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Soviet Union

Political Affairs

REPUBLIC CONSTITUTIONAL LEGISLATION

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Political Affairs

REPUBLIC CONSTITUTIONAL LEGISLATION

JPRS-UPA-90-070

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Armenian SSR

Armenian SSR Draft Law on Changes to Republic Constitution

90US0059A Yerevan *KOMMUNIST in Russian*
6 Sep 89 pp 1-2

["Draft Law of the Armenian Soviet Socialist Republic on Changes and Additions to the Constitution (Fundamental Law) of the Armenian SSR"]

[Text] In accordance with the USSR Law dated 1 December 1988 "On Changes and Additions to the Constitution (Fundamental Law) of the USSR" and in order to develop socialist democracy and people's self-rule and perfect the election system and the structure and activities of the Soviets of People's Deputies and organs of justice, the Supreme Soviet of the Armenian Soviet Socialist Republic decrees:

I. That the following changes and additions be made to the Constitution of the Armenian SSR:

1. Section 9 to be formulated as follows:

"Section 9. System and Principles of Activities of Soviets of People's Deputies

"Article 79. The Soviets of People's Deputies—the Armenian SSR Supreme Soviet and the local Soviets of People's Deputies (rayon, city, city rayon, settlement, and village) shall constitute a unified system of representative organs of state authority.

"Article 80. The term of the Soviet of People's Deputies shall be five years.

"Elections of people's deputies shall be scheduled not later than three months prior to the expiration of the term of the appropriate organs of state authority.

"Article 81. Vital questions of republic and local significance shall be decided, as appropriate, at sessions of the Armenian SSR Supreme Soviet or local Soviets of People's Deputies, or placed by them on referendums.

"The Armenian SSR Supreme Soviet shall elect a Chairman of the Armenian SSR Supreme Soviet. Local Soviets of People's Deputies shall elect chairmen of the soviets. The Armenian SSR Supreme Soviet and local Soviets of People's Deputies with the exception of city (cities under rayon jurisdiction), settlement, and village soviets, shall have their own presidiums.

"The Soviets of People's Deputies shall form permanent commissions and create executive and administrative [rasporyaditelnyye] organs and other organs accountable to them.

"Officials elected or appointed by Soviets of People's Deputies may not hold office for more than two consecutive terms.

"Any official may be removed from his post prior to the expiration of term in the event of failure to carry out his official duties as required.

"Article 82. Soviets of People's Deputies shall form people's control organs which shall combine state control with social control by the working people in enterprises, institutions, and organizations.

"People's control organs shall monitor execution of the requirements of legislation and implementation of state programs and targets; combat violations of state discipline, manifestations of parochialism and departmentalism [vedomstvennyy podkhod k delu], mismanagement and wastefulness, red tape and bureaucracy; coordinate the work of other control organs; and promote the improvement of the structure and operations of the state apparatus.

"Article 83. Soviets of People's Deputies shall, both directly and through the organs they have created, oversee all sectors of the state, economic, and social-cultural development of the Armenian SSR, make decisions and ensure their execution, and monitor the course of their implementation.

"Article 84. The activities of the Soviets of People's Deputies shall be structured on the basis of collective, free, practical discussion and resolution of issues, glasnost, regular reports to the Soviets and the people by the executive and administrative organs and other organs created by the soviets, broadly enlisting citizens to take part in their work.

"Soviets of People's Deputies and the organs they have created shall take account of public opinion, submit the most important questions of general and local significance to citizens for discussion, and systematically inform citizens about their work and the decisions that have been made."

2. Section 10 to be formulated as follows:

"Section 10. Election System

"Article 85. Elections of people's deputies shall be held by single-mandate election districts on the basis of the free exercise of universal, equal, and direct franchise, by secret ballot.

"Article 86. Elections of people's deputies shall be universal: all citizens of the Armenian SSR who have attained the age of 18 shall have the right to elect or to be elected.

"A citizen of the Armenian SSR may not be a people's deputy in more than two Soviets of People's Deputies simultaneously.

"Persons who are members of the Armenian SSR Council of Ministers or the executive committees of local Soviets of People's Deputies (with the exception of the chairmen of these organs), officers of departments [vedomstva], departments [otdely], and administrations

of executive committees of local soviets, judges, and state arbiters may not serve as deputies in the soviet by which they were appointed or elected.

"Elections may not be participated in by mentally ill citizens judged incompetent by a court, or by persons held in places of incarceration, also persons held in places of court-ordered compulsory treatment.

"Article 87. Elections of people's deputies shall be equal: every voter shall have one vote; voters shall take part in elections on the basis of equality.

"Article 88. Elections of people's deputies shall be direct: people's deputies shall be elected directly by citizens.

"Article 89. Voting in elections of people's deputies shall be secret; no monitoring of the voters' expression of their will shall be permitted.

"Article 90. The right to nominate candidates for people's deputies shall belong to labor collectives, social organizations, assemblies of voters in places of residence, and servicemen in military units.

"The number of candidates for people's deputies shall not be restricted. Every participant in a pre-election assembly may propose any candidacies for discussion, including his own. Candidates for people's deputies shall take part in election campaigns on the basis of equality.

"Any number of candidates may be included on election ballots.

"The expenses relating to the preparation and holding of elections of people's deputies shall be defrayed by the state.

"Article 91. Preparations for elections of people's deputies shall be made openly and publicly.

"The holding of elections shall be conducted by election commissions which are formed out of representatives of labor collectives, social organizations, assemblies of voters in places of residence, and servicemen in military units.

"Citizens of the Armenian SSR, labor collectives, and social organizations shall be guaranteed the opportunity of free and comprehensive discussion of the political, practical, and personal qualities of candidates for people's deputies, also the right to campaign for or against candidates at assemblies, in the press, and on television and radio.

"The procedure of holding elections for people's deputies shall be defined by the laws of the Armenian SSR.

"Article 92. Voters shall give mandates to their deputies.

"The appropriate Soviets of People's Deputies shall review the mandates and take them into account when drawing up plans of economic and social development and compiling the budget, also when preparing decisions

relating to other matters, and shall organize implementation of the mandates and inform citizens of their execution."

3. Articles 98-114 of Section 12 to be formulated as follows:

"Article 98. The highest organ of state authority of the Armenian SSR shall be the Armenian SSR Supreme Soviet.

"The Armenian SSR Supreme Soviet shall be empowered to take under consideration and resolve any question relating to the competence of the Armenian SSR.

"The Armenian SSR Supreme Soviet shall:

1) adopt the Constitution of the Armenian SSR and make changes in it;

2) schedule elections of people's deputies of the Armenian SSR and local soviets and approve the composition of the Republic Election Commission for elections of people's deputies of the Armenian SSR;

3) determine the basic directions of the domestic and foreign policy activities of the Armenian SSR;

4) approve long-range state plans and vital republic programs of economic and social development of the Armenian SSR; approve state plans of economic and social development of the Armenian SSR and the state budget of the Armenian SSR; monitor the course of implementation of the plan and budget; approve reports concerning their implementation; when necessary, make changes to the plan and budget;

5) establish the procedure for deciding matters of administrative-territorial structure in the Armenian SSR; establish and change the boundaries of rayons and cities; form cities in rayons and rayons in cities; establish the jurisdictional status of cities; carry out the renaming of cities in rayons, rayons in cities, settlements, and other population centers;

6) elect the Chairman of the Armenian SSR Supreme Soviet;

7) elect a First Deputy and Deputy Chairman of the Armenian SSR Supreme Soviet;

8) appoint a Chairman of the Armenian SSR Council of Ministers and, on his recommendation, approve the composition of the Armenian SSR Council of Ministers, and make changes to it; on recommendation by the Armenian SSR Council of Ministers, form or abolish ministries of the Armenian SSR and State Committees of the Armenian SSR;

9) elect a People's Control Committee of the Armenian SSR, the Supreme Court of the Armenian SSR, and appoint the Chief State Arbiter of the Armenian SSR; approve the Presidium of the Supreme Court of the Armenian SSR and the collegium of the State Board of

Arbitration of the Armenian SSR; elect people's judges of rayon (city) people's courts;

10) elect the Constitutional Oversight Committee of the Armenian SSR;

11) regularly hear reports from organs formed or elected by it, as well as officials appointed or elected by it;

12) make decisions concerning the holding of people's ballot (referendum);

13) within the competence of the Armenian SSR, exercise legislative regulation of relations of ownership, organization of administration of the national economy and social-cultural development, the budget and financial system, environmental protection and utilization of natural resources, and procedures for the exercise of the constitutional rights, freedoms, and obligations of citizens, also other relations;

14) interpret the laws of the Armenian SSR;

15) establish procedures for the organization and activities of local organs of state authority and republic and local organs of state administration; determine the legal status of republic-level social organizations;

16) direct the activities of local Soviets of People's Deputies;

17) ratify and terminate international treaties of the Armenian SSR;

18) institute state awards of the Armenian SSR and establish titles of honor of the Armenian SSR;

19) promulgate acts of amnesty for citizens sentenced by the courts of the Armenian SSR;

20) have the right to repeal ukases and decrees of the Presidium of the Armenian SSR Supreme Soviet, orders of the Chairman of the Armenian SSR Supreme Soviet, and decrees and orders of the Armenian SSR Council of Ministers;

21) overturn the decisions of rayon and city Soviets of People's Deputies in cities of republic jurisdiction in the event that they are inconsistent with the Constitution of the Armenian SSR and the laws of the Armenian SSR.

"The Armenian SSR Supreme Soviet shall pass and adopt the laws and decrees of the Armenian SSR by a majority vote of the total number of people's deputies of the Armenian SSR.

"Article 99. The Armenian SSR Supreme Soviet shall consist of 250 deputies who shall be elected from election districts having an equal number of voters.

"Article 100. A newly elected Armenian SSR Supreme Soviet shall be convened by the Presidium of the Armenian SSR Supreme Soviet of the preceding convocation not later than two months after the elections.

"The Armenian SSR Supreme Soviet shall, on the recommendation of the mandate commission elected by it, decide on the recognition of deputies' credentials and, in the event of any violation of the election laws, judge the election of particular deputies to be invalid.

"The first session of the Armenian SSR Supreme Soviet after the elections shall, until the election of the chairman of the Armenian SSR Supreme Soviet, be opened and conducted by the Chairman of the Republic Election Commission for Elections of People's Deputies of the Armenian SSR, and, subsequently, by the Chairman of the Armenian SSR Supreme Soviet or his Deputy.

"Article 101. Sessions of the Armenian SSR Supreme Soviet shall be convened two times per year for a duration of no more than two months each.

"Extraordinary sessions shall be convened by the Presidium of the Armenian SSR Supreme Soviet, either on its initiative, on recommendation of the Chairman of the Armenian SSR Supreme Soviet, or at least one third of the people's deputies of the Armenian SSR.

"A session of the Armenian SSR Supreme Soviet shall consist of its sittings [zasedaniya] as well as sittings of permanent or other commissions of the Armenian SSR Supreme Soviet which are held in the interim.

"Sittings of the Supreme Soviet shall be directed and its internal procedures conducted by the Chairman of the Armenian SSR Supreme Soviet, his First Deputy and his Deputy.

