensure fulfilment by all ministries, departments, state, cooperative and social enterprises, organisations, institutions and individual citizens of their duties in observing the rules for the protection, utilisation, registration and restoration of monuments and other rules provided for in the legislation of the USSR and the Union Republics.

State control of protection and utilisation of historical and cultural monuments shall be performed by Soviets of People's Deputies, their executive and administrative organs, and by specially authorised state bodies in compliance with the legislation of the USSR and the Union Republics.

ARTICLE 8. *Participation of Social Organisations and Individual Citizens in Activities to Protect and Utilise Historical and Cultural Monuments*

Trade unions, youth organisations, societies for protection of historical and cultural monuments, scientific socie-

ties, creative unions, and other social organisations, and also individual citizens shall cooperate with state bodies in protecting, utilising, identifying, registering, and restoring historical and cultural monuments and disseminating information about them. Societies for protection of historical and cultural monuments shall facilitate involvement of wide sections of the population in active and direct protection of monuments, spread information about monuments and legislation on their protection and utilisation, and actively cooperate with state bodies in monument protection.

Social organisations shall participate in ensuring the preservation of historical and cultural monuments in conformity with the charters (statutes) of those organisations and the legislation of the USSR and the Union Republics.

II. State Registration of Historical and Cultural Monuments

ARTICLE 9. *Provision for State Registration of Historical and Cultural Monuments*

Historical and cultural monuments in any ownership shall be registered by the state.

State registration of historical and cultural monuments shall be performed in a manner prescribed by the Council of Ministers of the USSR.

ARTICLE 10. *Classification of Historical and Cultural Monuments as Those of All-Union, Republican and Local Value*

For registering and protecting historical and cultural monuments, stationary monuments are classified as those of all-Union, Republican and local value.

Classification of historical and cultural monuments as those of all-Union, Republican and local value shall be done in compliance with the legislation of the USSR and the Union Republics.

ARTICLE 11. *State Registration of Historical and Cultural Monuments in Museums, Libraries and Archives*

State registration of historical and cultural monuments stored in museums, libraries and archives, and in other or-

ganisations and institutions, shall be done in compliance with the USSR legislation on museum and archive stocks of the USSR.

ARTICLE 12. *State Registration of Historical and Cultural Monuments in Personal Ownership of Individual Citizens*

Antiques, items of fine and decorative and applied arts, buildings, manuscripts, collections, rare editions, and other objects and documents in personal ownership of individual citizens and of major historical, scientific, artistic or other cultural value shall be recognised as historical and cultural monuments and liable to state registration so as to ensure the fullest possible identification of monuments and facilitate their preservation.

Individual citizens in possession of historical and cultural monuments as personal property shall observe the rules of monument protection, utilisation, registration and restoration.

**III. Ensuring the Preservation of
Historical and Cultural Monuments.
Procedures and Conditions of
Monument Utilisation**

ARTICLE 13. *Utilisation of Historical and Cultural Monuments*

Historical and cultural monuments shall be utilised for scientific, educational and cultural progress, and for the purposes of patriotic, ideological and moral, internationalist and aesthetic education.

Utilisation of historical and cultural monuments for economic and other purposes shall be forbidden if it damages the integrity of monuments and reduces their historical and artistic value.

Historical and cultural monuments shall be placed at the disposal of state, cooperative and social enterprises, organisations, institutions, and other organisations and individuals for scientific, cultural and educational, tourist and other purposes in the manner stipulated in the legislation of the USSR and the Union Republics and with observance of conditions laid down.

ARTICLE 14. *Allocation of Revenue Collected from Utilisation of Historical and Cultural Monuments*

Revenue collected from utilisation of historical and cultural monuments and also in compliance with Art. 32 of this Law shall be transferred in proper order to special accounts of state bodies for monument protection under whose jurisdiction the monuments are, and shall be allocated by these bodies for monument protection, restoration, conservation and repair.

ARTICLE 15. *Duties of Enterprises, Organisations and Institutions Which Own or Utilise Historical and Cultural Monuments*

Enterprises, organisations and institutions which own or utilise historical and cultural monuments shall be responsible for their maintenance and observe the regulations governing monument protection, utilisation, registration and restoration.

Regulations governing protection, utilisation and restoration of historical and cultural monuments shall be established in a manner prescribed by the Council of Ministers of the USSR.

ARTICLE 16. *Expropriation of Historical and Cultural Monuments*

Historical and cultural monuments not utilised in keeping with their nature or purpose or in danger of being destroyed or damaged may be expropriated from the respective enterprise, organisation or institution in a procedure laid down by the legislation of the USSR.

In the event of a citizen not ensuring preservation of a historical or cultural monument in his or her possession, the monument shall be liable to recovery by a court order in compliance with the legislation of a Union Republic and with proper compensation.

ARTICLE 17. *Preservation of Historical and Cultural Monuments on the Land Granted for Use*

Enterprises, organisations, institutions and individual citizens shall ensure protection of historical and cultural monuments on land granted them for use.

ARTICLE 18. *Restoration, Conservation, and Repair of Historical and Cultural Monuments*

Historical and cultural monuments shall be restored, conserved and repaired only with the full knowledge of state bodies for monument protection and under their supervision.

Monument restoration, conservation, and repair shall be performed at the expense of their users or owners and also funded by state bodies for monument protection.

ARTICLE 19. *Protection Zones of Historical and Cultural Monuments*

With a view to ensuring protection of historical, archaeological, civic and architectural landmarks and monumental art, protective zones, building regulation zones, and protected landscape zones shall be established in a manner laid down by the legislation of the USSR and the Union Republics.

Within those zones excavation, filling, construction, and other work, as well as economic activities, shall be forbidden unless permission is granted by appropriate monument protection bodies of the USSR or the Union Republic concerned.

ARTICLE 20. *Protection of Historical and Cultural Reserves*

Ensembles and complexes of historical and cultural monuments which are of special historical, scientific, artistic and other cultural value may be declared by decisions of the Council of Ministers of the USSR or Councils of Ministers of Union Republics, historical and cultural reserves protected by a statute specific for each reserve.

ARTICLE 21. *Protection of Newly-Identified Historical and Cultural Monuments*

Newly-identified objects of historical, scientific, artistic or other cultural value shall be protected in compliance with this Law until a decision is taken on their state registration as historical and cultural monuments.

ARTICLE 22. *Coordination with Monument Protection Bodies of Drafts for Design, Building and Reconstruction of Cities, Towns and Other Population Centres Having Historical and Cultural Monuments*

Drafts of design, building and reconstruction of cities, towns, and other population centres with objects of historical and archaeological value or items of civic, architectural and monumental arts shall be coordinated with appropriate monument protection bodies.

ARTICLE 23. *Ban on Demolition, Moving and Alteration of Historical and Cultural Monuments*

Demolition, moving and alteration of stationary historical and cultural monuments shall be forbidden. Exceptions may be made only by special decisions of the Council of Ministers of the USSR for monuments of all-Union significance and of the Council of Ministers of the Union Republic concerned for monuments of Republican and local significance.

In demolishing, moving or altering a monument, the enterprise, organisation or institution which obtains such a permission shall ensure observance of conditions stipulated by legislation of the USSR and the Union Republics, while the appropriate state body for protection of monuments shall perform scholarly studies and recording of monuments.

The costs incurred in performance of those activities shall be borne by the enterprises, organisations or institutions in possession of permits for demolition, moving or alteration of the monument.

ARTICLE 24. *Preservation of Historical and Cultural Monuments in Construction and Other Activities*

Construction, land-improvement, road-building and other activities likely to endanger the existence of historical and cultural monuments shall be performed only in coordination with state bodies for monument protection and following the completion of measures to ensure monument preservation.

These activities shall be financed by the organisations which perform the construction, land-improvement, road-building and other work.

In the event of the discovery, in the course of work, of archaeological or other objects of historical, scientific, artistic or other cultural value, the enterprises, organisations or institutions shall notify the state body for protection of monuments thereof and terminate the work.

ARTICLE 25. *Termination of Construction and Other Work Which May Be Hazardous for Historical and Cultural Monuments*

State bodies for protection of monuments shall have the right to terminate construction, land-improvement, road-building, and other work if historical and cultural monuments may be endangered in the course of that work or regulations governing their protection violated.

ARTICLE 26. *Excavation and Exploration of Archaeological Monuments*

Excavation and exploration of archaeological monuments shall be forbidden unless permits have been issued and registered in a manner prescribed by law.

Organisations and individual citizens who perform archaeological work shall ensure preservation of monuments.

ARTICLE 27. *Collection of Historical and Cultural Monuments*

Collection of antique documentary monuments, items of ancient painting and ancient decorative and applied art by organisations or individual citizens shall be allowed if special permits have been issued and registered in a manner prescribed by law.

ARTICLE 28. *Ban on Exportation of Historical and Cultural Monuments from the USSR*

Exportation of historical and cultural monuments from the USSR shall be forbidden.

Exceptions to this rule shall only be made with special permission, to be issued in each case in a procedure laid down by the legislation of the USSR.

ARTICLE 29. *Rules for Temporary Exportation of Historical and Cultural Monuments from the USSR*

With a view to encouraging international cultural exchanges temporary export of historical and cultural monu-

ments from the USSR shall be permitted provided the regulations and terms are observed that are specially established in each case by an appropriate state body of the USSR.

ARTICLE 30. *Protection of Historical and Cultural Monuments Brought into the USSR*

Historical and cultural monuments owned by foreign states, organisations or persons and temporarily brought into the USSR for cultural exchange within the framework of appropriate agreements shall be protected by the state.

**IV. Liability for Violation of
Legislation
on Protection and Utilisation of
Historical and Cultural
Monuments**

ARTICLE 31. *Liability for Violation of Legislation on Protection and Utilisation of Historical and Cultural Monuments*

Persons infringing the regulations for protection, utilisation, registration and restoration of historical and cultural monuments, of conditions established in the zones for their protection or of other legislation on protection and utilisation of monuments shall incur criminal, administrative or other liability in compliance with the legislation of the USSR and the Union Republics.

ARTICLE 32. *Restoration of Historical and Cultural Monuments and Restitution of Damage to Monuments*

Enterprises, organisations, institutions, and individual citizens who have damaged a historical or cultural monument or its protection zone shall restore the monument or its protection zone to its original state or, if impossible, compensate for the damage in compliance with the legislation of the USSR and the Union Republics. The monument or its protection zone shall be restored in accordance with the established procedure for restoring historical and cultural monuments.

Officials and other workers through whose fault enterprises, organisations or institutions have had to meet the costs of damage as mentioned in the first part of this Article shall incur material liability in a statutory manner.

V. International Treaties and Agreements

ARTICLE 33. *International Treaties and Agreements on Historical and Cultural Monuments*

Where an international treaty or an international agreement to which the USSR or a Union Republic is a party makes provisions which are at variance with those contained in the legislation of the USSR or the Union Republic on protection and utilisation of historical and cultural monuments, the rules of the international treaty or international agreement shall apply.

Adopted on October 29, 1976. The text is given with subsequent amendments and additions

Gazette of the USSR Supreme Soviet, No. 44, 1976, Item 628

**LAW
OF THE UNION OF
SOVIET SOCIALIST REPUBLICS
ON UNIVERSAL MILITARY SERVICE**

The Armed Forces of the USSR, created by the Communist Party under the leadership of V. I. Lenin, have travelled a glorious and heroic road. In fierce struggle with the enemy they have defended the gains of the Great October Socialist Revolution, the freedom and independence of the Soviet Motherland. They steadfastly guard the creative labour of the Soviet people, the builders of communism.

The profound socio-economic changes that have taken place in the life of our society, the rising level of political development, of the general education and technical training of Soviet youth, the fundamental re-equipping of the troops with the latest military technology and modern weapons make new and higher demands in the sphere of military service.

The unfailing source of the strength and invincibility of the Armed Forces of the USSR lies in the leadership of the Communist Party, their indissoluble unity with the people, the advantages of the socialist social system, Soviet patriotism and socialist internationalism. All members of the Armed Forces of the USSR are surrounded with the boundless love and solicitude of Soviet people.

The Soviet state proceeds from the fact that while imperialism continues to exist there will remain a danger of aggressive wars.

In accordance with the Constitution of the USSR, the defence of the socialist Motherland is regarded as one of the most important functions of the state and the concern of the whole people. The Armed Forces of the USSR were

created and universal military service introduced to safeguard the Soviet people's socialist achievements, their peaceful labour, the sovereignty and territorial integrity of the state. The duty of the Armed Forces of the USSR to the people is to provide reliable defence of the socialist Motherland and be in a constant state of combat readiness that guarantees the immediate repulse of any aggressor.

Chapter I

Basic Provisions

Article 1. Universal military service is law. Military service in the Armed Forces of the USSR is an honourable duty of Soviet citizens.

Article 2. It is the duty of the citizen of the USSR to protect the interests of the Soviet state and to help to strengthen its might and authority.

Defence of the socialist Motherland is the sacred duty of every citizen of the USSR.

Betrayal of the Motherland is an extremely grave crime against the people.

Article 3. All male citizens of the USSR, irrespective of their origin, social or property status, race or nationality, education, language, attitude to religion, type and character of occupation, and place of residence, shall perform active military service in the Armed Forces of the USSR.

Article 4. The Armed Forces of the USSR consist of the Soviet Army, Navy, and border and internal security troops.

Article 5. Military service consists of active military service and service in the reserve of the Armed Forces of the USSR.

Article 6. Citizens on active military service are known as servicemen, and those in the reserve as reservists.

Article 7. Servicemen and reservists shall take the oath of allegiance to their people, their Soviet Motherland and the Soviet Government.

Article 8. Servicemen and reservists are subdivided into privates and seamen, sergeants, sergeants-major, warrant officers and mitchmen, and officers.

The officers of the Armed Forces of the USSR are divided into:

junior officers (from second lieutenant to captain inclusive and their equivalents);

senior officers (from major to colonel inclusive and their equivalents);

and general officers (generals, admirals and marshals).

Privates and seamen, sergeants and sergeants-major engaged in active service for periods established by the present Law shall be considered to be on short-term active service, and those engaged in active service for longer than the terms laid down in the Law shall be considered to be on extended active service.

Article 9. Every serviceman and reservist shall be given an appropriate military rank.