"Article 102. The right of legislative initiative in the Armenian SSR Supreme Soviet shall be vested in the people's deputies of the Armenian SSR, the Presidium of the Armenian SSR Supreme Soviet, the Chairman of the Armenian SSR Supreme Soviet, the Constitutional Oversight Committee of the Armenian SSR, the Armenian SSR Council of Ministers, the permanent commissions of the Armenian SSR Supreme Soviet, the People's Control Committee of the Armenian SSR, the Supreme Court of the Armenian SSR, the Procurator of the Armenian SSR, and the Chief State Arbiter of the Armenian SSR.

"The right of legislative initiative shall also be vested in social organizations as represented by their republic organs, also in the Armenian SSR Academy of Sciences.

"Article 103. Draft laws and other matters submitted for examination by the Armenian SSR Supreme Soviet shall be discussed at sittings thereof.

"Draft laws and other vital issues of the state life of the republic may, by decision of the Armenian SSR Supreme Soviet, be submitted to public discussion.

"Article 104. The Presidium of the Armenian SSR Supreme Soviet shall be an organ that is accountable to the Armenian SSR Supreme Soviet for organizing the

work of the Armenian SSR Supreme Soviet and exercising other power within the limits stipulated by the Constitution of the Armenian SSR and the laws of the Armenian SSR.

"On the expiration of the term of the Armenian SSR Supreme Soviet, the Presidium of the Armenian SSR Supreme Soviet shall retain its powers until the convocation of the new Supreme Soviet of the Armenian SSR.

"Article 105. The following shall be ex officio members of the Presidium of the Armenian SSR Supreme Soviet: Chairman of the Armenian SSR Supreme Soviet, First Deputy and Deputy chairmen of the Armenian SSR Supreme Soviet, Chairman of the People's Control Committee of the Armenian SSR, and chairmen of the permanent commissions of the Armenian SSR Supreme Soviet.

"The Presidium of the Armenian SSR Supreme Soviet shall be headed by the Chairman of the Armenian SSR Supreme Soviet.

"Article 106. The Presidium of the Armenian SSR Supreme Soviet shall:

- 1) convene sessions of the Armenian SSR Supreme Soviet;
- 2) organize the preparation of sessions of the Armenian SSR Supreme Soviet;
- 3) coordinate the activities of the permanent and other commissions of the Armenian SSR Supreme Soviet;
- 4) assist the people's deputies of the Armenian SSR in carrying out their duties and provide them with the necessary information;
- 5) monitor compliance with the Constitution of the Armenian SSR;
- 6) organize the preparation and holding of people's ballots (referendums) as well as public discussions of draft laws of the Armenian SSR and other vital issues in the state life of the republic;
- 7) approve the chairmen of people's courts selected from among people's judges of rayon (city) people's courts;
- 8) confer state awards of the Armenian SSR and titles of honor of the Armenian SSR;
- 9) confer citizenship in the Armenian SSR; decide matters concerning the granting of asylum;
- 10) grant pardons to citizens sentenced by the courts of the Armenian SSR;
- 11) appoint and recall diplomatic representatives of the Armenian SSR to foreign states and international organizations;
- 12) accept credentials and letters of recall from diplomatic representatives of foreign states accredited to it;

13) in the interests of the defense of the USSR and the Armenian SSR and the security of its citizens, take part in the USSR Supreme Soviet Presidium's deliberations on questions of declaring martial law or states of emergency throughout the republic or in particular localities;

14) publish the laws of the Armenian SSR as well as other acts passed by the Armenian SSR Supreme Soviet, the Presidium of the Armenian SSR Supreme Soviet, and the Chairman of the Armenian SSR Supreme Soviet in Armenian, Russian, and, in particular cases, other languages used by the republic's population;

15) exercise other powers conferred by the Constitution of the Armenian SSR and the laws of the Armenian SSR.

"The Presidium of the Armenian SSR Supreme Soviet shall promulgate ukases and pass decrees.

"Article 107. The Chairman of the Armenian SSR Supreme Soviet shall be the senior executive of the Armenian Soviet Socialist Republic and shall represent it within the country and in international relations.

"The Chairman of the Armenian SSR Supreme Soviet shall be elected by the Armenian SSR Supreme Soviet from among the people's deputies of the Armenian SSR, by secret ballot, for a term of five years and not more than two consecutive terms. He may, at any time, by secret ballot, be recalled by the Armenian SSR Supreme Soviet.

"The Chairman of the Armenian SSR Supreme Soviet shall be accountable to the Armenian SSR Supreme Soviet.

"Article 108. The Chairman of the Armenian SSR Supreme Soviet shall:

- 1) exercise overall supervision of the preparation of questions subject to examination by the Armenian SSR Supreme Soviet; sign the laws of the Armenian SSR and other acts passed by the Armenian SSR Supreme Soviet and the Presidium of the Armenian SSR Supreme Soviet;
- 2) submit to the Armenian SSR Supreme Soviet reports on the state of the republic and vital questions of the domestic and foreign policies of the Armenian SSR and its participation in promoting the defense capability and security of the USSR;
- 3) submit to the Armenian SSR Supreme Soviet candidates for election to the offices of First Deputy and Deputy chairmen of the Armenian SSR Supreme Soviet, also proposals on the composition of the Constitutional Oversight Committee of the Armenian SSR;
- 4) submit to the Armenian SSR Supreme Soviet candidates for appointment or election to the posts of Chairman of the Armenian SSR Council of Ministers, Chairman of the People's Control Committee of the

Armenian SSR, Chairman of the Supreme Court of the Armenian SSR, and the Chief State Arbiter of the Armenian SSR;

5) conduct negotiations and sign international treaties of the Armenian SSR.

"The Chairman of the Armenian SSR Supreme Soviet shall issue directives [rasporozheniya].

"The First Deputy and Deputy chairmen of the Armenian SSR Supreme Soviet shall, on authorization by the Chairman of the Armenian SSR Supreme Soviet, perform certain of his functions and act in the stead of the Chairman in his absence or in the event that he is unable to carry out his duties.

"Article 109.

"The Armenian SSR Supreme Soviet shall elect permanent commissions from among the people's deputies of the Armenian SSR to conduct draft legislation work, preliminary examination and preparation of questions pertaining to the jurisdiction of the Armenian SSR Supreme Soviet, also to promote the implementation of the laws of the Armenian SSR and other decisions taken by the Armenian SSR Supreme Soviet, and monitor the activities of state organs and organizations.

"The Armenian SSR Supreme Soviet shall, when it deems necessary, create investigative, auditing, and other commissions having to do with any issue.

"Article 110. The laws and other decisions of the Armenian SSR Supreme Soviet shall, as a rule, be passed after preliminary discussion of the drafts thereof by the appropriate permanent commissions of the Armenian SSR Supreme Soviet.

"The appointment and election of officials of the Armenian SSR Council of Ministers, the People's Control Committee of the Armenian SSR, the Supreme Court, the Presidium of the Armenian SSR Supreme Court, the collegium of the State Board of Arbitration of the Armenian SSR, and also the people's judges of rayon (city) people's courts and their chairmen shall be conducted on condition of a decision [zaklyucheniye] of the appropriate permanent commissions of the Armenian SSR Supreme Soviet.

"All state and social organs, organizations, and officials shall be obligated to carry out the requirements of the commissions of the Armenian SSR Supreme Soviet and supply them with the necessary materials and documents.

"Recommendations of the commissions are subject to obligatory examination by state and social organs, institutions, and organizations. The results of such examination and any measures that are taken shall be communicated to the commissions within the time period stipulated by them.

"Article 111. During sessions of the Armenian SSR Supreme Soviet, a people's deputy of the Armenian SSR shall have the right to address questions to the Chairman of the Armenian SSR Supreme Soviet, the Council of Ministers of the Armenian SSR, officials of other organs formed or elected by the Armenian SSR Supreme Soviet, and also officials of enterprises, institutions, and organizations under all-union jurisdiction located within the territory of the Armenian SSR, concerning matters pertaining to the jurisdiction of the Armenian SSR. The organ or official to whom such a question is addressed shall be required to respond orally or in writing during the session of the Armenian SSR Supreme Soviet within periods of time stipulated by the Armenian SSR Supreme Soviet.

"People's deputies of the Armenian SSR shall be excused from carrying out production or office duties for the particular period necessary for performing their duties as deputies to the Armenian SSR Supreme Soviet, its commissions, and among the populace. People's deputies may be excused from production or office duties for the entire period of their term in the Armenian SSR Supreme Soviet.

"A people's deputy of the Armenian SSR may not be subject to criminal prosecution, arrest, or measures of administrative penalty applicable under court procedure without the consent of the Armenian SSR Supreme Soviet or, during the period between sessions thereof, without the consent of the Presidium of the Armenian SSR Supreme Soviet.

"Article 112. The Constitutional Oversight Committee of the Armenian SSR shall be elected by the Armenian SSR Supreme Soviet for a period of 10 years, made up of specialists in the field of policy and law, to consist of a Chairman, a Deputy Chairman, and seven committee members.

"Persons elected to the Constitutional Oversight Committee of the Armenian SSR may not simultaneously serve as members of organs whose acts are subject to the Committee's oversight.

"Persons elected to the Constitutional Oversight Committee of the Armenian SSR shall be independent in the performance of their duties and subject only to the Constitution of the Armenian SSR.

"Article 113. The Constitutional Oversight Committee of the Armenian SSR shall:

1) on its own initiative or at the direction of the Armenian SSR Supreme Soviet submit to the Supreme Soviet its decision as to whether draft laws of the Armenian SSR subject to examination by the Armenian SSR Supreme Soviet are consistent with the Constitution of the Armenian SSR;

2) on its own initiative or on instructions by the Armenian SSR Supreme Soviet, submit to the Armenian SSR Supreme Soviet its decisions as to whether acts of the

Armenian SSR Supreme Soviet, or draft acts, are consistent with the Constitution of the Armenian SSR and the laws of the Armenian SSR;

3) monitor to ensure that decrees and directives of the Armenian SSR Council of Ministers are consistent with the Constitution of the Armenian SSR and the laws of the Armenian SSR;

4) on its own initiative, on the instructions of the Armenian SSR Supreme Soviet, or on recommendations of the Presidium of the Armenian SSR Supreme Soviet, the Chairman of the Armenian SSR Supreme Soviet, the permanent commissions of the Armenian SSR Supreme Soviet, or the Armenian SSR Council of Ministers, decide as to whether the acts of other state organs and social organizations of the republic are consistent with the Constitution of the Armenian SSR and the laws of the Armenian SSR.

"On determining that any act or particular provision thereof is inconsistent with the Constitution of the Armenian SSR or the laws of the Armenian SSR, the Constitutional Oversight Committee of the Armenian SSR shall submit to the organ which promulgated the act its judgment on eliminating the violation in question. Such judgment by the Committee shall serve to halt the execution of any act or particular provision thereof that is inconsistent with the Constitution of the Armenian SSR or a law of the Armenian SSR.

"The Constitutional Oversight Committee of the Armenian SSR shall have the right to submit a recommendation to the Armenian SSR Supreme Soviet or the Armenian SSR Council of Ministers to repeal any acts of organs or officials accountable to them that are inconsistent with the Constitution of the Armenian SSR or a law of the Armenian SSR.

"The organization and procedures of the Constitutional Oversight Committee of the Armenian SSR shall be defined by the Law concerning the Constitutional Oversight Committee in the Armenian SSR.

"Article 114. The Armenian SSR Supreme Soviet shall monitor the activities of all state organs accountable to it.

"The Armenian SSR Supreme Soviet shall direct the activities of the People's Control Committee of the Armenian SSR, which is in charge of the system of people's control organs."

4. Articles 150, 151, and 153 of Section 18 to be formulated as follows:

"Article 150. All courts in the Armenian SSR shall be established on the principle of the elective status of judges and people's assessors.

"Judges of the Supreme Court of the Armenian SSR and people's judges of rayon (city) people's courts shall be elected by the Armenian SSR Supreme Soviet.

"People's assessors of rayon (city) people's courts shall be elected at assemblies of citizens at their place of work or residence, by open balloting, while people's assessors of the Supreme Court of the Armenian SSR shall be elected by the Armenian SSR Supreme Soviet.

"Judges in all courts shall be elected for a term of 10 years. People's assessors in all courts shall be elected for a term of five years.

"Judges and people's assessors shall be responsible to the organs or voters who elected them, accountable to them, and may be recalled by them under procedures stipulated by law.

"Article 151. The Supreme Court of the Armenian SSR shall be the highest judicial organ of the Armenian SSR and oversee the judicial activities of the republic's courts.

"The Supreme Court of the Armenian SSR shall consist of a Chairman, Deputy Chairman, and members and people's assessors."

"Article 153. Judges and people's assessors shall be independent and answerable only to the law.

"Judges and people's assessors shall be provided the necessary conditions for the unimpeded and effective performance of their rights and duties. Any interference whatever in the activities of judges and people's assessors with regard to the administration of justice shall not be permitted and shall entail liability under the law.

"The inviolability of judges and people's assessors, as well as other guarantees of their independence, shall be stipulated by the Law on the Status of Judges in the USSR and other legislative acts of the USSR and the Armenian SSR."

II. Changes and additions to the following articles of the Constitution of the Armenian SSR:

1. Add to Point 4 of Article 71 the words "participation in exercising special forms of administration introduced by the Presidium of the USSR Supreme Soviet in the event of a declaration of martial law or a state of emergency in the republic or particular localities thereof in the interests of the defense of the USSR and the Armenian SSR and the security of its citizens."

2. To Part 1 of Article 73, after the words "to the jurisdiction of the USSR," add the words "at a Congress of People's Deputies of the USSR."

3. Article 94 to be formulated as follows:

"Article 94. A deputy shall, as a rule, carry out his duties without interrupting his production or office activities.

"During sessions of the Supreme Soviet as well as while carrying out the duties of a deputy in other cases stipulated by the law, a deputy shall be excused from carrying out production or office duties, and any expenses incurred by him in connection with his activities as a

deputy, shall be reimbursed out of funds from the republic or local budget, respectively."

4. Article 118 to be formulated as follows:

"**Article 118.** The Armenian SSR Council of Ministers shall be answerable to the Armenian SSR Supreme Soviet and accountable to it.

"A newly formed Council of Ministers of the Armenian SSR shall submit to the Armenian SSR Supreme Soviet its program of future activities over the term of its office.

"The Armenian SSR Council of Ministers shall give an account of its work before the Armenian SSR Supreme Soviet at least once per year."

5. Part 1 of Article 119 to be formulated as follows:

"The Armenian SSR Council of Ministers shall be empowered to resolve all questions of state administration pertaining to the jurisdiction of the Armenian SSR, to the extent that they do not, according to the Constitution of the Armenian SSR, pertain to the competence of the Armenian SSR Supreme Soviet and its Presidium or the Chairman of the Armenian SSR Supreme Soviet."

6. In Part 4 of Article 123, replace the words "on the basis and in execution of the laws of the USSR, the Armenian SSR, and other decisions of the USSR Supreme Soviet and its Presidium and the Armenian SSR Supreme Soviet and its Presidium" with the words "on the basis and in execution of the laws of the USSR, the Armenian SSR, and other decisions of the Congress of People's Deputies of the USSR, the Supreme Soviet of the USSR, and the Supreme Soviet of the Armenian SSR."

7. Article 133 to be formulated as follows:

"**Article 133.** The work of rayon, city, and city rayon soviets of people's deputies shall be organized by their presidiums under the direction of the chairmen of the soviets; in the case of the soviets of cities under rayon jurisdiction, settlements, and villages, by the chairmen of these soviets.

"The executive and administrative organs of the local soviets of people's deputies shall be comprised of the executive committees elected by them, consisting of a chairman, deputy chairmen, secretaries, and members.

"Executive committees shall report to the soviets which elected them at least once per year, also at assemblies of labor collectives and in meetings at citizens' places of residence.

"The executive committees of local soviets shall be directly accountable both to the soviet which elected them and to the higher-level executive and administrative organ."

8. Article 171 to be formulated as follows:

"**Article 171.** Any change in the Constitution of the Armenian SSR shall be implemented by decision of the

Armenian SSR Supreme Soviet and passed by a majority of not less than two thirds of the total number of people's deputies of the Armenian SSR."

Alternative Draft Law on Changes to Armenian Constitution

90US0124A Yerevan KOMSOMOLETS in Russian
7 Oct 89 p 2

[*"Alternative Draft Law of the Armenian Soviet Socialist Republic on Changes and Additions to the Constitution (Fundamental Law) of the Armenian SSR"; published in abridged form]*

[Text] *June 1988. The opening of the regular session of the Supreme Soviet of the Armenian SSR is planned for the 15th. It was right on the eve of this historic session of the Armenian parliament that the constitutional-initiative groups of activists in the popular movement began to form spontaneously for the first time. Still quite few in number, these groups took it upon themselves to organize meetings of voters with their deputies, composed instructions and alternative drafts of resolutions for the impending session and conducted elucidatory work among the population.*

These initiative groups soon joined into a unified public organization—the Union of Constitutional Groups (UCG)—that currently has cells in many of the regions and cities of the republic.

What are the aims of the UCG?

1) To have democratic laws worthy of the ancient nation, the representative sovereign power in effect within the framework of those laws and the conditions for a unity of action of state organs of power and the people.

2) To take part in lawmaking—the creation of drafts of the Fundamental Law of the republic, the Constitution of the Armenian SSR, the Law on Local Soviets, the Law on the Election of People's Deputies—as well as laws on citizenship, language, sovereignty, the economic independence of the republic and a number of others.

3) To facilitate the most rapid possible adoption of those laws.

The UCG intends to organize deputies' clubs and a people's university of political knowledge, as well as to hold regular meetings of deputies with their electors. The mission of the UCG also includes advancing worthy candidates for people's deputies, participating in the pre-election campaign and ensuring the democratic progression of the pre-election procedures, monitoring the course of the elections themselves and ensuring glasnost in them.

We offer an alternative draft of the Law of the Armenian SSR "Changes and Additions to the Constitution (Fundamental Law) of the Armenian SSR" as developed by A. Sadoyan, B. Zurnachyan and others.

1. Set forth Section 9 in the following form:

"Section 9. System and Principles of Activity of the Soviets of People's Deputies

"Article 79. The Soviets of People's Deputies—the Congress of People's Deputies of the Armenian SSR, the Supreme Soviet of the Armenian SSR, the local soviets of people's deputies—rayon, city, rayon within cities, town and village—as well as the Chairman of the Supreme Soviet of the Armenian SSR and the representatives of the local soviets of people's deputies, comprise a unified system of representative bodies of state power.

"Article 80. The term of office of the Congress of People's Deputies and the Chairman of the Armenian SSR Supreme Soviet is five years. The elections of deputies to the Supreme Soviet of the Armenian SSR, as well as the Congress of People's Deputies of the Armenian SSR and the Chairman of the Armenian SSR Supreme Soviet, are held concurrently by individual elective okrugs.

"The elective okrug of the Chairman of the Armenian SSR Supreme Soviet is the entire territory of the Armenian SSR.

"The term of office of the deputies and chairmen of local soviets is three years. The elections of deputies and chairmen for the local soviets is conducted concurrently by individual elective okrugs.

"The elective okrug of the chairman of a local soviet is all of the territory of the corresponding administrative territorial entity.

"Article 81. The most important questions of republic and local significance are resolved at congresses of people's deputies of the Armenian SSR and sessions of the local soviets respectively or are submitted by them for referendum.

"The elected and authorized representatives of communities of the Armenian diaspora take part in the congresses of people's deputies with the right to an advisory vote along with one elected and authorized representative of those national minorities residing on the territory of the republic whose numbers exceed 10,000, as well as representatives of the city soviets of people's deputies of Yerevan, Leninakan, Kirovakan and the rayon soviets of people's deputies.

"The Congress of People's Deputies of the Armenian SSR elects a first deputy chairman and a deputy chairman from among the deputies of the Armenian SSR Supreme Soviet to represent the Chairman of the Supreme Soviet of the Armenian SSR at its first session.

"The local soviets of people's deputies elect deputy chairmen of the local soviets from among the deputies of the given soviets to represent the chairman at their first sessions.

"The soviets of people's deputies form standing and temporary committees and create executive, administrative and other bodies accountable to them.

"The chairmen of the soviets of people's deputies and officials elected or appointed by the soviets of people's deputies cannot occupy their positions for more than two terms in a row.

"The Congress of People's Deputies and sessions of the local soviets of people's deputies can declare no confidence in the chairmen of the Supreme Soviet or the local soviets of people's deputies respectively by a $\frac{2}{3}$ vote at their sessions. New elections are announced in that case for chairman of the Soviet, and during the election period the duties of chairman are performed by his deputy. If the same chairman is elected in those elections, new elections to the corresponding soviet are set.

"Any official elected or appointed by the soviets of people's deputies or by resolution of a soviet may be released from his duties ahead of schedule in the event of his unsuitable fulfillment of his official duties.

"Article 82. The soviets of people's deputies form statistical and control bodies. State control is combined with people's control.

"Article 83. The soviets of people's deputies supervise all areas of state, economic, social and cultural organization in the Armenian SSR either directly or through bodies they create, adopt resolutions, ensure their fulfillment and monitor the execution of resolutions.

"Article 84. The activity of the soviets of people's deputies is constructed on the basis of collective, free and businesslike discussion and resolution of issues, glasnost, the regular reporting of executive and administrative bodies and other bodies created by the soviets to them and to the public, and the widespread involvement of social organizations, specialists and citizens in participation in this work.

"The soviets of people's deputies and the organs they create take public opinion into account and submit the most important issues of republic and local significance for the discussion of the citizens and make the appropriate decisions proceeding from the results of the discussion.

"The most important issues, in the event of a material difference of opinion, are resolved with the aid of a referendum.

"The soviets of people's deputies will regularly inform the citizens of their work and resolutions that have been adopted."

2. Set forth Articles 85 and 86 of Section 10 in the following form:

"Section 10. The Elective System

"Article 85. The elections of people's deputies and chairmen of the Supreme Soviet and local soviets of people's deputies are held by equally mandated elective okrugs on the basis of an equal and direct right to voting by secret ballot.

"Article 86. The elections of people's deputies and chairmen of the Supreme Soviet and local soviets of people's deputies of the Armenian SSR are universal: citizens of the Armenian SSR who have reached 18 years of age and have lived for more than two years in the Armenian SSR have the right to vote. Repatriates who have reached 18 years of age may also take part in the elections regardless of the time of residence in the republic.

"A citizen who has reached 25 years of age may be elected a people's deputy, and a citizen of the Armenian SSR who has reached 35 years of age and has lived in the Armenian SSR for over 10 years may be elected Chairman of the Supreme Soviet of the Armenian SSR.