Military ranks shall be established by the Presidium of the Supreme Soviet of the USSR.

The system of ranking privates and seamen, corporals (leading seamen), sergeants and sergeants-major shall be laid down by the Minister of Defence of the USSR.

The ranks of warrant officer, mitchman, and junior and senior officers shall be awarded in a manner stipulated by the Council of Ministers of the USSR. The ranks of general officers shall be awarded as follows:

generals and admirals, by the Council of Ministers of the USSR;

generals of the army, marshals of the arms of the services, admirals of the fleet, chief marshals of the arms of the services, admirals of the fleet of the Soviet Union, marshals of the Soviet Union, and Generalissimus of the Soviet Union, by the Presidium of the Supreme Soviet of the USSR.

General officers excepted, servicemen and reservists may be deprived of their military rank by judgement of a court if found guilty of a serious crime.

Corporals (leading seamen), sergeants (sergeants-major), warrant officers and mitchmen may also be deprived of their military rank in accordance with the rules laid down by the Disciplinary Regulations of the Armed Forces of the USSR, and junior and senior officers, by decision of the Council of Ministers of the USSR.

Sergeants (sergeants-major), junior and senior officers may be demoted by one rank as a disciplinary measure in

accordance with the Disciplinary Regulations of the Armed Forces of the USSR.

General officers may be demoted or deprived of their rank by the Council of Ministers of the USSR or the Presidium of the Supreme Soviet of the USSR (according to the rules by which they were awarded their rank).

Chapter II

Active Military Service of Privates, Seamen, Sergeants and Sergeants-Major

Article 10. Male citizens who by call-up day have attained the age of 18 shall be called up for active military service.

Article 11. Male citizens who express the desire to undergo training in military training establishments may be accepted for these establishments at the age of 17 or if they attain the age of 17 in the year of their enlistment for training.

Citizens admitted to military training establishments shall be considered to be on active service and known as cadets. They shall be liable for the duties laid down for short-term servicemen. They and their families shall enjoy the rights, benefits and privileges stipulated by current legislation for short-term servicemen and their families.

Article 12. Cadets of military-training establishments expelled for lack of progress and diligence or infringement of discipline, if they have not served the established term of active service before entering these establishments, shall be sent to military units to perform such a term of active service. If they serve irreproachably in the unit for not less than six months, the time of their training in the military training establishment shall be counted as part of their term of active service in accordance with the rules laid down by the Ministry of Defence of the USSR.

Article 13. The following terms of active service shall be established:

1) 2 years for privates and sergeants of the Soviet Army, the shore units and the air arm of the Navy, and the

border and internal security troops, and 18 months for privates and sergeants with a higher education;

2) 3 years for seamen and sergeants-major of ships, boats and shore units of the combat support of the Navy and naval units of the border troops, and 2 years for seamen and sergeants-major, with a higher education.

The rules for the performance of short-term active service by privates, seamen, sergeants and sergeants-major shall be laid down by the Minister of Defence of the USSR in accordance with the present Law.

Article 14. The term of active service shall be calculated as follows:

1) from July 1 of the call-up year for those called up in the first half of the year;

2) from January 1 of the year after the call-up year for those called up in the second half of the year.

The beginning and end of the servicemen's engagement in short-term active service shall be determined by the corresponding rules on performance of short-term active service.

Article 15. The Minister of Defence of the USSR has the right in case of necessity:

1) to keep servicemen on active service for a period of up to 2 months longer than the established terms;

2) to transfer servicemen from one arm of the Armed Forces of the USSR to another with appropriate adjustment of the term of service.

Article 16. Female citizens of the USSR between the ages of 19 and 40 who have medical or other special training may be registered for military service in peacetime, called up for training, and also accepted as volunteers for active service.

In time of war, by decision of the Council of Ministers of the USSR women may be called up into the Armed Forces of the USSR to perform auxiliary or special duties.

The rights and duties laid down for active service established for servicemen on extended service shall apply to women accepted as volunteers for active service as privates, seamen, sergeants and sergeants-major. They and their families shall enjoy the rights, benefits and privileges provided for in the existing legislation for servicemen on extended service and their families.

Chapter III

Training of Youth for Service in the Armed Forces of the USSR

Article 17. Before call-up for active service, everywhere and without interruption of work in production or study pre-prescription training shall be provided for young men of pre-call-up and call-up age.

For students the pre-prescription military training, including training in civil defence, shall be conducted in general educational schools (beginning from the 9th class), in secondary specialised educational establishments and in educational establishments of the vocational training system by regular military instructors.

Young men who do not study at day (regular) schools, shall undergo pre-prescription military training at training centres set up at enterprises, institutions, organisations and collective farms.

The managers of enterprises, institutions, organisations, collective farms and educational establishments shall be responsible for seeing that all young men of pre-call-up and call-up age undergo training for active military service.

Article 18. The preparation of specialists for the Armed Forces of the USSR shall be conducted annually in the training establishments of the Voluntary Society for Assistance to the Army, Navy and Air Force and in the training establishments of the vocational training system. The number of specialists to be trained shall be laid down by the Council of Ministers of the USSR and the list of specialities and the syllabus of instruction shall be determined by the Ministry of Defence of the USSR. Young men who have attained the age of 17 shall be liable to be called up for such training in accordance with the established rules.

In towns, training of specialists for the Armed Forces of the USSR shall be conducted without interruption of work in production. For the training period the young men shall be granted a shorter working day in accordance with the rules laid down by the existing legislation for industrial and office workers attending schools for working youth and during the period of training and taking of examinations they shall be granted leave of 7 to 15 working

days (depending on their speciality and the length of the syllabus of instruction) and retain the average wages they have been earning at their main place of work.

In rural areas such specialists may be trained with interruption of their work in camps organised during the autumn and winter period. The list of such areas shall be drawn up by the Councils of Ministers of Union Republics that have no regional subdivisions, the Councils of Ministers of Autonomous Republics, the Executive Committees of territory and regional Soviets of People's Deputies and Soviets of People's Deputies of Autonomous Regions and Autonomous Areas.

Young men of military age who are taken for training with interruption of their work in production and leave their place of permanent residence shall retain their job and status at work and are paid 50 per cent of their average wage during the time of instruction and the time of their travel to and from the centre of training. The collective farms, enterprises, institutions and organisations where they are permanently employed shall pay the expenses incurred in obtaining accommodation for young men of military age during the period in training camps, and also their fares to the training centre and back.

Attendance by young men of military age enlisted by the military commissariats for specialist military training shall be compulsory.

The calculation of the average earnings of industrial and office workers and collective farmers indicated in this and other articles of the Law shall be made in accordance with current legislation.

Article 19. Pre-conscription military training and the preparation of specialists for the Armed Forces of the USSR shall be conducted under the supervision of the Ministry of Defence of the USSR. The Councils of Ministers of Union and Autonomous Republics, the Executive Committees of the Soviets of People's Deputies of territories, regions, autonomous regions, autonomous areas, towns, districts, townships and villages, the managers of enterprises, institutions, organisations, and collective farms, the corresponding ministries, state committees and departments together with the Ministry of Defence of the USSR and the Central Committee of the Voluntary Society for Assistance to the Army, Navy and Air Force shall provide the

necessary training facilities, and select and train military instructors for pre-conscription military training and supervise its organisation and execution.

Article 20. For the purposes of training young people for service in the Armed Forces of the USSR and calling them up for active service the territory of the USSR is divided into district (town) draft stations.

Article 21. Every year, from January to March, citizens who in that year attain the age of 17 shall be registered at the draft stations.

The Ministry of Defence of the USSR has the right to reschedule the registration of citizens at draft stations in places where reporting for registration at the appointed time is made difficult by climatic and other conditions.

Registration shall be carried out by district (town) military commissariats according to the place of permanent or temporary residence and the registered person shall be given a special certificate to this effect.

The medical examination and certification of citizens registered at draft stations shall be carried out by doctors seconded by decision of the Executive Committee of the district, town or ward Soviet of People's Deputies from the local medical institutions and placed at the disposal of the district (town) military commissariats.

The house management committees (maintenance offices, commandant's offices), house-holders, military registration offices at Executive Committees of district, town, ward, township and rural Soviets of People's Deputies, personnel departments of enterprises, institutions, organisations and educational establishments annually and at times laid down by the Ministry of Defence of the USSR shall supply the corresponding district (town) military commissariats with lists of young people due for registration at the draft stations.

Article 22. For registration at a draft station citizens due for registration shall report to the military commissariat at the time appointed by order of the military commissar and present the documents indicated in the order. The list of documents to be submitted by young people of pre-call-up age shall be established by the Ministry of Defence of the USSR.

Citizens registered at draft stations are known as draftees.

Chapter IV

Call-up for Active Military Service

Article 23. Citizens shall be called up for active service everywhere annually twice a year (in May-June and November-December, and also, in the case of troops stationed in remote and some other localities, in April and October) by order of the Minister of Defence of the USSR. The number of citizens due for call-up shall be established by the Council of Ministers of the USSR.

The exact times for citizens to report to the draft stations shall be laid down in orders issued by district (town) military commissars.

Article 24. On promulgation of the order of call-up for active service every draftee must report punctually at the time indicated in the order of the military commissar at the draft station where he has been registered according to his place of residence.

Draftees temporarily absent from the permanent place of residence shall immediately report to the military commissariat where they are registered as soon as the call-up for active service is announced.

The managers of enterprises, institutions, organisations, collective farms and educational establishments shall release draftees from work (or study) for the period necessary for the call-up, recall draftees from business assignments and ensure their timely appearance at a draft station.

Change of a draft station shall be permitted from January 1 to April 1 and from July 1 to October 1. At other times of the year a change of a draft station may be allowed only in the following cases:

- 1) if the draftee is transferred by his management to work in a different locality;
- 2) if he has moved to a new place of residence with his family or in connection with his being granted living accommodation;
- 3) if he has been admitted to an educational establishment and has left his place of residence to continue his education, or has finished his education and been sent to work on an assignment from his educational establishment.

The draftee shall present to the military commissariat a document confirming the necessity for changing his draft

station during the period from April 1 to July 1 and from October 1 to January 1.

Article 25. No one shall be exempt from the duty to report at the draft station on orders of the military commissars.

Valid reasons for failure to report at the draft station on time are as follows:

1) a medically certified illness that makes it impossible for the draftee to appear in person at the draft station;

2) force majeure, in which case the impossibility of reporting on time must be certified by the Executive Committee of the Soviet of People's Deputies or the organ of the interior at the draftee's place of residence.

Article 26. Persons serving terms of imprisonment for criminal offences and also persons under inquiry or investigation, or whose case is being considered by a court of law shall not be eligible for call-up for active service.

Article 27. For the call-up of citizens for active service in districts (or towns) draft commissions shall be set up consisting of the following:

chairman of the commission—district (town) military commissar;

members of the commission;

deputy chairman or member of the Executive Committee of the district, urban or ward Soviet of People's Deputies, representatives of the district (town) committee of the CPSU, of the district (town) committee of the YCL, chief or deputy chief of the board (department) of the interior of the Executive Committee of the district, town or ward Soviet of People's Deputies, and the doctor organising the work of the medical personnel.

The composition of the district (town) draft commission shall be endorsed by the Executive Committee of the district, ward or town Soviet of People's Deputies.

The district (town) draft commissions shall have the following duties:

1) organisation of medical certification of draftees;

2) decision on the call-up for active service and appointment of draftees to the various arms of the Armed Forces of the USSR;

3) granting of draft deferment in accordance with the present Law;

4) release from military service of draftees on grounds

of illness or physical defects stipulated by the Regulations for Medical Certification in the Armed Forces of the USSR approved by the Minister of Defence of the USSR;

5) examination of candidates expressing the desire to enter military training establishments and taking of the decision to send them for the entrance examinations or to reject them as candidates for training.

Decisions of the district (town) draft commissions shall be taken by a majority vote.

Article 28. For supervision of the district (town) draft commissions and control of their activity appropriate draft commissions shall be set up in Union Republics with no regional subdivisions, in Autonomous Republics, territories, regions, autonomous regions and autonomous areas and shall be composed as follows:

chairman of the commission—military commissar of the Union or Autonomous Republic, territory, regional military commissar, military commissar of autonomous region or autonomous area;

commission members:

in draft commissions of the Union and Autonomous Republics—Deputy Chairman of the Council of Ministers of the Republic, representatives of the republican Party, trade union and YCL organs, Deputy Minister of the Interior of the Republic and doctors seconded from local medical institutions by decision of the Council of Ministers of the Republic;

in territory and regional draft commissions and draft commissions of autonomous regions and autonomous areas—deputy chairman of the Executive Committee of the territory or regional Soviet of People's Deputies, Soviet of People's Deputies of the autonomous region or autonomous area, representatives of the territory, regional or area Party, trade union and YCL organs, deputy chief of the board of the interior of the Executive Committee of the territory or regional Soviet of People's Deputies or deputy chief of the board (department) of the interior of the Executive Committee of the Soviet of People's Deputies of the autonomous region or autonomous area and doctors seconded from local medical institutions by decision of the Executive Committee of the territory, regional Soviet of People's Deputies or Executive Committee of the Soviet of People's Deputies of the autonomous region or autonomous area.

The composition of the draft commissions of the Union and Autonomous Republics shall be endorsed by the Councils of Ministers of Republics, and the composition of the territory or regional draft commissions and the draft commissions of autonomous regions and autonomous areas, by the Executive Committees of the corresponding Soviets of People's Deputies.

These commissions shall also have the duty of considering complaints from called-up citizens and other persons concerning incorrect actions by district (town) draft commissions.

A complaint lodged by a draftee or other person concerning a decision of the district (town) draft commission shall not halt the execution of this decision.

The decisions of draft commissions of the Union and Autonomous Republics, the territory and regional draft commissions, and the draft commissions of autonomous regions and autonomous areas concerning complaints shall be final.

Article 29. All draftees shall be medically certified by doctors (surgeon, therapist, neuropathologist, psychiatrist, oculist, ear, nose and throat doctor, dentist and, if necessary, by other specialists) seconded from local medical institutions.

In accordance with the results of the medical certification the district (town) draft commission shall take its decision and inform the draftee as follows:

- 1) concerning his fitness for active military service;
- 2) concerning his temporary unfitness for active service due to illness with draft deferment for a period of treatment not exceeding one year;
- 3) concerning his total unfitness for active service if the draftee suffers from an illness or physical defect that precludes such service.