"A citizen of the Armenian SSR who has reached 30 years of age and has lived for over five years in the corresponding administrative territorial okrug may be elected chairman of a local soviet of people's deputies.

"Individuals that are part of the Armenian SSR Council of Ministers or executive committees of local soviets of people's deputies, with the exception of the chairmen of those bodies, supervisors of agencies, ministries, departments or administrations of the executive committees of the soviets of people's deputies, judges and state arbiters cannot be deputies of the soviet by which they were elected or appointed.

"Mentally ill citizens or those deemed incompetent by a court of the Armenian SSR or sent to places of compulsory treatment by decision of a court of the Armenian SSR, as well as those imprisoned by decision of a court of the Armenian SSR, may not take part in elections."

3. Set forth Article 94 of Section 11 in the following form:

"Section 11. The People's Deputy

"Article 94. The deputies of the Supreme Soviet, chairmen of the Supreme Soviet and local soviets of people's deputies of the Armenian SSR are released from their work during the time they are performing their duties, with the right to subsequent reinstatement. The procedure for paying them is defined by the laws of the Armenian SSR.

"The remaining people's deputies of the Congress of People's Deputies of the Armenian SSR, as well as the deputies of the local soviets of people's deputies, exercise their authority, as a rule, without separation from production or official activity. They receive no additional

pay. The people's deputies, during the work period of the congresses of people's deputies, as well as during the exercise of deputy's authority in other instances stipulated by law, are released from the fulfillment of production or official duties with compensation for their expenses associated with deputy's activity from the funds of the corresponding state or local budget."

The Higher Organs of State Power and Management in the Armenian SSR

4. Set forth Articles 98-109 of Section 12 in the following form:

"Section 12. The Congress of People's Deputies of the Armenian SSR, the Supreme Soviet of the Armenian SSR and the Chairman of the Supreme Soviet of the Armenian SSR

"Article 98. The Congress of People's Deputies of the Armenian SSR is the supreme body of state power in the Armenian SSR.

"The Congress of People's Deputies of the Armenian SSR will take up for discussion and decide any issue that has falls under the jurisdiction of the Armenian SSR.

"The exclusive authority of the Congress of People's Deputies of the Armenian SSR includes:

1) the adoption of the Constitution of the Armenian SSR and the making of changes in it;

2) the adoption of resolutions on issues of the administrative and territorial structure of the Armenian SSR;

3) determination of the state boundaries of the Armenian SSR and ratification of changes of the borders between neighboring republics and states;

4) determination of the basic directions of the domestic and foreign policy of the Armenian SSR;

5) ratification of long-term plans and the most important republic-wide programs of state and social development for the Armenian SSR;

6) election of the Chairman of the Congress of People's Deputies of the Armenian SSR;

7) election of the First Deputy Chairman of the Congress of People's Deputies of the Armenian SSR;

8) confirmation of the Chairman of the Congress of People's Deputies of the Armenian SSR;

9) confirmation of the Chairman of the Committee of People's Control and Statistics of the Armenian SSR, Chairman of the Supreme Court of the Armenian SSR, Procurator General of the Armenian SSR and Chief State Arbiter of the Armenian SSR;

10) election of the Committee for Constitutional Oversight of the Armenian SSR;

11) repeal of documents adopted by the Supreme Soviet of the Armenian SSR;

12) adoption of resolutions for the holding of statewide voting (referendum).

"The Congress of People's Deputies of the Armenian SSR adopts laws of the Armenian SSR and decrees by a majority vote of the overall number of people's deputies of the Armenian SSR.

"Article 99. The Congress of People's Deputies of the Armenian SSR consists of 270 deputies elected according to the following procedure:

—90 from elective okrugs through election of deputies to the Supreme Soviet of the Armenian SSR with an equal number of electors.

—180 from elective okrugs through elections for the remaining people's deputies to the Congress of People's Deputies of the Armenian SSR with an equal number of electors.

"Article 100. The Congress of People's Deputies of the Armenian SSR is convened for its first session no later than two months after the elections.

"The work of the Congress of People's Deputies of the Armenian SSR consists of its sessions, as well as the sessions of commissions conducted in the time periods between sessions of the Congress.

"The sessions of the Congress of People's Deputies of the Armenian SSR are conducted by the Chairman of the Congress of People's Deputies of the Armenian SSR or his deputy.

"The Congress of People's Deputies of the Armenian SSR as represented by its credentials commission makes decisions on the recognition of the authorization of deputies, and in the event of violations of election law, the deeming of the elections of individual deputies as invalid.

"Congresses of people's deputies of the Armenian SSR are convened by the Supreme Soviet of the Armenian SSR.

"The regular sessions of the Congress of People's Deputies of the Armenian SSR are held twice a year. Extraordinary sessions are convened at the initiative of the Supreme Soviet of the Armenian SSR, by proposal of the Chairman of the Supreme Soviet of the Armenian SSR or by no less than one fifth of the people's deputies of the Congress of People's Deputies of the Armenian SSR.

"The first session of the Congress of People's Deputies of the Armenian SSR after the elections is conducted by the Chairman of the Central Election Commission for the Election of People's Deputies of the Armenian SSR, and then by the Chairman of the Congress of People's Deputies of the Armenian SSR or his deputy.

"Article 101. The Supreme Soviet of the Armenian SSR is the standing legislative, administrative and monitoring body of state power in the Armenian SSR.

"The elections of deputies to the Supreme Soviet of the Armenian SSR is conducted according to equally mandated elective okrugs with an equal number of electors on the basis of universal, equal and direct right to vote with secret balloting.

"The sessions of the Supreme Soviet of the Armenian SSR are conducted by the First Deputy Chairman of the Supreme Soviet of the Armenian SSR.

"Article 102. The work of the Supreme Soviet of the Armenian SSR consists of the sessions of the Soviet, as well as the sessions of its commissions and committees.

"The Supreme Soviet of the Armenian SSR goes into recess twice a year—in winter and summer—for a month. During the recesses the Presidium of the Supreme Soviet of the Armenian SSR or the Chairman of the Supreme Soviet of the Armenian SSR can where necessary convene the deputies ahead of schedule and renew the work of the Supreme Soviet of the Armenian SSR.

"Upon the expiration of the powers of the Congress of People's Deputies of the Armenian SSR, the Supreme Soviet of the Armenian SSR retains its powers right up until the first session of the newly elected Congress of People's Deputies of the Armenian SSR.

"Article 103. The Supreme Soviet of the Armenian SSR:

1) sets elections for the people's deputies of the Armenian SSR and ratifies the composition of the Central Election Commission for the Elections of People's Deputies of the Armenian SSR;

2) appoints the Chairman of the Council of Ministers of the Armenian SSR and as represented by him confirms the composition of the Council of Ministers of the Armenian SSR and makes changes in it; forms and disbands ministries of the Armenian SSR and state committees of the Armenian SSR at the request of the Council of Ministers of the Armenian SSR;

3) where necessary forms a Defense Council for the Armenian SSR and confirms its composition;

4) elects a Committee for People's Control and Statistics of the Armenian SSR, the Supreme Court of the Armenian SSR, appoints the Procurator General of the Armenian SSR, the Chief State Arbiter of the Armenian SSR and confirms the collegium of the Procuracy of the Armenian SSR and the collegium of the State Arbiter of the Armenian SSR;

5) receives regular reports by the bodies it forms or elects, as well as officials it appoints or elects;

6) establishes the foundations of the law of the republic;

7) implements legislative regulation of the relations of ownership, organization of the administration of the national economy and social and cultural construction, the budgetary and financial system, wages and price formation, taxation, protection of the environment and utilization of natural resources, procedures for realizing the constitutional rights, freedoms and duties of citizens, as well as other relations;

8) interprets the laws of the Armenian SSR and monitors the observance of the Constitution of the Armenian SSR;

9) establishes the general principles of the foundation and activity of republic and local organs of state power and administration;

10) offers for the ratification of the Congress of People's Deputies of the Armenian SSR drafts of prospective state plans and the most important republic-wide programs of economic and social development of the Armenian SSR, ratifies state plans for economic and social development of the Armenian SSR and the state budget of the Armenian SSR, monitors the course of fulfillment of the plan and the budget, approves the reports of the their fulfillment and where necessary makes changes in the plan and the budget;

11) ratifies and denounces the international treaties of the Armenian SSR;

12) monitors the granting of state loans, economic and other aid to foreign states, as well as the concluding of agreements on state loans obtained from foreign sources;

13) determines the principal measures in the realm of defense and state security; where necessary declares a general or partial mobilization, declares a state of war in the event of military attack on the Armenian SSR or, where necessary, the fulfillment of all-union, republic and international treaty obligations for mutual defense from aggression;

14) declares a special situation in the republic or individual regions of it in the interests of the defense of the USSR and the Armenian SSR and the security of citizens;

15) establishes diplomatic ranks and other special titles;

16) founds orders and medals of the Armenian SSR, and establishes honorific titles of the Armenian SSR;

17) publishes republic-wide documents on amnesty and pardons citizens sentenced by the courts of the Armenian SSR;

18) confirms the chairmen of the rayon (city, city rayon) people's courts from among the judges of those courts;

19) has the right to abrogate legal documents on the territory of the Armenian SSR that are adopted by the Congress of People's Deputies of the USSR, Supreme Soviet of the USSR and its Presidium in the event they

do not correspond to the Constitution of the Armenian SSR and the laws of the Armenian SSR;

20) has the right to abrogate directives and decrees of the Presidium of the Supreme Soviet of the Armenian SSR, the directives of the Chairman of the Supreme Soviet of the Armenian SSR and decrees and directives of the Council of Ministers of the Armenian SSR;

21) abrogates the decrees and directives of local soviets of people's deputies and their executive committees in the event they do not conform to the Constitution of the Armenian SSR and the laws of the Armenian SSR;

22) organizes the preparation and holding of statewide voting (referendums) as well as the statewide discussion of draft laws of the Armenian SSR along with other most important issues of state life;

23) resolves other issues with the exception of those reserved to the exclusive authority of the Congress of People's Deputies of the Armenian SSR.

"The laws and decrees adopted by the Supreme Soviet of the Armenian SSR may not contradict the laws and other documents adopted by the Congress of People's Deputies of the Armenian SSR.

"Article 104. The right of legislative initiative in the Congress of People's Deputies of the Armenian SSR and the Supreme Soviet of the Armenian SSR belongs to the deputies of the Congress of People's Deputies of the Armenian SSR, the Presidium of the Supreme Soviet of the Armenian SSR, the Chairman of the Supreme Soviet of the Armenian SSR, the Committee for Constitutional Oversight of the Armenian SSR, standing commissions and committees of the Congress of People's Deputies of the Armenian SSR and the Supreme Soviet of the Armenian SSR, local soviets of people's deputies of the Armenian SSR, the Committee for People's Control and Statistics of the Armenian SSR, the Supreme Court of the Armenian SSR, the Procurator General of the Armenian SSR and the Chief State Arbiter of the Armenian SSR.

"The right of legislative initiative is also possessed by public organizations in the form of their republic organs and the Academy of Sciences of the Armenian SSR.

"Draft laws submitted for the consideration of the Supreme Soviet of the Armenian SSR are discussed by commissions of the Supreme Soviet of the Armenian SSR in separate or joint sessions.

"A law of the Armenian SSR is considered to be adopted if a majority of the deputies to the Supreme Soviet of the Armenian SSR vote in favor of it.

"Draft laws and other most important issues in state life are submitted for statewide discussion at the request of 1/5 of the deputies of the Supreme Soviet of the Armenian SSR, the Presidium of the Supreme Soviet of the Armenian SSR, the Chairman of the Supreme Soviet of

the Armenian SSR or the commissions of the Supreme Soviet of the Armenian SSR.

"Article 105. The composition of the Presidium of the Supreme Soviet of the Armenian SSR includes: the Chairman of the Supreme Soviet of the Armenian SSR, the Deputy Chairman of the Supreme Soviet of the Armenian SSR, the Chairman of the People's Committee for Control and Statistics of the Armenian SSR and the chairmen of the standing commissions and committees of the Supreme Soviet of the Armenian SSR.

"The Presidium of the Supreme Soviet of the Armenian SSR is headed by its Chairman.

"Article 106. The Presidium of the Supreme Soviet of the Armenian SSR:

- 1) coordinates the activity of the commissions of the Supreme Soviet of the Armenian SSR;
- 2) renders assistance to the people's deputies of the Armenian SSR in the implementation of their authority and provides them with the necessary information;
- 3) coordinates and organizes the work of the apparatus of the Supreme Soviet of the Armenian SSR;
- 4) awards state prizes of the Armenian SSR and confers honorific titles of the Armenian SSR;
- 5) grants citizenship in the Armenian SSR and resolves issues in the granting of refugee status;
- 6) appoints and dispatches diplomatic representatives of the Armenian SSR to foreign states and international organizations;
- 7) accepts credentials and letters of recall for accredited representatives of foreign states;
- 8) publishes the laws of the Armenian SSR and other documents adopted by the Supreme Soviet of the Armenian SSR, the Presidium of the Supreme Soviet of the Armenian SSR and the Chairman of the Supreme Soviet of the Armenian SSR in Armenian, Russian and, in individual circumstances, in other languages used by the population of the Armenian SSR as well;
- 9) exercises other authority stipulated by the Constitution of the Armenian SSR and the laws of the Armenian SSR.

"The Presidium of the Supreme Soviet of the Armenian SSR publishes directives and adopts decrees.

"Article 107. The Chairman of the Supreme Soviet of the Armenian SSR is the highest official and represents the republic within the country and in international relations.

"The Chairman of the Supreme Soviet of the Armenian SSR is elected by citizens possessing the right to vote on the basis of a universal, equal and direct right to vote by secret ballot for a term of five years and no more than

two terms in a row. He can be recalled at any time by the Congress of People's Deputies of the Armenian SSR by a secret vote of $\frac{2}{3}$ of the total number of people's deputies.

"The Chairman of the Supreme Soviet of the Armenian SSR is accountable to the Congress of People's Deputies of the Armenian SSR and the Supreme Soviet of the Armenian SSR.

"Article 108. The Chairman of the Supreme Soviet of the Armenian SSR:

- 1) accomplishes overall supervision of the preparation of issues subject to consideration by the Congress of People's Deputies of the Armenian SSR and the Supreme Soviet of the Armenian SSR.

Signs the laws and other documents adopted by the Congress of People's Deputies of the Armenian SSR, the Supreme Soviet of the Armenian SSR and the Presidium of the Supreme Soviet of the Armenian SSR;

- 2) presents reports on the state of the country and important issues of the domestic and foreign policy of the Armenian SSR and the assurance of the defensive capability and security of the Armenian SSR to the Congress of People's Deputies of the Armenian SSR and the Supreme Soviet of the Armenian SSR;

- 3) offers candidates for election to the post of First Deputy Chairman of the Supreme Soviet of the Armenian SSR to the Supreme Soviet of the Armenian SSR;

- 4) presents to the Supreme Soviet of the Armenian SSR candidates for appointment or election to the positions of Chairman of the Council of Ministers of the Armenian SSR, Chairman of the Committee of People's Control and Statistics of the Armenian SSR, Chairman of the Supreme Court of the Armenian SSR, Procurator General of the Armenian SSR and Chief State Arbiter of the Armenian SSR, and then presents those candidates to the Congress of People's Deputies of the Armenian SSR for ratification;

- 5) heads the Defense Council of the Armenian SSR; conducts negotiations and signs international treaties of the Armenian SSR.

"The Chairman of the Supreme Soviet of the Armenian SSR issues directives. The Deputy Chairman of the Supreme Soviet of the Armenian SSR performs certain functions by authority of the Chairman of the Supreme Soviet of the Armenian SSR and replaces the Chairman in the event of his absence or inability to perform his duties.

"Article 109. The Supreme Soviet of the Armenian SSR elects standing commissions from among the deputies of the Armenian SSR for legislative work and the preliminary consideration and preparation of issues that fall under the authority of the Supreme Soviet of the Armenian SSR, as well as to assist in bringing to life the laws of the Armenian SSR and other resolutions and monitoring the activity of state bodies and organizations.

"The Supreme Soviet of the Armenian SSR can also create temporary committees and commissions of the Supreme Soviet of the Armenian SSR for these purposes.

"The Congress of People's Deputies of the Armenian SSR and the Supreme Soviet of the Armenian SSR create, where they consider it necessary, inquiry, audit or other commissions on any issue."

Comparison of Armenian SSR Law on Changes to Republic Constitution

905A0019A

[Text] [Editorial Report] Yerevan KOMMUNIST in Russian on 22 Feb 90 carries on pp 1-2 the Armenian SSR Law on the Constitution. Comparison of the text of the law with the text of the draft Armenian SSR Law on the Constitution as published in Yerevan KOMMUNIST 6 September 1989 pp 1-2 reveals the following changes in the draft to have been incorporated into the law as adopted:

In Article 81:

Paragraph one is added: "The soviets of peoples deputies are fully empowered organs of state power in the area subordinate to them. In this area all economic and social-cultural activity can be implemented only with the agreement of this soviet."

Paragraph three of draft, covering presidia of local soviets, is deleted.

In Article 83, paragraph two, after the words "general state", the words "general nationality" are added.

In Article 86:

Paragraph two is changed; the new paragraph reads: "Citizens of other union republics cannot be elected as Armenian SSR people's deputies." The final words of paragraph four are changed from "in a soviet to which they are appointed or elected" to "appropriate soviet."

In paragraph five, sentence one, the words "confined in a penal institution and also located, by the decision of a court, in a facility for enforced treatment" are changed to "confined, at the order of a court, in a penal institution." A final sentence is added to paragraph five: "Individuals, who in a procedure established by criminal law, are under guard, shall not participate in voting."

Paragraph six is added: "Any type of direct or indirect restriction upon the voting rights of citizens of the Armenian SSR is not permitted and is punishable by law."

In Article 90:

In paragraph one, after the words "public organizations", the words "collectives of secondary specialized and higher educational institutions" are added. In the

final phrase of paragraph one, the words "armed forces personnel" are changed to "meetings of armed forces personnel."

Paragraph four is the last sentence of paragraph one of draft. This one sentence paragraph and the following paragraph are in reverse order in draft.

The final paragraph of draft, concerning state coverage of candidate election expenses, is deleted, and a new paragraph, paragraph five, is added: "In order to assure equal conditions for each candidate for people's deputy, the expenses involved in the preparation for and conduct of elections for people's deputy are paid by the appropriate electoral commission from a single fund of state resources and from voluntary contributions of enterprises, public organizations and citizens."

In Article 91, paragraph three, there are two words, for "meeting": "sobraniye" and "miting" instead of only "sobraniye" in draft.

In Article 98:

In paragraph two, the final phrase in draft "any question relating to the conduct of the Armenian SSR" is changed to "any question concerning the vital interests of the republic and people."

Numbered parts following the header "The Armenian SSR Supreme Soviet:" are renumbered as follows: Part (3) of draft is (4) of law; part (4) of draft is (8) of law; parts (5) through (12) of draft are (10) through (17) of law; part (13) of draft is (9) of law; parts (14) through (20) of draft are (19) through (25) of law.

In part (2), "Republic electoral commission" is changed to "Central electoral commission"; a final phrase: "sets elections for people's deputies of local soviets", is added.

In part (3), "Ratifies Agreement 'On the Formation of the USSR' and the changes made in it;" is added.

Parts (5) through (7) are added:

"(5) Makes decisions on referendum for the withdrawal of the republic from the USSR;

"(6) Examines questions about determining the state boundaries of the USSR in cases involving changes in the territory of the Armenian SSR:

"(7) If necessary, takes measures to assure the security of the republic and its citizens;"

In part (9), ((13) of draft), following the word "implements", the words "within the competence of the Armenian SSR" are deleted; and, following the words "budget-financial system", the words, "payments for labor, price formation and taxation, environmental protection and the use of natural resources," are added;

In part (11), ((6) of draft), at end of paragraph, the words "on an alternative basis" are added;

Part (19) ((15) of draft) is changed to read: "(19) Establishes the procedure for the organization and activities of republic and local organs of state power and administration,"; in the final phrase "it determines the legal status of" is changed to "establishes the legal status of";

Part (26) is added, as follows: "Makes suggestions to the USSR Constitutional Oversight Committee."

The final paragraph is added, as follows: "A vote to remove the chairman of the Armenian SSR Supreme Soviet, his first deputy or deputy takes at least two-thirds of the all Armenian SSR people's deputies."

In Article 99, "250 people's deputies" is changed to "260 people's deputies", and the phrase "equal number of voters" is changed to "approximately equal number of voters."

In Article 100, in the final paragraph, the words "Republic electoral commission" are changed to "Central electoral commission"; and, at the end of the paragraph, "his deputy" is changed to "his first deputy or deputy."

In Article 101, the first paragraph is changed to "Sessions of the Armenian SSR Supreme Soviet—spring and fall—are called by the Presidium of the Armenian SSR Supreme Soviet."

In Article 106, part (13), after the words "security of its citizens" the words "participates in examination, by the USSR Supreme Soviet, of the question of the declares" are changed to "at its initiative or at the suggestion of the USSR Supreme Soviet, declares."

In Article 108, part (2), after the words "the situation in the republic" the words "measures for its defense, the security of its citizens" are added.

In Article 110, paragraph one, the beginning words in the draft "Laws and other decisions of the Armenian SSR Supreme Soviet" are changed to "Laws of the Armenian SSR and other decisions of the Supreme Soviet."