Article 30. Members of the draft commissions shall strictly observe the requirements of the law. For negligence or bias in deciding matters of call-up for active service or the granting of illegitimate deferment the members of a draft commission and the doctors engaged in certifying draftees and any other persons guilty of abuses shall be held responsible in accordance with current legislation.

Article 31. Citizens called up for active service shall report to the military units in their own clothes and foot-

wear, which shall be in good condition. After enlistment in their units they shall be issued with military uniforms in accordance with the established quotas. The draftees' own clothes shall be sent to the addresses which they indicate by the military units post free.

Article 32. The Councils of Ministers of the Union and Autonomous Republics and the Executive Committees of the Soviets of People's Deputies shall have the duty:

- 1) for the registration of citizens at draft stations, their enlistment for active service and despatch to military units, and also for the conduct of training operations (in camps) with draftees and reservists and their medical certification to provide the military commissariats with properly equipped draft (assembly) points specially adapted for this work, and to assign the necessary number of doctors, technical workers and auxiliary personnel;

- 2) to take measures to ensure the organised appearance of citizens at military commissariats for registration at draft stations, for enlistment for active service, and for this purpose to provide the necessary transport;

- 3) to organise ceremonial send-offs for active service conscripts;

- 4) to show concern for the families of active service conscripts and to take measures for strict observation of current legislation on privileges and benefits for these families. Not later than within one month from the moment of application women whose husbands have been called up for active service shall be provided with work and within the same period their children shall be given places in the available kindergartens and crèches irrespective of the departmental jurisdiction under which these children's institutions may come.

Article 33. Throughout the period of performance of their duties the members of the draft commissions, doctors, technical workers and auxiliary personnel assigned for work at the draft stations during registration and enlistment of citizens for active service and their despatch to military units shall retain the average wages as paid to them at their regular place of work.

If the performance of their duties by these persons involves departure from their permanent place of residence, the military commissariats shall reimburse the cost of their fares from their place of residence to their place of work

and back and the renting of accommodation and also shall pay them daily allowances according to the rules laid down for business trips.

Chapter V

Deferment of Call-up for Active Military Service

Article 34. Deferment of call-up for active service on family grounds shall be granted to draftees who are supporting:

1) disabled parents or a single disabled father or mother, if they have no other able-bodied persons bound by current legislation to support them, irrespective of whether they live with their parents or separately.

Disabled parents shall be defined as follows:

a father over 60 and a mother over 55;

father or mother having the first or second group of disablement, regardless of age;

2) two or more children, or a wife with first- or second-category disablement;

3) a single able-bodied mother with two or more children less than eight years of age, who does not have other able-bodied children bound by current legislation to support their mother, irrespective of whether they live with their mother or separately;

4) one or more brothers or sisters of less than 16 years of age or more than 16 but with first- or second-category disablement, if there are no other persons able to support them and also if there is no possibility of placing these brothers or sisters in children's homes, boarding-schools or special medical establishments.

If in connection with the death of his parents or their prolonged illness or for other valid reasons the draftee has for not less than 5 years been supported by other persons, the draftee shall be granted deferment on conditions provided for in the present Article.

Deferment on family grounds may be granted to draftees up to the age of 27. If by the age of 27 they do not lose the right to deferment, these persons in peacetime shall be released from active service and placed in the reserve.

Article 35. Deferment from call-up for active service in order to continue education shall be granted:

1) to students of day (regular) higher educational establishments recognised by the Council of Ministers of the USSR on representations from the State Planning Committee of the USSR and the Ministry of Defence of the USSR. Students of these establishments shall be granted deferment on the condition that they continue to study in them from the first year. Persons expelled from higher educational establishments for lack of progress or diligence or infringement of discipline shall forfeit the right to repeated deferment for continuation of their education;

2) students of secondary general educational schools, secondary specialised schools, including evening and correspondence schools, up to the time of their graduation but not after the age of 20, if they had no secondary education before entering the secondary specialised schools;

3) students of day (regular) secondary specialised schools studying under the syllabus of instruction for officers of the reserve, included in the list approved by the Council of Ministers of the USSR on representations from the State Planning Committee of the USSR and the Ministry of Defence of the USSR.

Article 36. Deferment of call-up for active service on health grounds shall be granted to young men recognised as temporarily unfit for active service because of illness.

Deferment on grounds of illness may be granted for three years, after which, depending on their state of health, citizens whose drafting has been deferred are either called up for active service or recognised as unfit for active service and taken off the list of military registration, or placed on the reserve with the subsequent obligation to undergo periodical medical re-examination up to the age of 27 years. Persons who have not reached this age and are in the reserve of the Armed Forces of the USSR and are certified after medical re-examination as fit for active service in peacetime may by order of the Minister of Defence of the USSR be called up for active service on general grounds.

Article 37. The Council of Ministers of the USSR has the right, in cases of special necessity, to determine the categories of citizens who may be granted deferment of call-up for active service on other grounds.

Article 38. Deferment of call-up for active service on the grounds indicated in Arts. 34, 35 and 36 of the present Law shall be granted by decision of district (town) draft commission.

Draftees who have been granted deferment in order to continue their education and also those who for various reasons have not been called up into the Armed Forces of the USSR at the appointed times shall be called up for active service up to the age of 27.

Chapter VI

Release from the Armed Forces of the USSR and Transfer to the Reserve of Privates, Seamen, Sergeants and Sergeants-Major

Article 39. Servicemen who have completed the terms of active service provided for under the present Law shall be released from the Armed Forces of the USSR and transferred to the reserve.

The release of privates, seamen, sergeants and sergeants-major shall be granted by the commander of their military unit on the basis of an order of the Minister of Defence of the USSR at times laid down by the Council of Ministers of the USSR.

The Ministry of Defence of the USSR shall be permitted to accept on a voluntary basis for active extended military service privates, seamen, sergeants and sergeants-major transferred to the reserve and also those who are in the reserve. The list of posts that may be filled by these persons and the terms of their active extended military service shall be determined by the Minister of Defence of the USSR.

Article 40. Servicemen on active service may be transferred to the reserve before expiry of their term if they are certified by military medical commissions unfit for further active service.

Servicemen who as a result of a change in their family status during active service have in accordance with Art. 34 of the present Law become entitled to draft deferment shall be transferred to the reserve.

The procedure of transferring such persons to the reserve shall be instituted by the Minister of Defence of the USSR.

Article 41. Privates, seamen, sergeants and sergeants-major undergoing punishment in disciplinary units shall not have the period of punishment counted in the term of their active service.

On the condition that he performs irreproachable service, a serviceman released from a disciplinary unit may have the time spent in the disciplinary unit counted as part of his active service in accordance with the established rules.

Article 42. Servicemen released from active service shall be provided with military uniforms in good repair, as laid down by the Minister of Defence of the USSR.

Article 43. The Executive Committees of local Soviets of People's Deputies, the managers of enterprises, institutions, organisations, collective farms and educational establishments shall provide servicemen transferred to the reserve from short- or long-term service with a job in accordance with their speciality within one month from the day of application. When transferred to the reserve, persons called up for active service during their time of study in educational establishments shall retain the right to be enrolled for continuation of their studies at the same educational establishment and on the same course in which they were studying before call-up, and persons who before call-up worked at enterprises, institutions or organisations shall retain the right to resume work at the same enterprise, institution or organisation on the conditions laid down in the present Article.

Servicemen released from active service shall enjoy certain advantages when entering higher educational establishments and those who are employed at their former place of work shall have the right to receive material assistance for resettlement. The procedure of granting these benefits shall be established by the Council of Ministers of the USSR.

Article 44. Privates, seamen, sergeants and sergeants-major with a higher or secondary education who have passed the appropriate tests on completing active service shall be awarded officers' rank on being transferred to the reserve. The times and rules for passing such tests shall be established by the Minister of Defence of the USSR.

When transferred to the reserve, persons who were not granted officers' rank may be called to training camps for reservists to be trained as officers of the reserve.

Article 45. Servicemen released from the Armed Forces of the USSR shall, within three days of their arrival at their place of residence, report to the military commissariat for registration.

Persons transferred to the reserve shall undergo periodic medical certification by medical commissions set up for this purpose at district (town) military commissariats. Doctors and other medical personnel shall be seconded for participation in the work of these commissions from medical institutions by the Executive Committees of district, town, and ward Soviets of People's Deputies.

Medical personnel seconded for work in the above-mentioned commissions shall retain their average wage as at their regular place of work.

Article 46. Privates, seamen, sergeants and sergeants-major shall remain in the reserve of the Armed Forces of the USSR to the following age limits:

- 1) men, up to the age of 50;
- 2) women registered for military service in accordance with Art. 16 of the present Law, up to the age of 40.

Article 47. The reserve of the Armed Forces of the USSR is divided into two categories—first and second.

The first category of the reserve shall apply to reservists who have served not less than one year of active service, and participants in combat operations in defence of the USSR irrespective of their length of service.

The second category of the reserve shall apply to reservists who have served less than one year of active service, and also reservists who for various reasons have not been called up for active service.

Second-category reservists, who have attended training camps for not less than 12 months, shall be transferred to the first category of the reserve.

Women registered for military service in accordance with Art. 16 of the present Law shall belong to the second category of the reserve.

Article 48. The first and second categories of the reserve are divided on the basis of age into three grades:

- first grade, up to 35 years of age;
- second grade, up to 45 years of age;
- third grade, up to 50 years of age.

Article 49. First-category, first-grade reservists during their period in the first-grade reserve shall be called up

for training assemblies not more than four times for a period of three months each time.

Article 50. Second-category, first-grade reservists during their period in the first-grade reserve shall be called up for training assemblies not more than six times for a period of three months each time.

Article 51. Privates, seamen, sergeants and sergeants-major of the first-grade reserve who are being trained as officers shall be called up for training assemblies for a period of three months.

Those who have passed the tests for officer's rank shall perform their further service in the reserve on general grounds together with officers of the reserve. The time they have spent at training assemblies before acquiring officer's rank shall be counted as time spent in training camps as officers of the reserve.

Article 52. Flying personnel of the first-grade reserve, besides attending training assemblies provided for in Arts. 49 to 51 of the present Law shall be, during their time in the first-grade reserve, also called up for flying training not more than five times for a period of forty days each time.

Article 53. Reservists in the second-grade reserve shall be called up for training assemblies once or twice for a period of two months each time.

Article 54. Third-grade reservists shall be called up for one-month-long training assembly during their period in the third-grade reserve.

Article 55. Apart from training camps, reservists may be called up for musters for a period of up to ten days.

Article 56. The terms to be served in training camps by the various groups of reservists within the limits established by Arts. 49 to 55 of the present Law shall be laid down by the Ministry of Defence of the USSR.

The Minister of Defence of the USSR has the right in case of necessity to detain reservists at training assemblies for a period of up to two months over and above the term established by the present Law, and also to increase the number of assembly attendances for privates, seamen, sergeants and sergeants-major of the first- and second-grade reserves without exceeding the total time to be spent at training assemblies, laid down in Arts. 49, 50 and 53 of the present Law.

Chapter VII

Military Service of Warrant Officers and Mitchmen

Article 57. Servicemen and reservists who do not hold officer's rank shall be accepted as volunteers for active service as warrant officers and mitchmen of the Armed Forces of the USSR.

Warrant officers, mitchmen and their families shall enjoy the rights, benefits and privileges provided for by current legislation for servicemen on extended service and their families, unless some other arrangement is made for them.

Article 58. The rules for the active service of warrant officers and mitchmen of the Armed Forces of the USSR shall be laid down by the Council of Ministers of the USSR in accordance with the present Law.

Warrant officers and mitchmen may do active service up to the age of 45.

Article 59. Warrant officers and mitchmen of the Armed Forces of the USSR who have been on active service up to the maximum age shall be transferred to the reserve of the Armed Forces of the USSR.

In case of necessity some of them may be, by their own consent, retained on active service for a period of up to 5 years according to the rules established by the Minister of Defence of the USSR.

Article 60. Warrant officers and mitchmen released from active service shall remain in the reserve of the Armed Forces of the USSR up to the age of 50.

Article 61. Warrant officers and mitchmen shall serve in the reserve of the Armed Forces of the USSR in accordance with Arts. 45, and 47 to 56 of the present Law for sergeants and sergeants-major of the reserve.

Chapter VIII

Military Service of Officers

Article 62. The rules for the performance of military service by officers of the Armed Forces of the USSR shall

be laid down by the Council of Ministers of the USSR in accordance with the present Law.

Officers of the Armed Forces of the USSR shall remain on active service and in the reserve of the Armed Forces of the USSR up to the following age limits:

Military rank	Age limit			
	active service	first-grade reserve	second-grade reserve	third-grade reserve
Second lieutenants, lieutenants and their equivalents	40	40	45	50
Senior lieutenants, captains and their equivalents	40	45	50	55
Majors and their equivalents	45	45	50	55
Lieutenant-colonels and their equivalents	45	50	55	60
Colonels and their equivalents	50	55		60
Generals and admirals up to the rank of lieutenant-general, vice-admiral and their equivalents	55	60		65
Colonel-generals, admirals and their equivalents	60			65

Women officers registered for military service in connection with their acquisition of a speciality shall be placed in the third-grade reserve irrespective of rank. The age limit for their remaining in the reserve of the Armed Forces of the USSR shall be 50 years of age.

Article 63. Officers who have reached the age limit for active service shall be transferred to the reserve of the Armed Forces of the USSR. In case of necessity, some of them may be retained on active service for a period of up to 5 years, and on expiry of this five-year term, they may, in cases of special necessity, be retained for a period of another five years according to the rules, laid down by the Council of Ministers of the USSR.

The release of officers who have not attained the age

limit for active service, that is to say, pre-schedule release, shall be permitted:

on health grounds in accordance with the finding of a military medical commission;

in connection with a staff reduction, if they become redundant for service;

on grounds of certified unfitness for service;

if found guilty of misconduct discrediting the honourable title of the Soviet officer;

if found guilty of a crime by a court of law.