In Article 113, parts (1) through (5) are changed, they read as follows:

"(1) On the instructions of the Armenian SSR Supreme Soviet gives it conclusions about the compatibility (with the Armenian SSR Constitution) of draft laws of the Armenian SSR and other acts submitted for examination by the Armenian SSR Supreme Soviet;

"(2) At the suggestion of at least one-third of the Armenian SSR people's deputies and the Chairman of the Armenian SSR Supreme Soviet, presents to the Armenian SSR Supreme Soviet conclusions about the compatibility of Armenian SSR laws and other acts with the Armenian SSR Constitution and laws of the Armenian SSR;

"(3) On the instructions of the Armenian SSR Supreme Soviet and at the suggestion of the Presidium of the Armenian SSR Supreme Soviet, presents the Armenian

SSR Supreme Soviet conclusions about the compatibility of decisions by rayon and city (cities of republic subordination) soviets of people's deputies with the Armenian SSR Constitution and the laws of the Armenian SSR;

"(4) On the instructions of the Armenian SSR Supreme Soviet and the suggestion of at least one-third of the Armenian SSR people's deputies and the Chairman of the Armenian SSR Supreme Soviet; presents to the Armenian SSR Supreme Soviet conclusions about the compatibility, with the Armenian SSR Constitution, of acts of the Armenian SSR Supreme Soviet Armenian SSR and drafts of acts submitted for examination by the Armenian SSR Supreme Soviet laws; and about the compatibility of decrees and orders of the Armenian SSR Council of Ministers with laws of the Armenian SSR; and about the compatibility of international treaty and other obligations of the Armenian SSR with the Armenian SSR Constitution and laws;

"(5) On the instructions of the Armenian SSR Supreme Soviet and at the suggestion of: the Presidium of the Armenian SSR Supreme Soviet, the Chairman of the Armenian SSR Supreme Soviet, the permanent commissions of the Armenian SSR Supreme Soviet, the Armenian SSR Council of Ministers, rayon and city (city of republic subordination) Armenian SSR soviets of people's deputies, the Armenian SSR People's Control Committee, the Armenian SSR Supreme Court, the Armenian SSR Procuracy, the Armenian SSR Main State Board of Arbitration, republic organs of public organizations, and the Armenian SSR Academy of sciences, it makes conclusions about the compatibility (with the Armenian SSR Constitution and laws of the Armenian SSR) of normative legal acts of other state organs and public organizations, relations with which are not, as stated in the Armenian SSR Constitution, covered by procuracy oversight.

"The Armenian SSR Constitutional Oversight Committee also has the right to, on its own initiative, make conclusions about the compatibility (with the Armenian SSR Constitution and Armenian SSR Laws) of acts of higher organs of state power and administration in the Armenian SSR, and other organs formed or elected by the Armenian SSR Supreme Soviet."

The third paragraph of part (5) is the third paragraph of part (4) in the draft; the word "violation" in the first sentence is changed to "incompatibility" in the law.

A fourth and fifth paragraph are added to part (5), as follows: "The organ that published the act makes it compatible with the Armenian SSR constitution or law. If the incompatibility is not eliminated, the Armenian SSR Constitutional Oversight Committee makes a representation to the Armenian SSR Supreme Soviet or the Armenian SSR Council of Ministers to revoke the incompatible act made by subordinate organs or officials.

"A conclusion of the Armenian SSR Constitutional Oversight Committee can be overturned only by a decision of the Armenian SSR Supreme Soviet approved by two-thirds of all of the Armenian SSR people's deputies."

In Article 153, (II), part (1), the word "participation" at the beginning of the quote is deleted, and so are the words "introduced by the Presidium of the USSR Supreme Soviet" before the words "in cases of declaration."

In Article 118, paragraph four is added, as follows: "The Armenian SSR Supreme Soviet can express lack of confidence in the government of the Armenian SSR. A decree on this question is passed by a majority of at least two-thirds of the total number of Armenian SSR people's deputies."

Article 129 is added, as follows:

"Article 129. Sessions of rayon, city and rayon in city soviets of people's deputies are called by their presidia; while those of city (city of rayon subordination), settlement and rural soviets—by the chairmen of these soviets not less often than four times a year.

"In their sessions local soviets of people's deputies have the authority to examine and make decisions as granted by USSR and Armenian SSR legislation. The questions to be examined and solved exclusively at sessions are established by the law on local soviets of people's deputies."

The last paragraph of Article 129 is the first paragraph of Article 133 in draft.

In Article 133:

In paragraph one, which is paragraph two of draft, the following phrase at the end of the paragraph is deleted, as follows: "consists of: chairmen, deputy chairmen and members." The final three paragraphs are added, as follows:

"(8) In Article 130 the following is added after the first part: 'The appointment and election of officials to executive committees of local soviets, organs of people's control, managers of departments and administrations of executive committees are approved by the appropriate permanent commissions of local soviets.'

"(9) The following words are deleted from the second part of Article 134: 'convene sessions of soviets, coordinate the work of permanent commissions of soviets.'"

Azerbaijan SSR

Azerbaijan SSR Draft Law on Changes to Republic Constitution

90US0257A Baku BAKINSKIY RABOCHIY in Russian
21 Nov 89 pp 1-2

["Draft Law of the Azerbaijan Soviet Socialist Republic on Changes and Supplements to the Constitution (Basic Law) of the Azerbaijan SSR"]

[Text] With a view to the development of socialist democracy, the self-government of the people, the improvement of the election system, the structure and activity of the Soviets of People's Deputies and the Azerbaijan organs of justice and in conformity with the changes and supplements introduced in the Constitution (Basic Law) of the USSR, at the extraordinary 12th session of the USSR Supreme Soviet of the 11th convocation, the Azerbaijan SSR Supreme Soviet decrees:

I. To introduce in the Azerbaijan SSR Constitution the following changes and supplements:

1. To set forth Section 10 in the following wording:

"Section 10. System and Principles of the Activity of the Soviets of People's Deputies

"Article 85. The Soviets of People's Deputies—the Azerbaijan SSR Supreme Soviet, the Nakhichevan ASSR Supreme Soviet, and the local Soviets of People's Deputies—the Soviet of People's Deputies of the Nagorno-Karabakh Autonomous Oblast, the rayon, city, city rayon, settlement and rural Soviets of People's Deputies—constitute a single system of representative organs of the state power of the Azerbaijan SSR.

"Article 86. The term of office of the Azerbaijan SSR Soviet of People's Deputies is five years.

"Elections of people's deputies of the Azerbaijan SSR, the Nakhichevan ASSR, and the local Soviets of People's Deputies are scheduled **no later than three months before the expiration of their terms of office.**

"The term and the procedure for the scheduling of the elections of people's deputies of the Azerbaijan SSR, the Nakhichevan ASSR, and the local Soviets of People's Deputies are determined by the respective laws of the Azerbaijan SSR and the Nakhichevan ASSR.

"Article 87. The most important questions of republic and local significance are decided respectively at sessions of the Azerbaijan SSR Supreme Soviet, the Nakhichevan Supreme Soviet, and the local Soviets of People's Deputies, or are put by them to a referendum within the limits of their competence.

"The Azerbaijan SSR Supreme Soviet, the Nakhichevan ASSR Supreme Soviet, and the local Soviets of People's Deputies are elected directly by the voters.

"The Azerbaijan SSR Supreme Soviet elects the Chairman of the Azerbaijan SSR Supreme Soviet, the Nakhichevan ASSR Supreme Soviet elects the Chairman of the Nakhichevan ASSR Supreme Soviet, and the local Soviets of People's Deputies elect the chairmen of the Soviets. The Supreme Soviets and the local Soviets of People's Deputies, with the exception of the city (cities of rayon subordination), settlement, and rural Soviets, form their presidia.

"The Soviets of People's Deputies form permanent commissions and create executive and administrative, as well as other organs subordinated to them.

"The officials who are elected or appointed by the Soviets of People's Deputies, with the exception of judges, cannot occupy their posts for more than two terms of office.

"Any official may be released ahead of time from the post occupied in the case of his failure to properly execute his official duties.

"Article 88. The Soviets of People's Deputies form people's control organs, which combine state control with the public control of the workers in enterprises, institutions and organizations.

"The people's control organs verify the fulfillment of the requirements of legislation, state programs and tasks; they wage a struggle against violations of state discipline, manifestations of local interests, a departmental approach to work, against mismanagement and wastefulness, red tape and bureaucratism; they coordinate the work of the other control organs; and they promote the improvement of the structure and work of the state apparatus.

"Article 89. The Soviets of People's Deputies, directly and through the organs created by them, direct all sectors of state, economic, and socio-cultural construction, take decisions, secure their implementation, and monitor their practical realization.

"Article 90. The activity of the Soviets of People's Deputies is built on the basis of the collective, free, and businesslike discussion and decision of questions, glasnost, the regular accountability of executive and administrative organs, and other organs created by the Soviets before them, labor collectives, and the population, and the broad involvement and participation of the citizens in their work.

"The Soviets of People's Deputies and the organs created by them take into consideration public opinion, bring the most important questions of republic and local significance for the discussion of people, and systematically inform the citizens about their work and the decisions taken by them."

2. To set forth Section 11 in the following wording:

"Section 11. The Election System

"Article 91. Elections of people's deputies are held in single-mandate or multi-mandate election okrugs on the basis of universal, equal, and direct suffrage in secret voting.

"Article 92. Elections of people's deputies are universal: Citizens of the Azerbaijan SSR, who have reached the age of 18, have the right to elect and be elected. citizens [as published] of the Azerbaijan SSR cannot simultaneously be a people's deputy in more than two Soviets of People's Deputies.

"The persons who make up the Azerbaijan SSR Council of Ministers, the Nakhichevan ASSR Council of Ministers, and the executive committees of the local Soviets of People's Deputies, with the exception of the chairmen of these organs, the directors of departments, divisions and administrations of the executive committees of the local Soviets, judges and state arbiters, cannot be deputies in the Soviet by which they are appointed or elected.

"Citizens who are mentally ill, who are recognized as incapable, who, by decision of a court or with the sanction of a procurator, are in prison, as well as those who, by decision of a court, are sent to compulsory treatment facilities.

"Article 93. Elections of people's deputies are equal: In every election okrug, the voter has one vote; voters take part in the elections on an equal basis.

"Article 94. Elections of people's deputies are direct: People's deputies are elected directly by the citizens.

"Article 95. Voting in elections of people's deputies is secret: Monitoring of the will of those voting is not permitted.

"Article 96. The right to nominate candidates for people's deputy belongs to labor collectives, public organizations, the collectives of institutions of secondary specialized and higher education, and meetings of voters at their place of residence and servicemen in military units.

"The organs and organizations that have the right to nominate candidates for people's deputy from public organizations are determined by the laws of the Azerbaijan SSR and, in the Nakhichevan ASSR—also by the laws of the Nakhichevan ASSR.

"The number of candidates for people's deputy is not limited. Every participant in an election meeting may propose any candidacy for discussion, including his own.

"Any number of candidates may be included in the ballots.

"Candidates for deputy take part in the election campaign on an equal basis.

"Expenditures connected with the preparation and holding of elections of people's deputies are effected by the respective election commission from a single fund created at the expense of the state, enterprises, public and other organizations, for the purpose of securing equal conditions for every candidate for deputy.

"**Article 97.** The preparation for the elections of people's deputies is carried out openly and publicly.

"The conduct of the elections is secured by the election commissions, which are formed from representatives elected by meetings (conferences) of labor collectives, public organizations, collectives of institutions of secondary specialized and higher education, meetings of voters at their place of residence and servicemen in military units.

"Citizens of the Azerbaijan SSR, labor collectives, public organizations, collectives of institutions of secondary specialized and higher education, and military units are guaranteed the possibility of the free and comprehensive discussion of the political, business, and personal qualities of the candidates for people's deputy, as well as the right of campaigning for or against a candidate at meetings, in the press, on television and radio.

"The procedure for the elections of people's deputies is determined by the laws of the USSR, the Azerbaijan SSR, and in the Nakhichevan ASSR—also by the laws of the Nakhichevan ASSR.

"**Article 98.** The voters give mandates to their deputies.

"The appropriate Soviets of People's Deputies review the mandates and take them into account in the elaboration of plans for economic and social development and the composition of the budget, as well as in the preparation of decisions with respect to other questions, organize the execution of the mandates, and inform the citizens about their realization."

3. To set forth Section 13 in the following wording:

"Section 13. The Azerbaijan SSR Supreme Soviet

"**Article 104.** The highest organ of state power of the Azerbaijan SSR is the Azerbaijan SSR Supreme Soviet. The Azerbaijan SSR Supreme Soviet is competent to accept for its review and to decide any question, except the questions the to the decision of which have been voluntarily delegated by the republic to the USSR.

"The exclusive jurisdiction of the Azerbaijan SSR Supreme Soviet includes:

- 1) Adoption of the Azerbaijan SSR Constitution and the introduction of changes in it;
- 2) adoption of decisions in regard to questions of the nationality-state structure of the Azerbaijan SSR in accordance with the legislation in effect;
- 3) determination of the procedure for the decisions of questions of the administrative-territorial structure of

the Azerbaijan SSR; the establishment and change of the borders and the rayon division of Nagorno-Karabakh Autonomous Oblast; the formation of rayons, cities, city rayons, and settlements; the establishment of the subordination of cities; the renaming of rayons, cities, city rayons, settlements and other populated areas;

4) establishment of rayon division, the formation of cities, change of the subordination of cities, the naming and renaming of rayons and cities, as well as the renaming of other populated areas of the Nakhichevan ASSR;

5) examination of questions of the change of the borders of the Azerbaijan SSR with other union republics; questions of the change of the borders of the State Border of the USSR in cases involving a change of the territory of the Azerbaijan SSR;

6) determination of the foreign and domestic policy of the Azerbaijan SSR in accordance with the basic directions of the domestic and foreign policy of the USSR;

7) election of the Chairman of the Azerbaijan SSR Supreme Soviet;

8) election of the First Deputy Chairman of the Azerbaijan SSR Supreme Soviet, the Deputy Chairman of the Azerbaijan SSR Supreme Soviet, including one each from the Nakhichevan ASSR and Nagorno-Karabakh Autonomous Oblast of the Azerbaijan SSR;

9) appointment of the Chairman of the Azerbaijan SSR Council of Ministers and, on his recommendation—the confirmation of the composition of the Azerbaijan SSR Council of Ministers, the introduction of changes in it; on recommendation of the Azerbaijan SSR Council of Ministers, the formation and elimination of Azerbaijan SSR ministries and Azerbaijan SSR state committees;

10) election of the Azerbaijan SSR People's Control Committee, the Azerbaijan SSR Supreme Court, the judges of the Baku City Court and the people's courts of the rayon (city) people's courts; the appointment of the Azerbaijan SSR Chief State Arbitrator; and the confirmation of the collegium of the Azerbaijan SSR State board of arbitration;

11) election of the Azerbaijan SSR Committee for Constitutional Supervision;

12) scheduling of elections of Azerbaijan SSR people's deputies and the confirmation of the composition of Central Election Commission for elections of Azerbaijan SSR people's deputies; the scheduling of elections to local Soviets of people's deputies;

13) regular hearing of reports of the organs formed or elected by them, as well as the officials appointed or elected by them;

14) securing of the unity of legislative regulation in the entire territory of the Azerbaijan SSR; adoption of the codes of the Azerbaijan SSR;

15) realization, within limits of the competence of the Azerbaijan SSR, of the regulation of property relations, the organization of the management of the national economy and socio-cultural construction, the budget and finance system, wages, price formation, taxation, protection of the environment, and the use of natural resources, as well as other relations;

16) decision of questions connected with the securing of the constitutional rights, freedoms, and duties of Azerbaijan SSR citizens and the equality of USSR citizens of all nationalities in the territory of the Azerbaijan SSR;

17) interpretation of the laws of the Azerbaijan SSR;

18) establishment of the procedure for the organization and activity of the higher and local organs of the state power and government of the Azerbaijan SSR; the direction of the activity of the local Soviets of People's Deputies;

19) definition of the legal status of the republic public organizations;

20) confirmation of the long-term state plans and the most important programs of the economic and social development of the Azerbaijan SSR; confirmation of the state plans of the economic and social development of the Azerbaijan SSR and the Azerbaijan SSR state budget; monitoring the course of the implementation of the plan and the budget; confirmation of the reports on their implementation; the introduction, if necessary, of changes in the plan and the budget;

21) ratification and denouncement of international agreements of the Azerbaijan SSR;

22) establishment of state awards and the establishment of honorary titles of the Azerbaijan SSR;

23) issue of acts of amnesty of persons convicted by courts of the Azerbaijan SSR;

24) abolition of ukases and decrees of the Presidium of Azerbaijan SSR Supreme Soviet and orders of the Chairman of the Azerbaijan SSR Supreme Soviet; decrees and orders of the Azerbaijan SSR Council of Ministers;

25) abolition of decrees and orders of the Nakhichevan ASSR Council of Ministers, decisions of the Soviet of People's Deputies of the Nagorno-Karabakh Autonomous Oblast, the rayon and icity (rayons and cities of republic subordination) Councils of People's Deputies in case of their non-conformity with the Azerbaijan SSR Constitution and the laws of the Azerbaijan SSR;

26) appeal and suspension of decrees and orders of the USSR Council of Ministers in the territory of the Azerbaijan SSR if they violate the constitutional rights of the Azerbaijan SSR, as well as the suspension of acts of ministries, state committees, and departments of the USSR, if they contradict the laws of the USSR and the Azerbaijan SSR;

27) formulation, before the USSR Congress of People's Deputies, or the USSR Supreme Soviet, of the question of the abolition of laws adopted by them, acts of the USSR Supreme Soviet and its chambers, if they go beyond the limits of the competence of the USSR and infringe on the sovereign rights of the Azerbaijan SSR;

28) adoption of decisions concerning the holding of a nationwide vote (referendum).

"The Azerbaijan SSR Supreme Soviet adopts laws of the Azerbaijan SSR and decrees.

"Azerbaijan SSR laws are obligatory throughout the territory of the Azerbaijan SSR.

"**Article 105.** The Azerbaijan SSR Supreme Soviet consists of 360 people's deputies, who are elected in election okrugs with an equal number of people.

"**Article 106.** The Azerbaijan SSR Supreme Soviet is convened for the first session not later than two months after the elections.

"Upon recommendation of the Mandate Commission elected by it, the Azerbaijan SSR Supreme Soviet takes a decision concerning the recognition of the powers of the deputies, and in case of a violation of the legislation on elections—concerning the recognition of the elections of individual deputies as invalid.

"**Article 107.** The Azerbaijan SSR Supreme Soviet is convened by the Presidium of the Azerbaijan SSR Supreme Soviet.

"Regular sessions of the Azerbaijan SSR Supreme Soviet are convened at least twice a year.

"Extraordinary sessions are convened on the initiative of the Presidium of the Azerbaijan SSR Supreme Soviet upon the recommendation of the Chairman of the Azerbaijan SSR Supreme Soviet, [or] no less than one-third of the deputies of the Azerbaijan SSR Supreme Soviet.

"**Article 108.** The first session of the Azerbaijan SSR Supreme Soviet after the elections is conducted by the chairman of the Central Election Commission for Elections of Azerbaijan SSR People's Deputies, and then—by the Chairman of the Azerbaijan SSR Supreme Soviet or his deputy.

"**Article 109.** A session of the Azerbaijan SSR Supreme Soviet consists of sittings of the Azerbaijan SSR Supreme Soviet, as well as sittings of the permanent commissions of the Azerbaijan SSR Supreme Soviet that are held during the period between them.

"**Article 110.** The right of legislative initiative in the Azerbaijan SSR Supreme Soviet belongs to the Azerbaijan SSR people's deputies, the Presidium of the Azerbaijan SSR Supreme Soviet, the Chairman of the Azerbaijan SSR Supreme Soviet, the Azerbaijan SSR Committee for Constitutional Supervision, the Azerbaijan SSR Council of Ministers, the Nakhichevan ASSR

in the person of its organ of highest state power, the Nagorno-Karabakh Autonomous Oblast in the person of the Soviet of People's Deputies of the Nagorno-Karabakh Autonomous Oblast, the permanent commissions of the Azerbaijan SSR Supreme Soviet, the Azerbaijan SSR Committee of People's Control, the Azerbaijan SSR Supreme Court, the Azerbaijan SSR Procuracy, and the Azerbaijan SSR Chief State Arbitrator.

"The public organizations in the person of their republic organs and the Azerbaijan SSR Academy of Sciences also have the right of legislative initiative.

"Article 111. Draft laws introduced for review of the Azerbaijan SSR Supreme Soviet are discussed at its sittings.

"A law of the Azerbaijan SSR is considered adopted if the majority of the total number of Azerbaijan SSR people's deputies voted for it.

"Draft laws and other very important questions of the state life of the republic, by decision of the Azerbaijan SSR Supreme Soviet, may be submitted to national discussion.

"Article 112. The Presidium of the Azerbaijan SSR Supreme Soviet is an organ accountable to the Azerbaijan SSR Supreme Soviet, which secures the organization of the work of the Azerbaijan SSR Supreme Soviet and carries out other powers within the limits provided for by the Azerbaijan SSR Constitution and the laws of the Azerbaijan SSR.

"The membership of the Presidium of the Azerbaijan SSR Supreme Soviet includes ex officio: The Chairman of the Azerbaijan SSR Supreme Soviet, the First Deputy Chairman of the Azerbaijan SSR Supreme Soviet, the deputy chairmen of the Azerbaijan SSR Supreme Soviet, the chairman of the Azerbaijan SSR Committee of People's Control, and the chairmen of the permanent commissions of the Azerbaijan SSR Supreme Soviet.

"The Presidium of the Azerbaijan SSR Supreme Soviet is headed by the Chairman of the Azerbaijan SSR Supreme Soviet.

"Upon expiration of the term of office of the Azerbaijan SSR Supreme Soviet, the Presidium of the Azerbaijan SSR Supreme Soviet retains its powers up to the first sitting of the newly-elected Azerbaijan SSR Supreme Soviet.

"Article 113. The Presidium of the Azerbaijan SSR Supreme Soviet:

1) Convenes the sessions of the Azerbaijan SSR Supreme Soviet and organizes the preparation of its sittings;

2) coordinates the activity of the permanent commissions of the Azerbaijan SSR Supreme Soviet;

3) extends assistance to the Azerbaijan SSR people's deputies in the realization of their powers and provides them with the necessary information;

4) monitors the observance of the Azerbaijan SSR Constitution and secures the conformity of the Constitution and the laws of the Nakhichevan ASSR with the Azerbaijan SSR Constitution and the laws of the Azerbaijan SSR;

5) organizes the preparation and holding of nationwide votes (referenda), as well as national discussions of Azerbaijan SSR draft laws and other very important questions of state life;

6) appoints and dismisses the state arbitrators of the Azerbaijan SSR State Board of Arbitration;

7) confers state awards of the Azerbaijan SSR and confers honorary titles of the Azerbaijan SSR;

8) accepts into citizenship of the Azerbaijan SSR, decides questions of withdrawing from citizenship of the Azerbaijan SSR and of granting asylum;

9) carries out the pardon of citizens convicted by Azerbaijan SSR courts;

10) appoints and recalls the diplomatic representatives of the Azerbaijan SSR in foreign states and in international organizations;

11) accepts the credentials and letters of recall of the diplomatic representatives of foreign states accredited to it;

12) in the interest of the defense of the Azerbaijan SSR, its sovereignty, and the safety of its citizens, in case of necessity, jointly with the Presidium of the USSR Supreme Soviet, the question is examined of declaring the state of emergency with the introduction of special forms of government in the territory of the Azerbaijan SSR or in some of its localities;

13) publishes in the Azerbaijan, Russian, and other languages used by the population of the republic, the laws of the Azerbaijan SSR and other acts adopted by the Azerbaijan SSR Supreme Soviet, the Presidium of the Azerbaijan SSR Supreme Soviet, and the Chairman of the Azerbaijan SSR Supreme Soviet.