Article 64. The reserve of officers of the Armed Forces of the USSR consists of the following:

1) officers, generals and admirals released from active service and placed in the reserve;

2) privates, seamen, sergeants and sergeants-major with a higher or secondary education who have done their active service and acquired officer's rank by taking and passing the required examinations upon being transferred to the reserve;

3) persons who have undergone military training in civilian educational establishments and acquired officer's rank by passing the required examinations;

4) privates, seamen, sergeants, sergeants-major, warrant officers and mitchmen of the reserve who have acquired a higher or secondary specialised civilian education similar to the corresponding military speciality after acquiring officer's rank;

5) privates, seamen, sergeants, sergeants-major, warrant officers and mitchmen of the reserve with a higher or secondary education who have done their active service and acquired officer's rank after attending assemblies for training officers of the reserve and passing the required examinations;

6) warrant officers and mitchmen who have served as warrant officers and mitchmen for five or more years and who have acquired officer's rank on being transferred to the reserve.

Article 65. Officers of the reserve shall attend training assemblies and may be called up as follows:

1) those in the first-grade reserve, annually for a period of up to three months;

2) those in the second-grade reserve, for two training assemblies lasting for a period of three months each;

3) those in the third-grade reserve, for one assembly lasting two months.

In addition, officers of the reserve in the period between training assemblies may be called up for musters for a period of up to 10 days.

The total time spent in training assemblies during service in the reserve may not exceed 30 months.

The periods of training assembly attendances for various groups and specialities of officers, generals and admirals within the limits established by the present Article shall be laid down by the Ministry of Defence of the USSR.

In case of necessity the Minister of Defence of the USSR has the right to retain officers, generals and admirals of the reserve at training assemblies for a period of two months over and above the periods established by the present Law, and also to increase the number of training assembly attendances for officers of the reserve, not exceeding the established total time spent in camps, laid down in points 1, 2 and 3 of the present Article.

During the period between assembly attendances officers of the first-grade reserve shall attend commander's exercises for a duration of 30 to 60 instructional hours, organised by the commanders of garrisons and military commissariats. Officers of the reserve shall be called up for commander's exercises once in three years. Such exercises shall be held according to place of residence: for urban dwellers, without interruption of work in production and with partial interruption of work in production for a period of up to two days for the whole period of training; for those living in rural areas, with interruption of work in production.

Article 66. Officers of the reserve may be placed on active service in peacetime for duty:

1) on a voluntary basis, by decision of the Minister of Defence of the USSR;

2) by call-up, for two to three years for people under 30, in numbers and according to military occupations established by the Council of Ministers of the USSR.

Article 67. Officers who have reached the age limit for service in the reserve or have been recognised on health grounds as unfit for military service shall be taken off the lists and retired.

Chapter IX

Rights, Duties and Responsibility of Servicemen and Reservists

Article 68. Servicemen and reservists called up for training assemblies shall enjoy all the socio-economic, political and personal rights and freedoms and discharge all the duties of the citizens of the USSR, as laid down in the Constitution of the USSR.

The rights and duties of servicemen and of reservists called up for training assemblies that derive from the conditions of military service shall be established by the present Law and the military regulations.

Article 69. Servicemen shall receive monetary payment and payment in kind according to the quotas established by the Council of Ministers of the USSR at state expense.

Industrial, office and professional workers, collective farmers and also students of higher educational establishments and secondary specialised educational establishments and schools who are receiving grants and who are called up for active service or accepted for long-term active service or for active service as warrant officers and mitchmen, or who are admitted to military training establishments or placed on active service for use as officers, shall be paid a severance pay in accordance with the established rules.

Article 70. Reservists called up for training assemblies or musters shall be provided for by payments in money and in kind in a manner and scale established by the Council of Ministers of the USSR.

Article 71. Citizens shall be released from work according to the established rules for the period of performance of duties connected with military registration, enlistment at draft stations, call-up for active service, training assemblies and musters, and also for commander's exercises. Industrial, office and professional workers and collective farmers called up for the above-mentioned duties shall retain their average earnings at their regular place of work.

Persons allowed to take entrance examinations for military training establishments shall be granted leave for

taking these examinations and retain their position and average wage at their regular place of work for the period of taking examinations and travelling there and back.

Article 72. Industrial, office and professional workers and collective farmers called up for assemblies or for commander's exercises shall retain for the period of assembly attendance (or commander's exercises), including travelling time to the military unit and back, their position (job) and shall be paid their average earnings at their regular place of work.

Such persons may not be dismissed from work from the day that they receive their call-up papers to the day of their return from training assemblies (commander's exercises) with the exception of cases of the complete closing down of enterprises, institutions or organisations.

In the event of the closures of the enterprise, institution, or organisation where a reservist has worked the wage or other material provision to which he is entitled during the period of assembly attendance (commander's exercises) shall be paid by the closed-down enterprise, institution or organisation or by their successors in law or by the ministry, state committee or department under whose jurisdiction they came before closure.

If a reservist falls ill during camp attendance (commander's exercises) and remains ill after it, he shall retain his job and position according to the established rules, and from the day when the assembly attendance (commander's exercises) ends shall be paid instead of his wage for this period an allowance for temporary incapacity in accordance with current legislation.

Reservists and draftees sent by military commissariats for specialist, out-patient or clinical examination shall retain, for the period of attendance at the medical institution, their place of work or study, their position and average earnings (grant), and shall be also compensated by the military commissariats for travel expenses to and from the place of examination.

Article 73. The cost of transport and provisioning of persons called up for active service and for training assemblies, and also on the journey home for those released from the Armed Forces of the USSR on completion of their active service and training period shall be paid by the state.

Article 74. Officers, warrant officers, mitchmen, long-term servicemen and their families and also short-term servicemen shall enjoy benefits in accordance with current legislation when travelling by rail, water, road or air.

Article 75. Short-term servicemen on active service and also officers of the reserve called up for active service in accordance with point 2 of Art. 66 of the present Law, and the families of these officers, shall retain their living accommodation and may not be taken off any waiting list for such accommodation.

Article 76. Officers, warrant officers and mitchmen on active service and long-term servicemen shall pay for their living accommodation at reduced rates according to current legislation.

Article 77. Living accommodation for officers, warrant officers, mitchmen and long-term servicemen transferred to the reserve or retired shall be provided by the Executive Committees of the local Soviets of People's Deputies according to the rules established by the Council of Ministers of the USSR.

Article 78. Time spent by citizens on active military service in the Armed Forces of the USSR shall be counted as part of their labour record.

Privates, seamen, sergeants and sergeants-major on short-term service and persons called up for duty as officers in accordance with point 2 of Art. 66 of the present Law shall have the time of their active service, in addition, counted as part of their work record in their speciality on condition that not later than three months after transfer to the reserve (and for valid reasons longer than this period) they take up work in the speciality they acquired before call-up.

Article 79. Servicemen and reservists called up for training assemblies shall receive income tax rebates in accordance with current legislation.

Article 80. Letters of privates, seamen, sergeants and sergeants-major on short-term service sent by their military unit shall go post-free. Similarly letters addressed to privates, seamen, sergeants and sergeants-major on short-term service to their place of service also shall go post-free.

Article 81. Servicemen disabled as a result of wounds, shell-shock, injury or sickness received during defence of

the USSR or the performance of other military duties shall have the right to a state disablement pension. Officers, warrant officers, mitchmen and long-term servicemen also shall have the right to a life pension on completion of their service.

In the event of death in action or for other reasons of the persons indicated in the present Article their families shall have the right to a pension for loss of their breadwinner.

The provision of pensions for servicemen and their families shall be made according to the rules and in the amount established by the corresponding laws and also by decisions of the Council of Ministers of the USSR.

Article 82. For infringements of military discipline and public order servicemen and reservists called up for training assemblies shall be held responsible according to the rules laid down in the Disciplinary Regulations of the Armed Forces of the USSR.

Article 83. Servicemen and reservists called up for training camps shall bear criminal responsibility in accordance with current legislation for any criminal offences they may commit.

Article 84. Servicemen and reservists called up for training camps shall bear liability according to the rules laid down by the Presidium of the Supreme Soviet of the USSR for any material damage they may cause.

Chapter X

Military Registration

Article 85. The military registration of all reservists and draftees shall be carried out according to their place of residence under the rules established by the Minister of Defence of the USSR.

Article 86. The preliminary registration of all reservists and draftees living in rural areas and also in towns and townships where there are no military commissariats shall be the duty of the military-registration offices at the Executive Committees of the local Soviets of People's Deputies.

Article 87. Personal (qualitative) registration of all reservists and draftees shall be conducted at the district (town) military commissariats.

Article 88. Military registration of citizens of the USSR resident abroad shall be conducted by diplomatic and consular missions of the USSR. When male citizens attain the age of 18, diplomatic and consular missions of the USSR shall be responsible for ensuring their arrival at the military commissariats according to their place of permanent residence in the USSR for call-up for active military service.

Article 89. Reservists who move to another locality for permanent or temporary (more than six weeks) residence, and on business assignments, study, leave and for medical treatment, for a period of more than three months, or who change their place of residence in town by moving to the territory of a different administrative ward, shall submit to the house-management committee (maintenance office, commandant's office) their military service card and passport so that they can be taken off the military register. Reservists leaving a rural area shall report in person with their military registration documents to the military-registration office at the Executive Committee of the township or rural Soviet of People's Deputies for taking off the military register.

Article 90. Reservists who have arrived in another town for permanent or temporary (more than six weeks) residence shall within three days submit to the house-management committee (maintenance office, commandant's office) their military service card and passport so that they can be registered. Reservists who have arrived at a rural area shall within three days report in person with their military registration documents to the military-registration office at the Executive Committee of the township or rural Soviet of People's Deputies for military registration.

Article 91. Officers of the reserve shall report to the military commissariats personally for military registration. Military registration and deregistration of officers of the reserve living in places remote from the district military commissariats may also be carried out by the military-registration offices at the Executive Committees of the local Soviets of People's Deputies.

Article 92. Draftees shall report in person at district

(town) military commissariats to be deregistered and within three days of their arrival at a new place of residence get themselves reregistered.

Article 93. In the event of any change in the family status of a reservist or draftee, or of his place of residence, education, place of work or position, he shall within seven days report this to the registration office where they are registered.

Article 94. For infringement of the rules of military registration laid down in Arts. 89 to 92, for failure to report at the military commissariat without a valid reason, for intentional damage to, or carelessness in looking after, their military registration cards (special certificates) which results in their loss, and also for failure to give timely notice to the registration office of change of address, servicemen and draftees shall be liable to a fine of up to 10 roubles imposed in administrative proceedings by the district (town) military commissar.

The district (town) military commissar may issue a warning to the transgressor instead of fining him.

The military commissar shall report the imposition of an administrative penalty to the manager of the enterprise, institution, organisation, collective farm or educational establishment where the reservist or draftee works (studies).

Article 95. The Executive Committees of township and rural Soviets of People's Deputies, the managers of enterprises, institutions, organisations, educational establishments and collective farms shall upon demand of the military commissariats inform reservists and draftees of their summons to the military commissariats and expedite their response to this summons.

Article 96. Citizens who without a valid reason fail to report to the assembly points or draft stations for registration, call-up and despatch to military units and also the managers of enterprises, institutions, organisations, collective farms and educational establishments who hinder the timely appearance of citizens at assembly points or draft stations shall be held responsible in accordance with current legislation.

Article 97. In time of war reservists and draftees shall be forbidden to leave their place of permanent residence without the permission of the district (town) military com-

missar. For infringement of this rule reservists and draftees shall be held responsible in a statutory manner.

Article 98. Enterprises, institutions, organisations and educational establishments shall register reservists and draftees of the given enterprise, institution, organisation or educational establishment according to the rules established by the Ministry of Defence of the USSR, and their managers shall be held responsible for the completeness and quality of the registration.

Article 99. It is the duty of the organs of the interior to:

- 1) register and deregister reservists and draftees at their place of residence only if their military registration documents have been endorsed by the military commissariat to show their military registration or deregistration;

- 2) assist military commissariats in calling up citizens for active service (training camps), ensuring that citizens observe the rules of military registration and detecting those draftees and reservists who infringe the established rules of military registration;

- 3) apprehend persons avoiding universal military service.

Article 100. House managers (heads of maintenance offices, house commandants) and house-holders shall submit to the military commissariats and military-registration offices their house-books, files of registration and the military registration documents for any of their residents who are reservists or draftees, and also inform them of summons to the military commissariats.

Article 101. The medical-labour expert commissions shall, through the social security departments of the Executive Committees of district, town and ward Soviets of People's Deputies, inform the corresponding military commissariats of all reservists and draftees recognised as disabled irrespective of their disablement group.

Article 102. The registrar's offices shall inform the district (town) military commissariats of any change in reservists and draftees' given name, surname or patronymic, or any entry in the registrar's books of changes of date or place of birth, and also registration of the death of these persons.

Article 103. The organs of inquiry and preliminary investigation shall within seven days inform the district

(town) military commissariats about draftees who have been charged with criminal offences, and the courts of law shall inform them of any sentences that have come into force in respect of convicted draftees.

Military registration cards of reservists and the special certificates of draftees sentenced to deprivation of liberty shall be sent by the judicial organs to the corresponding military commissariats.

Article 104. The rights of the Minister of Defence of the USSR envisaged in Arts. 9, 12, 15, 39 (third part), 40, 42, 44, 59 and 66 of the present Law also shall apply to the Chairman of the State Security Committee of the USSR and the Minister of the Interior of the USSR in relation to the troops, institutions and educational establishments subordinate to the State Security Committee of the USSR and the Ministry of the Interior of the USSR.

Chapter XI

Call-up During Mobilisation, and Demobilisation

Article 105. Mobilisation shall be declared by the Presidium of the Supreme Soviet of the USSR.

Call-up during mobilisation and subsequent call-ups in time of war shall be conducted on the basis of decisions by the Council of Ministers of the USSR and orders of the Minister of Defence of the USSR.

Article 106. In the event of a declaration of mobilisation:

1) all persons who at this time are serving in the Armed Forces of the USSR shall be retained until special instructions have been issued;

2) reservists shall report at assembly points and at the times indicated in their mobilisation instructions, in call-up papers, or in the orders of the district (town) military commissars.

Reservists who do not report for mobilisation at the appointed places and times shall bear responsibility under martial law.

Article 107. State provision (pensions and allowances) for families of reservists called up for the Armed Forces

of the USSR in time of war shall be effected on the basis of current legislation.

Article 108. The release of servicemen from the Armed Forces of the USSR on demobilisation shall be effected on the basis of decrees of the Presidium of the Supreme Soviet of the USSR and by orders of the Minister of Defence of the USSR.

Article 109. Servicemen released from the Armed Forces of the USSR on demobilisation shall be provided at state expense with a complete set of uniform and footwear. Transportation of these servicemen to their place of residence and their provisioning during the journey shall be effected at the expense of the state.

Adopted on October 12, 1967. The text is given with subsequent amendments and additions

Gazette of the USSR Supreme Soviet, No. 42, 1967, Item 552; No. 52, 1980, Item 1121

LAW
OF THE UNION OF
SOVIET SOCIALIST REPUBLICS
ON PENSIONS AND ALLOWANCES TO
COLLECTIVE-FARM MEMBERS

Especially in the last decade, the Soviet people, led by the Communist Party of the Soviet Union, have attained tremendous successes in the building of communism, in the development of the country's productive forces. They have built a powerful, diversified economy and this enables the Soviet Government to improve the people's well-being systematically and to satisfy their growing requirements ever more fully.

The possibility currently obtains to introduce a more stable system of social security on collective farms by instituting pensions for old age, disability, and loss of the breadwinner, and maternity allowances for women collective-farm members.

There must be no egalitarian approach in the provision of pensions to the collective farmers. The higher the productivity of the collective farmers' labour, the more the collective farm produces per hectare of arable land and sells the output to the state, and the higher its income and deductions for the pension fund, the higher the resulting collective farmers' pensions must be. Better provisions must be made for those collective farmers who work well and contribute greatly to collective-farm production.

The establishment of the collective farmers' state social security system will give a fresh impetus to the further growth of the collective farmers' labour activity and will increase the output of agricultural produce.

As the national income, in particular the income of the

collective farms, grows, the size of pensions provided for by the present Law will increase gradually to the level of state pensions paid to industrial, office and professional workers.

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

I

General Provisions

Article 1. Collective-farm members shall have the right to old age and disability pensions.

Non-able-bodied members of families of deceased collective farmers who had maintained them shall have the right to a pension in the case of the loss of the breadwinner.

Article 2. Women collective-farm members shall have the right to maternity allowance.

Article 3. Collective farmers and members of their families who have a right to different pensions at once shall be granted one pension of their choice.

Pensions to former collective-farm members and their families shall be granted under this Law on the same grounds as to persons who are members of collective farms and their families.

Article 4. Pensions and allowances under this Law shall be payable from collective-farm and state funds with no deductions from the incomes of collective-farm members.

Article 5. Pensions shall not be taxed.

II

Pensions

Article 6. The right to old age pensions shall accrue to collective-farm members as follows:

men on the attainment of 60 years of age and with a length of service of not less than 25 years;

women on the attainment of 55 years of age and with a length of service of not less than 20 years;

servicemen who became disabled owing to a wound, contusion or mutilation suffered during the defence of the USSR or performance of other duties of military service or owing to disease associated with frontline duty: men on the attainment of 55 years of age and with a length of service of not less than 25 years; women on the attainment of 50 years of age and with a length of service of not less than 20 years;

collective-farm members who worked in the areas of the Far North not less than 15 calendar years or in hardship localities equal to the Far North areas for not less than 20 calendar years: men on the attainment of 55 years of age and with a length of service of not less than 25 years; women on the attainment of 50 years of age and with a length of service of not less than 20 years.

Article 7. Women collective-farm members who gave birth to five or more children and raised them to the age of eight years shall be entitled to an old age pension on the attainment of 50 years of age if they have a length of service of not less than 15 years.

Article 8. Old age pensions shall be granted to collective-farm members in the amounts provided for in Article 13 of the Law of the USSR On State Pensions for industrial, office and professional workers (except those employed underground, on jobs with harmful working conditions, and in hot shops), applying Art. 56 of this Law in appropriate cases. The minimum pension calculated on the basis of earnings of up to 35 roubles a month shall be established at 28 roubles.

The minimum amount of old age pensions shall be established at 28 roubles a month.

Article 9. Collective-farm members shall have the right to disability pensions in the event of first or second group disability (regardless of cause) and also third group disability resulting from on-the-job injury or occupational disease.

Article 10. Pensions for disability caused by on-the-job injury or occupational disease shall be granted to collective-farm members regardless of the length of service.

Pensions for disability caused by general illness or injury not related to work shall be granted to collective farmers if they meet the following length of service requirements at the time they apply for the pension:

Age	length of service (years)	
	men	women
Up to 20 years	1	1
From 20 up to 23 years	2	1
From 23 up to 26 years	3	2
From 26 up to 31 years	5	3
From 31 up to 36 years	7	5
From 36 up to 41 years	10	7
From 41 up to 46 years	12	9
From 46 up to 51 years	14	11
From 51 up to 56 years	16	13
From 56 up to 61 years	18	14
61 years and older	20	15

Article 11. Pensions for disability caused by on-the-job injury or occupational disease shall be granted to collective-farm members in the following amounts:

to first group invalids, 110 per cent, and second group invalids, 100 per cent of the old age pension calculated in accordance with Article 8 of this Law as a percentage of the earnings;

to third group invalids in the amounts provided for by Art. 22 of the Law of the USSR On State Pensions for industrial, office and professional workers (except those employed underground, on jobs with harmful working conditions, in hot shops and on other arduous jobs), applying Art. 56 of this Law in appropriate cases.

The minimum pensions for disability caused by on-the-job injury or occupational disease shall be established at 45 roubles for the first disability group, 28 roubles for the second disability group and 16 roubles a month for the third disability group.

Pensions for disability caused by general disease shall be granted to collective-farm members in the following amounts: to first group invalids, 100 per cent, and to second group invalids, 90 per cent of the old age pension calculated in accordance with Art. 8 of this Law as a percentage of earnings. Second group invalids with lengths of service necessary for the granting of old age pensions shall be granted disability pensions equal to the old age pensions they would normally receive.

Minimum pensions for disability caused by general dis-

ease shall be established at 30 roubles for the first disability group and 20 roubles a month for the second disability group.

Maximum disability pensions shall be established at the level of maximum disability pensions provided for by the Law of the USSR On State Pensions for industrial, office and professional workers.

An increment shall be made to disability pensions payable to first group invalids (regardless of the cause of disability) to look after them in the amount and according to the procedure provided for by the Law of the USSR On State Pensions for industrial, office and professional workers.

Article 12. The right to a pension for the loss of the breadwinner shall accrue to non-able-bodied members of the family of the deceased collective farmer who were maintained by him.

Non-able-bodied members of the family shall include:

1) children, brothers, sisters and grandchildren under 16 (students under 18) or older if they became first or second group invalids upon the attainment of 16 years of age (students of 18 years); brothers, sisters and grandchildren shall be considered as non-able-bodied if they have no able-bodied parents;

2) father, mother, wife, husband if they have attained the age of: men—60 years, women—55 years, or are first or second group invalids;

3) grandfather and grandmother if they have attained the age of 60 and 55 years respectively or are first or second group invalids, in the absence of persons who are required to maintain them under the law.

Children and non-able-bodied parents of the deceased who were not maintained by him shall have the right to a pension in the event of the loss of the breadwinner if they subsequently lose their means of livelihood.

Foster-parents shall have the same right to a pension as natural parents, and adopted children, the same as natural children.

Article 13. Families of collective farmers who died from on-the-job injury or occupational disease shall be granted pensions independently of the breadwinner's length of service.

Families of collective farmers who died from general di-

sease or injury not related to work shall be paid pensions if the breadwinner had a length of service sufficient to have been granted a disability pension.

Article 14. Families of collective farmers who died from on-the-job injury or occupational disease shall be paid pensions in the following amounts:

for three or more non-able-bodied members of the family—110 per cent, and for two non-able-bodied members of the family—100 per cent of the old age pension calculated in accordance with Art. 8 of this Law as a percentage of the breadwinner's earnings;

for one non-able-bodied member of the family—in the amounts stipulated by Art. 33 of the Law of the USSR On State Pensions for families of industrial, office and professional workers (except those employed underground, on jobs with harmful conditions, in hot shops and on other arduous jobs), applying, wherever appropriate, Art. 56 of this Law.

Families of collective farmers who died from general disease shall be paid pensions in the following amounts:

for three or more non-able-bodied members of the family—100 per cent; for two non-able-bodied members of the family—90 per cent of the old age pension calculated in accordance with Art. 8 of this Law as a percentage of the breadwinner's earnings;

for one non-able-bodied member of the family, in the amounts provided for by Art. 34 of the Law of the USSR On State Pensions for families of industrial, office and professional workers (except those employed underground, on jobs with harmful working conditions, in hot shops and on other arduous jobs), applying Art. 56 of this Law wherever necessary.

The minimum pensions shall be established at 45 roubles for three or more non-able-bodied members of the family, 28 roubles for two non-able-bodied members of the family, and 20 roubles a month for one non-able-bodied member of the family. A pension for the loss of the breadwinner granted under this Law to children under 16 (students under 18) shall not be less than 20 roubles a month per child (within the limits of maximum pensions).

The maximum pensions for the loss of the breadwinner shall be established at the level of maximum pensions for the loss of the breadwinner, provided for by the Law of

the USSR On State Pensions for families of industrial, office, and professional workers.

Article 15. In granting pensions the length of service shall include:

work as a collective-farm member;

work as an industrial, office or professional worker, service in the Armed Forces of the USSR or in partisan detachments, and also other periods to be included in the length of service in appointing pensions under the Law on State Pensions.

Article 16. Pensions shall be appointed on the basis of actual earnings for work on the collective farm for any five years in succession (chosen by the person who has applied for a pension) from the last 10 years before applying for a pension.

Pensions to collective-farm members who have worked fewer than five years on a collective farm and families of collective-farm members who lost a breadwinner who had worked less than five years on a collective farm shall be calculated on the basis of average monthly actual earnings on a collective farm for the period worked there.

Article 17. Pensioners who were collective-farm members and have worked no less than two years on a collective farm after they were granted pensions and have higher earnings than those on the basis of which the pension was originally calculated, shall be granted a new pension at a higher rate based on these higher earnings.

III

Maternity Allowances to Women Collective-Farm Members

Article 18. Women collective-farm members, irrespective of length of service, shall have the right to receive maintenance for the period of the maternity leave.

Maternity leave shall be granted for 56 calendar days before giving birth and 56 calendar days after giving birth, and in the case of an abnormal birth or the birth of two or more children, for 70 calendar days after giving birth.

Article 19. Maternity allowances to women collective-farm members shall be determined according to the same

procedure and norms as those allowances established for women industrial workers and women office and professional workers.

IV

Funds for Paying Pensions and Allowances

Article 20. A centralised Union fund for the social maintenance of collective farmers shall be formed for paying pensions and allowances under this Law from income deductions of collective farms and yearly allocations under the State Budget of the USSR.

Article 21. Beginning in 1964, all collective farms shall send money to the centralised Union fund for the social maintenance of collective farmers in amounts to be determined by the USSR Council of Ministers.

Resources to be transferred to the centralised Union fund for the social maintenance of collective farmers shall be excluded from collective-farm incomes when taxed.

V

Concluding Provisions

Article 22. Collective farms where the pensions paid to collective farmers exceed the amounts of pensions established by this Law may retain the amounts by making appropriate additional payments at the expense of the collective-farm resources.

Article 23. The USSR Council of Ministers shall be charged with promulgating on the basis of this Law:

- 1) Regulations for Granting and Paying Pensions to Collective-Farm Members;
- 2) Regulations for Granting and Paying Maternity Allowances to Women Collective-Farm Members;
- 3) Regulations for a Centralised Union Fund for the Social Maintenance of Collective Farmers.

Regulations for Granting and Paying Pensions to Collective-Farm Members shall specify, in particular, conditions for granting pensions:

to collective-farm members of those republics and regions in which collective farms were organised later than elsewhere;

to collective-farm members who entered collective farms in the first years of collectivisation, but who, owing to old age or disability, ceased to work on the collective farm and lack the length of service entitling them to a pension.

Article 24. This Law shall go into effect as of January 1, 1965.

Adopted on July 15, 1964.
The text is given with
subsequent amendments
and additions

Gazette of the USSR Supreme Soviet, No. 29, 1964,
Item 340; No. 39, 1967,
Item 520; No. 23, 1971,
Item 239; No. 48, 1973,
Item 678; No. 28, 1978,
Item 445; No. 36, 1981,
Item 1032

LAW
OF THE UNION OF SOVIET SOCIALIST REPUBLICS
ON THE STATE BORDERS OF THE USSR

The Union of Soviet Socialist Republics steadfastly pursues the Leninist policy of peace, advocates the strengthening of international security and proceeds from the principle of the inviolability of state borders, which symbolise the territorial integrity, political independence, sovereignty and unity of the state.

In accordance with the Constitution of the USSR, the determination of the state borders of the USSR, the protection of state borders and the territory of the USSR are subject to the jurisdiction of the Union of Soviet Socialist Republics as represented by its higher organs of state power and administration.

The protection of the state borders of the USSR is a major inalienable part of defence of the socialist Motherland. The state borders of the USSR shall be inviolable. Any attempts to violate them shall be suppressed with determination.

I. General Provisions

Article 1. The State Border of the USSR.

The state border of the USSR is the line and the vertical surface along it, which determine the bounds of the territory of the USSR—the land, waters, earth bowels and air space.

Article 2. Determination of the State Border of the USSR and Its Protection.

The state border of the USSR shall be determined by decision of the Supreme Soviet of the USSR, the Presidium of

the Supreme Soviet of the USSR and also by international treaties of the USSR.

Within the terms of its reference the Council of Ministers of the USSR shall adopt measures to protect the state border of the USSR and the territory of the USSR.

Article 3. Delineation of the State Border of the USSR.

Unless otherwise provided for by international treaties of the USSR, the state border of the USSR shall be delienated:

(1) on land—along conspicuous eminences and contours of the terrain or clearly seen landmarks,

(2) on sea—along the external limits of territorial waters (territorial sea) of the USSR,

(3) on navigable rivers—in the middle of the main fairway or along the river thalweg; on non-navigable rivers (streams)—in the river middle or in the middle of the main tributary; on lakes and other bodies of water—along the straight line that connects the outlets of the USSR state border to the shores or banks of a lake or any other body of water.

The state border of the USSR that passes along a river (stream), lake or any other body of water shall not be transferred both in the case of changing the shore/bank lines or the levels of water and in the case of the bed of a river (stream) changing in this or that direction;

(4) on the storage lakes of hydropower stations and other man-made reservoirs—in accordance with the line of the USSR state border that passed on the terrain before these lakes or reservoirs were filled with water;

(5) on the railway and motor-road bridges, dams and other structures that cross the border areas of navigable and non-navigable rivers (streams)—in the middle of these structures or along their technological axis, despite the delienation of the state border of the USSR on water.

Article 4. Designation of the State Border of the USSR.

On the terrain the state border shall be designated by clearly seen border signposts.

The forms and sizes of border signposts and the procedure of their installation shall be defined by the legislation of the USSR and international treaties of the USSR.

Article 5. Territorial Waters (Territorial Sea) of the USSR.

The territorial waters (territorial sea) of the USSR include the coastal sea waters with a width of 12 nautical miles which are counted off the line of the greatest ebb-tide both

on the continent and the islands that belong to the USSR or off direct lines of departure that connect the relevant points. The geographical coordinates of these points shall be approved in a manner stipulated by the Council of Ministers of the USSR.

In certain cases a different width of the territorial waters (territorial sea) of the USSR may be established by international treaties of the USSR and in the absence of such treaties in accordance with the generally recognised principles and norms of international law.

Article 6. The Inland Waters of the USSR.

The inland waters of the USSR include:

(1) sea waters off the coast from direct lines of departure adopted for counting out the width of the territorial waters (territorial sea) of the USSR;

(2) waters in the ports of the USSR limited by a line that passes through the farthest seaward points of hydrotechnical and other port structures;

(3) waters in bays, inlets and estuaries, whose shores entirely belong to the USSR, up to a straight line drawn from shore to shore in the place where from seaside one or several passages may form for the first time, provided that the width of each of them does not exceed 24 nautical miles;

(4) waters in the bays, inlets and estuaries, seas and straits that historically belong to the USSR;

(5) waters of rivers, lakes and other reservoirs whose banks belong to the USSR.

Article 7. Relations with Neighbouring States on Border Issues.

Border issues shall be settled with border states by the Union of Soviet Socialist Republics on the basis of reciprocity and goodneighbourly relations, in accordance with the present Law, other legislative acts of the USSR and its international treaties.

II. Regime of the State Border of the USSR

Article 8. Determination of the Regime of the State Border of the USSR.

The regime of the state border of the USSR—the procedure of crossing the USSR state border, the navigation and stay of Soviet and foreign ships and naval vessels in the territorial waters (territorial sea) of the USSR and in the Soviet part

of the border rivers, lakes and other bodies of water, of the entry of foreign ships and naval vessels in the inland waters and at the ports of the USSR and of staying in them, the maintenance of the state border of the USSR, of making various jobs, fishing, hunting and other activity on the state border of the USSR—shall be determined by the present Law, other legislative acts of the USSR and international treaties of the USSR.

Article 9. Crossing the State Border of the USSR.

The railway, motor car, sea, river, air and other communications across the state border of the USSR shall be effected in points of passage, as indicated by the Council of Ministers of the USSR in accordance with the legislation of the USSR and its international treaties. Check-points of border troops and custom-houses shall be set up in the points of passage across the state border of the USSR.

Sea and river ships and naval vessels shall cross the state border of the USSR in conformity with the present Law, other legislative acts of the USSR and also the rules issued by competent Soviet bodies and published in *Notifications for Seafarers*.

Aircraft shall cross the state border of the USSR in specially designated air corridors in accordance with the present Law, other legislative acts of the USSR and also the rules issued by competent Soviet bodies and published in the *Air Navigation Information Bulletin*. Flights over the state border of the USSR outside air corridors shall be allowed by competent Soviet bodies alone.

Article 10. Aircraft's Take-off and Landing.

The Soviet and foreign aircraft shall take-off from the USSR or land in the USSR in the airports (airfields) open for international flights where there are check-points of border troops and custom-houses. Any other procedure of aircraft's take off and landing shall be allowed by competent Soviet bodies alone.

Article 11. Control When Crossing the State Border of the USSR.

Persons, transport means, goods and other property that cross the state border of the USSR shall be subject to border and custom-house control. In requisite cases they shall be subject to sanitary and quarantine, veterinary and phytosanitary control, control over the export of cultural values from the USSR and other kinds of control.

Control shall be organised and effected by competent Soviet bodies in a manner stipulated by the legislation of the USSR.

Article 12. Letting Pass Persons, Transport Vehicles, Goods and Other Property Across the State Border of the USSR.

Persons crossing the state border of the USSR shall be let pass by border troops upon the presentation of valid documents that entitle them to enter the USSR or leave it.

Transport means, goods and other property crossing the state border of the USSR shall be let through in accordance with the legislation of the USSR and its international treaties.

A simplified procedure of letting pass persons, transport means, goods and other property across the state border of the USSR may be instituted in accordance with international treaties of the USSR.

Article 13. Peaceful Passage Across the Territorial Waters (Territorial Sea) of the USSR.

Peaceful passage across the territorial waters (territorial sea) of the USSR shall be effected with a view to crossing them without entering the inland waters of the USSR or with a view to entering the inland waters and calling at the ports of the USSR or putting out on the high seas.

Foreign ships shall enjoy the right of peaceful passage across the territorial waters (territorial sea) of the USSR in accordance with the legislation of the USSR and its international treaties.

Foreign ships that carry out a peaceful passage shall follow the usual navigation course or the course recommended by Soviet competent bodies and also that along sea corridors or according to traffic division patterns.

Captain of a foreign ship that has broken the rules of peaceful passage shall bear responsibility under Soviet legislation.

Foreign warships and also underwater transport means shall pass peacefully across the territorial waters (territorial sea) of the USSR in a manner prescribed by the Council of Ministers of the USSR. Moreover, submarines and other underwater transport means shall move on surface and under their flag.

Article 14. Procedure of Foreign Ships and Naval Vessels Entering the Inland Waters and Calling at the Ports of the USSR.

Foreign ships may call at roads and ports of the USSR that are open to such ships. A list of roads and ports open for foreign ships, the procedure of calling at and staying there—making of cargo and passenger operations, communication between ships and the coast, disembarkation of ship crews and the visits of ships by persons who are not members of ship crews and other rules relating to the entry of foreign ships in the inland waters and ports of the USSR, in the Soviet part of the border rivers, lakes and other bodies of water and the stay in these waters shall be stipulated by the legislation of the USSR and the rules published in *Notifications for Seafarers*.

Unless provided otherwise, foreign naval vessels shall enter the inland waters and ports of the USSR upon the preliminary authorisation of the Council of Ministers of the USSR and in accordance with the rules of visiting them, published in the *Notifications for Seafarers*.

Article 15. The Duty of Foreign Ships and Naval Vessels to Observe Navigation and Other Rules in the Waters of the USSR.

Foreign ships and naval vessels shall be obliged to observe the rules of radio communication, navigation, port, custom-house, sanitary and other rules during their sailing or staying in the territorial waters (territorial sea) of the USSR, in the inland waters of the USSR, in the Soviet part of the border rivers, lakes and other bodies of water.

Foreign ships and naval vessels shall be obliged immediately to report to the administration of a nearby Soviet port in case they were forced to enter the territorial waters (territorial sea) of the USSR, the inland waters of the USSR, the Soviet part of the border rivers, lakes and other bodies of water or in the case of a forcible non-observance of the rules of sailing or staying in these waters.

Article 16. Interdiction on Fishing, Hunting, Research, Prospecting and Other Similar Activities by Foreign Ships and Naval Vessels in the Waters of the USSR.

The fishing, hunting, research, prospecting and other similar activities by foreign ships and naval vessels in the territorial waters (territorial sea) of the USSR, in the inland waters of the USSR, and in the Soviet part of border rivers, lakes and other bodies of water shall be interdicted, except in cases where such activities are conducted by authorisation

of competent Soviet bodies or on the strength of international treaties of the USSR.

Article 17. Interdiction on the Sailing or Staying of Ships and Naval Vessels in Particular Areas of the Waters of the USSR.

Competent Soviet bodies may issue decisions on choosing areas in the territorial waters (territorial sea) of the USSR in which they interdict the sailing or staying of Soviet and foreign ships and naval vessels. Such areas shall be identified in the *Notifications for Seafarers*.

Article 18. Rules Governing the Economic Activity in the State Border of the USSR.

Navigation, use of bodies of water for purposes of timber-rafting and other uses of water resources, construction of hydro-development schemes, other types of work in the Soviet part of the border rivers, lakes and other bodies of water, use of lands, forests, the animal world, mining operations, geological prospecting and other economic activities in the state border of the USSR shall be conducted in accordance with Soviet legislation and international treaties of the USSR in a way to secure the requisite order in the state border of the USSR.

Upon agreement with frontier troops and with an eye to the local conditions, Soviet competent bodies shall establish the procedure for all types of economic activity in the State border of the USSR.

Article 19. Provisional Cessation of Communication Across the Border of the USSR in Case of the Threat of Infectious Diseases. Quarantine.

The Council of Ministers of the USSR may provisionally restrict or cease communication in threatened areas or introduce quarantine for persons, animals, goods, seeds and other planting material or other output of animal or plant origin in case of the threat of especially dangerous infectious diseases being spread on the territory of the USSR or a foreign state.

Article 20. Trespassers of the State Border of the USSR. Trespassers of the state border of the USSR shall be:

- 1) persons who have crossed or are trying to cross the state border by any means outside the check-points across the state border of the USSR or in check-points across the state border of the USSR but with breaking the rules of its crossing;

2) persons who have penetrated or are trying to penetrate into foreign or Soviet transport means bound for abroad with the aim of illegally leaving the USSR:

3) foreign ships and naval vessels which have entered the territorial waters (territorial sea) of the USSR or the inland waters of the USSR, and also the Soviet part of the border rivers, lakes and other bodies of water in violation of the rules of entering these waters. Foreign submarines and other underwater transport means shall also be regarded as trespassers of the state border of the USSR in those cases when they cross the state border of the USSR under water or are in this condition during sailing or stay in the waters of the USSR;

4) aircraft and other airborne craft which have crossed the state border of the USSR without special authorisation by Soviet competent bodies or have otherwise broken the rules of flights across the state border of the USSR.

Crossing the state border of the USSR by any other technical or other means without requisite authorisation or in violation of the established rules shall also be considered a violation of the border.

Article 21. Border Representatives of the USSR.

Border representatives of the USSR (frontier commissars, frontier authorised representatives, their deputies) shall be appointed to border areas in a statutory manner from among the officers or border troops to settle questions involved in maintaining the regime of the state border of the USSR and also to settle border incidents.

Border representatives of the USSR shall be guided by the legislation of the USSR, its international treaties and also by the enactments issued by competent Soviet bodies.

Questions not settled by border representatives shall be settled along diplomatic channels.

III. Border Regime

Article 22. Border Zone and Borderland.

The Council of Ministers of the USSR shall establish a border zone and a borderland to secure the requisite order in the state border of the USSR.

The border zone shall be instituted, as a rule, within the territory of a district, town, township or rural Soviet that adjoins the state border of the USSR or the sea coast protected

by border troops. The border zone wherever it is established shall also include the territorial waters (territorial sea) of the USSR, the inland waters of the USSR, the Soviet part of border rivers, lakes and other bodies of water and islands situated in these waters.

The borderland shall be instituted directly along the state border of the USSR in land areas or along the banks and shore of border rivers, lakes and other bodies of water.

Article 23. Border Regime.

A border regime shall be instituted in the border zone and the borderland in a manner stipulated by the Council of Ministers of the USSR. In accordance with the present Law and other legislative acts of the USSR, it regulates the rules governing the entrance, sojourn, residence and movement of Soviet citizens and other persons, various types of work, the taking stock and maintenance of self-propelled and non-self-propelled vessels and vehicles for travel on ice in piers, berths and ports of registry, their sailing and moving in the territorial waters (territorial sea) of the USSR in the inland waters of the USSR, and in the Soviet part of border rivers, lakes and other bodies of water.

The rules which are provided for by the first part of the present Article and which govern the taking stock and maintenance of self-propelled and non-self-propelled vessels and vehicles for travel on ice in piers, berths and ports of registry, their sailing and moving in the territorial waters (territorial sea) of the USSR, in the inland waters of the USSR, and in the Soviet part of the border rivers, lakes and other bodies of water, shall also extend to the territory of the district, town, township, or rural Soviet that adjoins the state border of the USSR or the sea coast protected by border troops where a border zone is not instituted.

It shall be forbidden to keep self-propelled and non-self-propelled vessels and vehicles for travel on ice outside the indicated piers, berths and ports of registry or in them but in violation of the rules of their maintenance and also to depart from a bank or shore or to moor to a bank or shore outside piers, berths and ports of registry.

Article 24. Entry to a Border Zone and a Borderland. Construction and Other Work.

Persons who do not reside in a border zone permanently shall be barred from entry to this zone without the authori-

sation by agencies of the interior, unless different rules are prescribed.

Permits for entry, sojourn, residence, construction or repair work in a borderland shall be issued by border troops. In requisite cases they may introduce additional temporary regime restrictions on the entry to a borderland or construction or other work in it.

Article 25. Specific Features of the Border Regime in the Soviet Part of the Border Rivers, Lakes and Other Bodies of Water.

The Soviet part of the border rivers, lakes and other bodies of water and the islands situated in it shall be subject to the control by border troops.

The movement of persons along the banks or shores or on the ice of border rivers, lakes and other bodies of water outside the prescribed roads or paths, or with breaking the rules of movement shall be forbidden.

Article 26. The Regime in the Points of Passage Across the State Border of the USSR.

A regime regulating the procedure of the sojourn and movement in the points of passage across the state border of the USSR of persons and transport means and also any other activity connected with the passage of persons, transport means, goods and other property across the state border of the USSR shall be instituted for the benefit of creating and maintaining the conditions for the official duties discharged by the check-points of border troops and custom-houses in the points of passage across the state border of the USSR.

The regime in the points of passage shall be instituted by competent Soviet bodies in accordance with legislation and upon agreement with border troops. The border troops shall indicate premises and other places where border and custom-house control is exercised and introduce in these places additional regime rules for the purpose of excluding the access to them of unauthorised persons and illegal crossing of the state border of the USSR.

IV. Protection of the State Border of the USSR

Article 27. Protection of the State Border of the USSR by Border and Air-Defence Troops.

The state borders of the USSR on land, sea, rivers, lakes and other bodies of water shall be protected by the border troops and in air space—by the air-defence troops.

In fulfilling the tasks of protecting the state border of the USSR the border and air-defence troops shall be guided by the present Law, other legislative acts of the USSR, its international treaties and also by enactments issued by competent Soviet bodies.

Article 28. Basic Duties of the Border Troops.

While protecting the state border of the USSR, the border troops shall be obliged:

1) to balk any attempts to make an illegal change of the state border of the USSR in terrain;

2) to repulse armed invasions of the territory of the USSR by army troops and gangs, to nip in the bud the armed and other provocations on the state border of the USSR, to protect against the said criminal encroachments the population, socialist public property and the citizens' personal property;

3) to prevent and frustrate the crossing of the state border of the USSR by persons and transport means outside the points of passage or by illegal ways and means; to detect and detain trespassers of the state border of the USSR;

4) to let persons, transport means, goods and other property cross the state border of the USSR in strictly fixed points, provided proper documents are available;

5) to stop, in a statutory manner, the transfer across the state border of the USSR of explosives, poisoning gases, radioactive substances and narcotics, weapons, ammunition and other objects interdicted for import to or export from the USSR and also articles of smuggling independently or together with custom-houses;

6) to stop, in a statutory manner, the carriage across the state border of the USSR of printed works, stereotype blocks, manuscripts, documents, videotapes and sound recordings, films, other types of printed and pictorial matter which contain information that may be prejudicial to the country's political and economic interests, state security, public order and to the health and morality of the population;

7) to secure the implementation of commitments that arise from international treaties of the USSR and relate to the regime of the state border of the USSR;

8) to check up the observance of the border regime independently or together with the agencies of the interior;

9) to supervise the established regime in the points of passage across the state border of the USSR independently

or together with the bodies of the interior, the administration of airports (airfields) open to international flights, border railway stations, sea and river ports, and of international road haulage services;

10) to verify the observance by Soviet and foreign ships and naval vessels of the established rules of sailing and staying in the territorial waters (territorial sea) of the USSR, in the inland waters of the USSR, and in the Soviet part of the border rivers, lakes and other bodies of water;

11) to render the necessary assistance to the specially authorised Soviet state bodies in the areas where they operate in their supervision over the preservation of natural resources, the observance of the rules of hunting and fishing and over the protection of the environment from pollution.

Article 29. Basic Rights of the Border Troops.

Within the limits of a border zone or borderland, in points of passage across the state border of the USSR and also on the territory which has no border zone, but in which the border troops protect the state border of the USSR, i.e., the territory of a district, town, township or a rural Soviet adjoining the state border of the USSR or the sea coast protected by the border troops, in the territorial waters (territorial sea) of the USSR, in the inland waters of the USSR, and in the Soviet part of the border rivers, lakes and other bodies of water, the border troops shall have the right:

1) to station border details, to move in any sector of the terrain while discharging official duties, to verify documents, to inspect transport means and the goods they carry and other property, and to accompany transport vehicles with border details;

2) to hold inquests into the violations of the state border of the USSR—to undertake the necessary operative searches, to detain and interrogate persons, to carry on examinations and other requisite investigatory actions in accordance with the legislation of the USSR and the Union Republics on criminal procedure;

3) to detain, by administrative order, persons who have violated the border regime or the regime in the points of passage across the state border of the USSR for not more than 3 hours in order to draw up an act and in requisite cases for identifying the person and ascertaining the circumstances of a breach of the law for not more than 3 days with informing a procurator in writing within 24 hours since the

person was detained or for a period of 10 days with the sanction of a procurator, provided the law-breaker possesses no identity documents; to search the detained individual personally and also to examine the things on him and in case of necessity to impound them;

4) to detain foreign nationals and stateless persons by administrative order for terms provided for by point 3 of the present Article if they violated the state border of the USSR in the absence of sufficient ground for invoking the judicial process against them or to detain these persons with a procurator's sanction for a time necessary for their transfer to border authorities of a neighbouring state, provided a relevant decision has been taken in a statutory manner in respect of them;

5) to remand persons detained by administrative order in cells for detainees or in other premises specially equipped for these purposes. An act shall be drawn up in each case of detaining a person by administrative order, personal examination of the detainee and the things on him and of impounding them;

6) to invite persons to border troop units for ascertaining the circumstances of violating the state border of the USSR, its regime, the border regime or regime in points of passage across the state border of the USSR. In requisite cases the circumstances of the said violations may also be ascertained in other places;

7) to verify the documents of persons travelling across the state border of the USSR that entitle them to enter the USSR or leave it, to put the relevant stamps on them and, if necessary, to hold them temporarily; not let pass across the state border of the USSR persons who do not have valid documents for the entry in the USSR or the departure from it pending the requisite documents are drawn up entitling them to cross the state border of the USSR or until the circumstances in which Soviet citizens lost their documents while abroad are ascertained and their identity is established;

8) to inspect, in a statutory manner, independently or together with custom-houses, goods or other equipment of persons travelling across the state border of the USSR;

9) to check up the printed works, stereotype blocks, manuscripts, documents, videotapes and sound recordings, photographs and films, other types of printed and pictorial matter

which are carried by persons travelling across the state borders of the USSR; in requisite cases to detain the aforementioned materials for checking them up and to withdraw those of them which are not subject to import to or export from the USSR under the rules in force:

10) to confiscate, in a statutory manner, articles carried across the state border of the USSR that are barred from being imported to or exported from the USSR, and also objects of smuggling;

11) with due account for the gravity and circumstances of a breach of the law to settle the question of letting pass to the USSR or from it the persons who tried to carry across the state border materials, objects and documents that are barred from being imported to the USSR or exported from it and also articles of smuggling;

12) to inspect, in a statutory manner, foreign and Soviet transport means crossing the state border of the USSR and the goods they carry; to accompany the transport means with border details;

13) to determine, together with the enterprises, institutions and organisations concerned, the places and duration of stopping for the transport means that are bound for abroad in the points of passage across the state border of the USSR;

14) to interdict the disembarkation and the presence on the coast of the crews of foreign ships and other persons on their board if they have made breaches of the law during the sailing or staying in the territorial waters (territorial sea) of the USSR, in the inland waters of the USSR and also during the mooring of ships in the ports of the USSR;

15) to restrict, in cases caused by the prevailing situation, various works in the borderland, with the exception of projects built under international treaties of the USSR, projects of national and defence importance and with the exception of measures taken in connection with natural calamities and specially dangerous infectious diseases;

16) to use the means of electrical communication of ministries, state committees and departments, the transport means of enterprises, institutions, organisations and collective farms in repulsing the invasion of the territory of the USSR, in cutting short provocations in the state border of the USSR, in searching and detaining trespassers of the state border of the USSR and also in other requisite cases

caused by the prevailing situation on the terms agreed upon in a statutory manner;

17) to perform other actions of protecting the state border of the USSR in conformity with the legislation of the USSR and the Union Republics, international treaties of the USSR and also with the generally recognised principles and norms of international law.

In requisite cases connected with the search and detaining trespassers of the state border of the USSR, the border troops may exercise their rights on Soviet territory also beyond the limits of districts, towns, townships and rural Soviets, waters, the border zone, borderland and the points of passage across the state border of the USSR, as indicated in the present Article.

Article 30. Basic Rights of Border Troops in Respect of Foreign and Soviet Ships.

In fulfilling the task of protecting the state border of the USSR the border troops shall have the following rights in respect to foreign and Soviet ships in the territorial waters (territorial sea) of the USSR, in the inland waters of the USSR and in the Soviet part of the border rivers, lakes and other bodies of water;

1) to suggest that a ship display its national flag unless it is not raised; to inquire about the aims of the ship's entry into the waters of the USSR;

2) to offer a ship to change its course if it leads to an area closed to navigation;

3) to stop a ship and examine it if it does not respond to signals, enters an area closed to navigation, violates other rules of entering waters of the USSR, sailing or staying in them, and also is engaged in fishing or hunting or any other activity in violation of the legislation of the USSR and the Union Republics, international treaties of the USSR or generally recognised principles and norms of international law.

The examination of a ship includes the check up of the ship and navigation documents, documents of the crew and passengers, cargo documents and, if necessary, ship premises.

After a ship is examined, it may be allowed to continue its sailing in the waters of the USSR, if it observes the established rules, or it may be offered to leave the waters of the USSR or detained in accordance with Article 31 of the present Law;

4) if necessary, to station a border detail on board ship in order to accompany it to a port or from the respective port to the state border of the USSR;

5) to remove persons from the ship and detain them if they have committed offences and are subject to bear criminal responsibility under the legislation of the USSR and the Union Republics, to pass these persons to the bodies of inquest and investigation unless otherwise is provided for by international treaties of the USSR;

6) to pursue and detain in the high seas a ship that has trespassed the state border of the USSR or a ship that has violated Soviet laws or rules of sailing or staying in waters of the USSR before it enters the territorial waters (territorial sea) of its country or a third state in case the pursuit was started in the territorial waters (territorial sea) of the USSR or in the inland waters of the USSR and continued without interruption.

Article 31. Grounds for Detaining Foreign and Soviet Ships by Border Troops.

A foreign ship in the territorial waters (territorial sea) of the USSR, in the inland waters of the USSR or in the Soviet part of the border rivers, lakes and other bodies of water may be detained by border troops and escorted to a nearby port or any other appropriate point in cases where:

1) the ship collects information to the detriment of the security of the USSR or performs any other act inimical to the USSR;

2) the ship turns up in an area closed to sailing and announced in the *Notifications for Seafarers*;

3) the ship disembarks or embarks people, unloads or loads cargo in places not specially indicated or in indicated places but without the permission of competent Soviet bodies;

4) the ship is illegally engaged in fishing, hunting, research or prospecting, discharges substances harmful to the health of people or the living sea resources, or other waste and materials;

5) the ship launches flying machines into the sky or takes them aboard without the authorisation of competent Soviet bodies;

6) the crew members or other persons aboard ship damage border signposts, navigational safeguards, communication cables, or other underwater or above-water objects belonging to the USSR;

7) captain of the ship does not present the requisite ship and cargo documents;

8) the ship does not obey orders issued by representatives of border troops or competent Soviet bodies;

9) the ship finds itself in the territorial waters (territorial sea) of the USSR, in the inland waters of the USSR and in the Soviet part of the border rivers, lakes and other bodies of water in violation of the rules stipulated by the present Law, international treaties of the USSR or the generally recognised principles and norms of international law.

A decision on detaining a foreign ship shall be taken by border troops after it is examined. The ship that has made breaches of the rules indicated in Points 2-9 of the present Article shall be detained by border troops when they have established the deliberate nature of a breach or when the ship causes damage to the security of the USSR or its other interests.

The border troops shall have the right to detain a Soviet ship as well, if it made breaches of the rules provided for by Points 2-9 of the present Article, and escort it to a nearby port or any other appropriate point.

Article 32. Act of Inspection or Detention of a Ship.

An act regarding the inspection or detention of a ship shall be drawn up to be signed by a representative of border troops and the captain of the ship that was inspected or detained. The act shall be drawn up in Russian.

If a ship is detained, ship and cargo documents shall be withdrawn from the captain and appended to the act. If the captain of the ship that was inspected or detained regards actions by border troops as wrong or disagrees with the act, he may make a reservation in any language in the act itself or in a separate document appended thereto. Where the captain refuses to sign the act, a corresponding entry shall be made in it.

Article 33. Consequences of Detaining Foreign Ships.

Foreign ships which are detained shall be transferred in a statutory manner to specially authorised representatives of relevant foreign states or shall be expelled beyond the territorial waters (territorial sea) of the USSR or the Soviet part of the border rivers, lakes and other bodies of water or shall be confiscated by a court decision in cases provided for by the legislation of the USSR and the Union Republics.

Article 34. Rules Applicable to Foreign Naval Vessels Infringing the Regulations for Sailing and Staying in the Waters of the USSR.

Special regulations shall be applied to foreign naval vessels which break Soviet laws or rules of sailing and staying in the territorial waters (territorial sea) of the USSR, in the inland waters of the USSR, and the Soviet part of the border rivers, lakes and other bodies of water.

Article 35. Duties and Rights of the Air-Defence Troops.

The duties and rights of the air-defence troops in the protection of the state border of the USSR shall be determined by the present Law and other legislative acts of the USSR and also by enactments issued by competent Soviet bodies.

Article 36. Use of Arms and Combat Materiel in the Protection of the State Border of the USSR.

While protecting the state border of the USSR the border and air-defence troops shall use arms and combat materiel in order to repulse an armed attack and invasion of the territory of the USSR, cutshort armed provocations on the state borders of the USSR, prevent the hijacking of Soviet aircraft without passengers aboard and also combat trespassers of the state border of the USSR on land, water and air in response to the use of force by them or in cases where the violation of the border cannot be effected by other means. If necessary, the state border of the USSR may be protected with the aid of arms and combat materiel of other services of the Armed Forces of the USSR.

The rules of using arms and combat materiel in the protection of the state border of the USSR shall be issued by the Council of Ministers of the USSR.

Article 37. Protection of the State Borders of the USSR Adjoining the Socialist Community Countries.

The state borders of the USSR adjoining the socialist community countries shall be protected by the border troops in coordination with the frontier guards of these countries.

Joint measures for the protection of the state borders of the USSR adjoining the socialist community countries shall be taken on the basis of mutual agreement and coordination.

**V. Participation of State Bodies,
Social Organisations and
Individual Soviet Citizens in the Protection of
the State Border of the USSR**

Article 38. Participation of State Bodies, Social Organisations and Individual Soviet Citizens in the Protection of the State Border of the USSR.

State bodies, social organisations and officials shall be obliged to render all-out assistance to the border and air-defence troops in the protection of the state border of the USSR.

The state border of the USSR shall be protected with the active participation of Soviet citizens. State bodies and social organisations shall assist the border troops in the enlistment of Soviet citizens on a voluntary basis in the protection of the state border of the USSR. Voluntary people's squads shall be formed in the populated localities of border districts and in the ports of passage across the state border of the USSR in accordance with the legislation of the USSR and the Union Republics.

Article 39. Duties of State Bodies, Social Organisations, Officials, Individual Citizens in the Protection of the State Border of the USSR.

State bodies, social organisations, officials and also individual citizens shall be obliged to observe the regime of the state border of the USSR, meet the requirements of the border regime and the regime in the points of passage across the state border of the USSR.

State bodies, social organisations and officials shall carry on the permanent work of explaining to citizens the military, political and economic importance of the protection of the state border of the USSR, of educating them in a spirit of great vigilance, of maintaining organisation and order in the border zone and borderland and on the territory that adjoins the state border of the USSR or in the sea coast protected by border troops on the territory of a district, town, township or a rural Soviet where a border zone is not established, and also in the points of passage across the state border of the USSR.

**VI. Responsibility for Violating
the Legislation on the State Border
of the USSR**

Article 40. Responsibility for Violating the Legislation on the State Border of the USSR.

Persons guilty of violating or attempted violating the state border of the USSR, its regime, the frontier regime, or the regime in the points of passage across the state border of the USSR, of illegal carriage or attempted illegal carriage across the state border of the USSR of goods, materials, documents or other objects and also of other breaches of the legislation on the state border of the USSR shall bear criminal, administrative or other responsibility in keeping with the legislation of the USSR and the Union Republics.

Gazette of the USSR

Adopted on November 24, 1982.

Supreme Soviet,

No. 48, 1982, Item 891

SUBJECT INDEX

A

Armed Forces: Law of the Union of Soviet Socialist Republics on Universal Military Service—293-324; Service in the A. F.—294; the A. F. consist of the Soviet Army, Navy, and border and internal security troops—294; the officers of the A. F.—295; military rank—295; terms of active military service—296-97; training of youth for service in the A. F.—298-300; call-up for active military service—301-06; deferment of call-up—306-08; release from the A. F. and transfer to the reserve—308-11; military service of warrant officers and mitchmen—312; military service of officers—312-15; rights, duties and responsibility of servicemen and reservists—316-19; military registration—319-23; mobilisation—323-24; demobilisation—323-24; see *Oath*

Author: copyright—137-41; authorship—138-39; duration of copyright—141; purchase of copyright by the state—141; rights of a. of a discovery—142; author's certificate and patent to an invention—142; rights of a. of a rationalisation proposal—144; see *Juridical persons*

B

Border: Law on the State Borders of the USSR—334-53; state b.—334; determination of b.—334; delineation of b.—335; regime of b.—336; trespassers of b.—340; border regime—341; protection of b.—334-35, 343-51; participation of state bodies, social organisations and citizens in protection of b.—352; see *Responsibility*

C

Citizens: Fundamentals of Civil Legislation of the USSR and the Union Republics—100-51; right of c.c. to health protection—18-19; right of c.c. to education—42, 44; self-education of c.c.—47; equality of c.c. in family relations—71; equality of c.c. before the law and the court—89-90; 219; safeguarding the rights of c.c.—101, 104; safeguarding the material and cultural interests of c.c.—101; right to invoke the court for judicial protection—154; grounds from which civil rights and duties arise—103; exercise of civil rights and performance of duties—103; protection of honour and dignity—104; participation in the trial—162; see *Border; Foreign nationals (aliens);*

Liability; Motherhood and childhood; Responsibility
Constitution: C. of the USSR—18, 21, 22, 44, 47, 70, 71, 88, 89, 102, 152, 293, 334
Contract (treaty): international t.t.—41, 68, 87, 178-79, 292, 335; conclusion of c.c.—116; content of c.—116; c. of sale—118; c. of delivery—120; c. of delivery of agricultural produce—123-24; c. for lease of property—124-25; c. for lease of housing—125-26; c. of work and labour—126-28; c. of carriage—129; c. for voluntary insurance—132; see *Liability*
Council of Ministers: jurisdiction of C. of M.—295, 297, 301, 303-07, 312-13, 318-19, 323, 335, 341-42
Court: Fundamentals of Legislation of the USSR and the Union Republics of the Judicial System of the USSR—88-99; Fundamentals of Civil Procedure of the USSR and the Union Republics—152-79; Fundamentals of Criminal Procedure of the USSR and the Union Republics—216-42; administration of justice by the c. alone—88, 154, 219; tasks of the c.—88-89, 152-53, 216; protection by the c.—90-91; administration of justice in strict accordance with the law—90, 156; collegial hearing of cases in the c.c.—90, 154-55; equal rights of people's assessors and judges—90; independence of judges—90, 155, 219-20; open hearing of cases in the c.c.—91, 155-56, 220; participation of representatives of social organisations and work collectives in judicial proceedings—90-92; officers of the c.—92; organisational guidance of the c.—92-93; judicial system—93-97; procedure governing election of the c.c.—93, 96; composition of the c.c.—94-96; military tribunals—97;

requirements made upon candidates for the office of judges and people's assessors—97; term for which people's assessors are empanelled to perform their duties in c.—97; accountability of judges and people's assessors—98; recall of judges and people's assessors or their discharge before the expiry of their term—98; immunity of judges and people's assessors—98-99; judgement of the c.—104, 157, 165-66, 170, 173-176, 234-35, 237; institution of proceedings—154; challenge to the judge—159, 222; legal expenses—159; proceedings in c.c. of first instance—163-68, 232-35; riders to court judgements—166, 170, 237, 240, 241-42; cassation and supervision proceedings—166-71, 235-36; see *Border; Foreign nationals (aliens); Responsibility; Trade Unions*
Crime: the concept of c.—182; intentional commission of c.—183; commission of c. by carelessness—183-84; voluntary abandonment of completion of c.—186; detection of c.—216; measures to prevent c.—241-42; betrayal of the Motherland is an extremely grave c. against the people—294; see *Responsibility*

E

Economy: basis of the economic system—100; economic accounting—100-01; guidance of e.—100
Education: Fundamentals of Legislation on Public Education of the USSR and the Union Republics—42-68; purpose of public e.—43; free provision of all forms of e.—44; universal secondary e.—44, 50-55, 260 professional training—44, 46, 58-59; higher e.—44, 46, 59-61; correspondence and evening courses—44; basic principles of public e.—44-45; system of

public e.—45-46; jurisdiction of the USSR in the sphere of public e.—46-47; jurisdiction of the Union Republics in the sphere of public e.—47; guidance of public e.—47-48; organs in charge of educational establishments—48; guidance of an educational establishment—48-49; preschool upbringing—45, 49-50; out-of-school e.—46, 55; rights and duties of students—62; training of teachers—63-65; propagation of pedagogical knowledge among the population—66; instructional facilities of educational establishments—67; see *Citizens; Responsibility*

F

Family: Fundamentals of Legislation of the USSR and the Union Republics on Marriage and the Family—69-87; concern of the state for f.—69; conditions for the consolidation and prosperity of f.—69; tasks of legislation on marriage and f.—70; equality of man and woman in family relations—70; protection of the f. by the state—71; state legal regulation of matrimonial and family relations—71-72; contraction of marriage—73; rights and obligations of spouses—73-75; termination of marriage—75-76; invalidity of marriage—86; grounds for the origination of the rights and duties of parents and children—76, 77, 78; deprivation of parental rights—78-79; duty of children to maintain their parents—79; duties in respect to maintenance payments—79-80; adoption—81-82; see *Citizens*

Foreign nationals (aliens) rights and duties of f.n. and stateless persons—24, 32, 68, 83—87, 181; passive capacity of f.n. and stateless persons—148-51;

civil procedural rights of f.n. and stateless persons—176-77

I

Inheritance: Law of Succession—146-47; grounds for succession—146; i. by operation of the law—146-47; i. under a will—147; place of the opening of i.—147; see *Liability*

Insurance: social i. benefit—32; state i.—131-32; types of i.—131; mandatory i.—131-32; rules of i.—132; see *Contract (treaty)*

J

Juridical persons: classification of j. p.—106-07; passive capacity of j.p.—107; copyright of j.p.—139; see *Liability*

L

Labour (work): improvements in working conditions—17; capacity for w.—18; disability—32, 39-40; restoration of the ability to work—32; control over labour and industrial training working conditions of adolescents—36-37; l. of persons deprived of liberty—258-60; l. of persons conditionally sentenced and conditionally released—267-71

Liability: l. of juridical persons for their obligations—107; l. for breach of obligations—117; l. of the seller for improper quality of the things sold—119; l. for breach of contract of delivery—123; l. of the parties for breach of work and labour contract of capital construction—128-29; l. for non-performance of the plan for the carriage of goods—129, 30; l. of the carrier for damage to, and shortage and loss of, goods or luggage—130; l. for harm caused by unlawful acts of, state and social organisations and

hazard—135; l. for harm caused by source of increased hazard—135; l. for injury to health or death of person—135-36; l. of heir for the debts of the deceased person—147

M

Minors: see *Responsibility*

Monuments: Law on Protection and Utilisation of Historical and Cultural Monuments—281-92; protection of m. is a major function of state bodies and social organisations—282; historical and cultural m.—282; ownership of historical and cultural m.—283; types of historical and cultural m.—283-84; state administration and control of protection and utilisation of historical and cultural m.—284; participation of social organisations and individual citizens in activities to protect and utilise historical and cultural m.—284-85; state registration of historical and cultural m.—285-86; ensuring the preservation, procedures and conditions of m. utilisation—286-91; ban on exportation of historical and cultural m. from the USSR—290; see *Responsibility* *Motherhood and childhood*: m. and. c. protection—34-37, 69-71; encouragement of m.—34-35, 69; state assistance to citizens in looking after children—36

O

Oath: doctor's o.—24; military o.—294

P

Pensions and allowances: Law on Pensions and Allowances to Collective-Farm Members—325-33; amount of p.—325, 327-29, 330-31, 332; maternity a.—326, 331-32; the right to p.—326-27, 329; payment of p.—326; p. for disability—327;

length of service in granting p.—331; funds for paying p. and a.—332; see *Insurance* *People's assessors*: participation of p.a. in the hearing of cases 153-54, 219; see *Court*

Plan: p. for economic and social development—100-01; enhancing of planning discipline—101; capital construction p.—101; p. for the carriage of goods—129-30; see *Liability*

Procurator's Office: procurator's supervision—157, 223, 247; challenge to procurator—159, 222; participation of procurator in the proceedings—162, 233; the Procurator-General of the USSR—91, 157, 223

Property (ownership): socialist p. of the means of production—100-01, 110-11; state p.—100, 110-11; collective-farm and co-operative p.—100, 111-12; personal p.—101, 104, 112-13; law of p.—110-15; p. of trade unions and other social organisations—112; common p.—113; p. of the collective-farm household—113-14; protection of the right in p.—114; see *Monuments*

Public health: Fundamentals of Public Health Legislation of the USSR and the Union Republics—17-41; protection of the people's health—17; principles of organisation of p.h.—19-20; jurisdiction of the USSR in the sphere of p.h.—20-21; jurisdiction of the Union Republics in the sphere of p.h.—21-22; administration of p.h. services—22; jurisdiction over p.h. institutions—23; expansion of the network of p.h. institutions—23; engagement in medical and pharmaceutical activity—24-26; medical secrets—25; building a favourable hygienic and epidemiological environment—26-31; compulsory medical examinations—30; prevention and elimination

of infectious diseases—30-31; sanitary education for the population—31; medical and prophylactic aid to the population 31-34; procedure of dispensing medical and prophylactic aid to citizens—32-33; sanatoriums and health resorts—37-38; medical expertise—39-40; medicinal and prosthetic assistance—40-41; medical care of persons deprived of liberty—266; see *Oath: Trade Unions*

Punishment: purposes of p.—187; types of p.—187-88; exceptional measure of p.—188; deprivation of liberty—188-90, 193-94; exile and restricted residence—194; corrective labour without deprivation of liberty—194-95; imposition of p.—197-98, 199-200; release from p.—206-13, 276-80; grounds for serving sentence—244; places of confinement—245; legal status of persons serving sentence—246; procedure and conditions for execution of sentence—247-76; types of corrective labour institutions—247-48; despatch of persons sentenced to deprivation of liberty to serve their sentences—248

R

Registry records: status registration—82; procedure for disputing entries in registers—83; registry books—83

Responsibility: criminal r.—26, 180-81; r. for violation of legislation on public education—67; disciplinary r. of judges—99; r. of minors—184; r. for a crime committed in a state of intoxication—185; r. for the preparation of a crime and for attempted crime—185-86; circumstances mitigating and aggravating r.—198-99; release from r.—206; administrative

r.—218; r. for violation of legislation on protection and utilisation of historical and cultural monuments—291-92; r. for violation of legislation on state borders—352-353; see *Armed Forces*

Rest: use of holiday homes, holiday hostels, tourist camps and other recreation facilities—38

S

Soviets of People's Deputies: local S. of P.D. and their Executive Committees—22, 23, 28, 30, 34, 38, 48, 50, 64, 81-82, 299-300, 302-05, 318-20

Sports: organisation of physical culture, s. and tourism—38-39

State: main tasks of the socialist s. of the whole people—100; interests of the socialist s.—108; benefit of s.—108; see *Author; Border; Family; Insurance; Monuments; Motherhood and Property (ownership) childhood; Supreme Court*: supervision of judicial activity by S.C.—156-57, 222; jurisdiction of the S.C.—168

Supreme Soviet: Presidium of the S. S.—24, 156, 197, 295, 323-24, 334-35; decisions of s.s.—334

T

Trade Unions: participation of t.u. in protection of the population's health—19, 26, 32, 37; participation of t.u. in the development of public education—49, 67; participation of t.u. in the trial—162; see *Property (ownership)*

Transactions: types of t.—107-08

Tribunals: see *Court*

Trusteeship and guardianship: establishing of t. and g.—33, 70, 82; t. and g. bodies—78; see *Liability*

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 all your comment to 17, Zubovskiy Boulevard, Moscow, USSR.

Law
of the Union of Soviet Socialist Republics
*On Protection and Utilisation of Historical and Cultural
Monuments*

Law
of the Union of Soviet Socialist Republics
On Universal Military Service

Law
of the Union of Soviet Socialist Republics
On Pensions and Allowances to Collective-Farm Members

Law
of the Union of Soviet Socialist Republics
On the State Frontiers of the USSR

Progress Publishers