"The Presidium of the Azerbaijan SSR Supreme Soviet publishes ukases and adopts resolutions.

"Article 114. The chairman of the Azerbaijan SSR Supreme Soviet is the highest official of the republic and represents the Azerbaijan Soviet Socialist Republic within the republic, in relations with the USSR, the union republics, and in international relations.

"The Chairman of the Azerbaijan SSR Supreme Soviet is elected by the Azerbaijan SSR Supreme Soviet from among the people's deputies by a secret vote for a term of five years and for no more than two terms in succession.

He may be recalled at any time through a secret vote of the Azerbaijan SSR Supreme Soviet.

"The Chairman of the Azerbaijan SSR Supreme Soviet is accountable to the Azerbaijan SSR Supreme Soviet.

"Article 115. The chairman of the Azerbaijan SSR Supreme Soviet:

1) Carries out the general direction of the preparation of the questions that are subject to examination of the Azerbaijan SSR Supreme Soviet; signs the laws of the Azerbaijan SSR and other acts adopted by the Azerbaijan SSR Supreme Soviet and the Presidium of the Azerbaijan SSR Supreme Soviet;

2) submits to the Azerbaijan SSR Supreme Soviet reports on the situation in the republic and on other important questions;

3) presents to the Azerbaijan SSR Supreme Soviet candidacies for election to the post of first deputy, deputies of the Chairman of the Azerbaijan SSR Supreme Soviet, as well as proposals concerning the personnel composition of the Azerbaijan SSR Committee for Constitutional Supervision;

4) presents to the Azerbaijan SSR Supreme Soviet candidacies for appointment or election to the post of Chairman of the Azerbaijan SSR Council of Ministers, chairman of the Azerbaijan SSR Committee of People's Control, chairman of the Azerbaijan SSR Supreme Court, and Azerbaijan SSR Chief State Arbitrator;

5) conducts negotiations and signs international agreements of the Azerbaijan SSR.

"The chairman of the Azerbaijan SSR Supreme Soviet issues orders.

"The First Deputy Chairman of the Azerbaijan SSR Supreme Soviet and the deputy chairmen of the Azerbaijan SSR Supreme Soviet, upon authorization of the Chairman of the Azerbaijan SSR Supreme Soviet, carry out some of his functions and replace the Chairman in the case of his absence or the impossibility of the execution of his duties by him.

"Article 116. The Azerbaijan SSR Supreme Soviet elects from among the Azerbaijan SSR people's deputies permanent commissions for the conduct of legislative work, the preliminary review and preparation of questions pertaining to the jurisdiction of the Azerbaijan SSR Supreme Soviet, as well as for the practical implementation of the laws of the Azerbaijan SSR and other decisions adopted by the Azerbaijan SSR Supreme Soviet and its Presidium, and the monitoring of the activity of the state organs and organizations.

"If it deems necessary, the Azerbaijan SSR Supreme Soviet creates investigation, inspection, and other commissions on any question.

"Article 117. Laws and other decisions of the Azerbaijan SSR Supreme Soviet are adopted, as a rule, after the preliminary discussion of drafts by the appropriate permanent commissions of the Azerbaijan SSR Supreme Soviet.

"The appointment and election of officials to membership in the Azerbaijan SSR Council of Ministers, the Azerbaijan SSR Committee of People's Control, the Azerbaijan SSR Supreme Court, as well as the collegium of the Azerbaijan SSR State Board of Arbitration, are effected in the presence of the resolutions of the appropriate commissions of the Azerbaijan SSR Supreme Soviet.

"All state and public organs, organizations, and officials are obligated to carry out the requirements of the commissions of the Azerbaijan SSR Supreme Soviet and to make available to them the necessary materials and documents.

"The recommendations of the commissions are subject to obligatory examination by the state and public organs, institutions and organizations of the Azerbaijan SSR. The results of the examination and the measures adopted must be reported by the commissions within the time period established by them.

"Article 118. The Azerbaijan SSR people's deputy, in sessions of the Azerbaijan SSR Supreme Soviet, has the right to turn with a question to the Chairman of the Azerbaijan SSR Supreme Soviet and to the Azerbaijan SSR Council of Ministers, to the directors of the other organs that are formed or elected by the Azerbaijan SSR Supreme Soviet. The organ or the official to whom a question is put are obligated to give a verbal or written answer within a period of not more than three days.

"Azerbaijan SSR people's deputies are released from the fulfillment of office or production obligations for a certain period of time, necessary for the execution of deputy activity in the Azerbaijan SSR Supreme Soviet, its commissions, as well as among the population. Azerbaijan SSR people's deputies may be released from the fulfillment of office or production obligations for the entire period of their authority.

"An Azerbaijan SSR people's deputy may not have criminal proceedings instituted against him, be arrested, or be subjected to measures of administrative punishment imposed through the judicial process, without the consent of the Azerbaijan SSR Supreme Soviet, and during the period between its sessions—without the consent of the Presidium of the Azerbaijan SSR Supreme Soviet.

"Article 119. The Azerbaijan SSR Committee for Constitutional Supervision is elected by the Azerbaijan SSR Supreme Soviet for a term of 10 years from among specialists in the sphere of politics and law consisting of a chairman and five members of the committee, including representatives of the Nakhichevan ASSR and the Nagorno-Karabakh Autonomous Oblast.

"Persons elected to the Azerbaijan SSR Committee for Constitutional Supervision cannot simultaneously become members of organs acts are under the supervision of the committee.

"Persons elected to the Azerbaijan SSR Committee of Constitutional Control, in the fulfillment of their obligations, are independent and are subordinated only to the Azerbaijan SSR Constitution.

"The Azerbaijan SSR Committee for Constitutional Supervision:

1) On its own initiative or on the instruction of the Azerbaijan SSR Supreme Soviet, presents to the Azerbaijan SSR Supreme Soviet its findings concerning the conformity of draft laws of the Azerbaijan SSR, are subject to review by the Supreme Soviet, with the Azerbaijan SSR Constitution.

2) carries out the supervision of the conformity, with the Azerbaijan SSR Constitution and the laws of the Azerbaijan SSR, of the Constitution and the laws of the Nakhichevan ASSR, the decrees and orders of the Azerbaijan SSR Council of Ministers and the Nakhichevan ASSR Council of Ministers, the decisions of the Congress of People's Deputies of Nagorno-Karabakh Autonomous Oblast, and rayon, city (cities of republic subordination) Soviets of People's Deputies;

3) on its own initiative or on the instructions of the Azerbaijan SSR Supreme Soviet, on the recommendation of the Presidium of the Azerbaijan SSR Supreme Soviet, the Chairman of the Azerbaijan SSR Supreme Soviet, the permanent commissions of the Azerbaijan SSR Supreme Soviet, the Azerbaijan SSR Council of Ministers, the Nakhichevan ASSR Supreme Soviet, and the Council of People's Deputies of Nagorno-Karabakh Autonomous Oblast, presents findings concerning the conformity of the acts of other state organs and public organizations of the Azerbaijan SSR with the Azerbaijan SSR Constitution and laws of the Azerbaijan SSR.

"Upon the exposure of contradictions of an act or of individual provisions of it with the Azerbaijan SSR Constitution or laws of the Azerbaijan SSR, the Azerbaijan SSR Committee for Constitutional Supervision sends to the organ, which issued the act, its findings for the elimination of the violation that was permitted. The adoption, by the Committee, of such a finding suspends the act or the individual provisions of it that contradict the Azerbaijan SSR Constitution or the law of the Azerbaijan SSR.

"The Azerbaijan SSR Committee for Constitutional Supervision has the right to submit to the Azerbaijan SSR Supreme Soviet or the Azerbaijan SSR Council of Ministers, a recommendation concerning the abolition of the acts of organs or officials accountable to them that contradict the Azerbaijan SSR Constitution or the law of the Azerbaijan SSR.

"The organization and procedure of the activity of the Azerbaijan SSR Committee for Constitutional Supervision are determined by legislation of the USSR and the Azerbaijan SSR on constitutional supervision.

"Article 120. The Azerbaijan SSR Supreme Soviet monitors the activity of all state organs subordinate to it.

"The Azerbaijan SSR Supreme Soviet directs the activity of the Azerbaijan SSR Committee of People's Control, which heads up the system of the organs of people's control in the Azerbaijan SSR.

"The organization and procedure of the activity of the organs of people's control are determined by the Law on People's Control in the USSR.

"Article 121. The procedure for the activity of the Azerbaijan SSR Supreme Soviet and its organs is determined by the Regulation of the Azerbaijan SSR Supreme Soviet and by other laws of the Azerbaijan SSR, which are issued on the basis of the Azerbaijan SSR Constitution."

4. To set forth Articles 164, 165, and 167 of Section 21, "The Court and Arbitration," in the following wording:

"Article 164. All courts in the Azerbaijan SSR are formed on the principles of the electivity of judges and people's assessors.

"The people's judges of the rayon (city) people's courts and the judges of the city courts are elected by the appropriate higher Soviets of People's Deputies.

"The judges of the Azerbaijan SSR Supreme Court, the Nakhichevan ASSR Supreme Court, and the oblast court of Nagorno-Karabakh Autonomous Oblast are elected correspondingly by the Azerbaijan SSR Supreme Soviet, the Nakhichevan ASSR Supreme Soviet, and the Soviet of People's Deputies of Nagorno-Karabakh Autonomous Oblast.

"The people's assessors of the rayon (city) people's courts are elected at meetings of the citizens at their place of residence or work through open voting, and the people's assessors of the higher courts—by the corresponding Soviets of People's Deputies.

"Judges are elected for a 10-year term. People's assessors are elected for five years.

"Judges and people's assessors are responsible to the organs or the voters which elected them, they report to them, and they may be recalled in accordance with the procedure established by law."

"Article 165. The Azerbaijan SSR Supreme Court is the highest judicial organ of the Azerbaijan SSR and carries out the supervision of the judicial activity of the Azerbaijan SSR courts within the limits established by law.

"The Azerbaijan SSR Supreme Court consists of the chairman, his deputies, members, and people's assessors. The chairmen of the Nakhichevan ASSR Supreme Court

and the oblast court of the Nagorno-Karabakh Autonomous Oblast are ex officio members of the Azerbaijan SSR Supreme Court.

"The organization and procedure for the activity of the Azerbaijan SSR Supreme Court are determined by the Law on Judicial Procedure of the Azerbaijan SSR."

"Article 167. Judges and people's assessors are independent and are subordinated only to the law.

"Judges and people's assessors are guaranteed conditions for the unimpeded and effective realization of their rights and obligations. Any kind of interference in activity of judges and people's assessors with respect to the administration of justice is inadmissible and entails responsibility according to the law.

"The inviolability of judges and people's assessors, as well as other guarantees of their independence are established by the Law on the Status of Judges in the USSR and by other legislative acts of the USSR and the Azerbaijan SSR."

II. In connection with the new wording of Sections 10, 11, and 13 of the Azerbaijan SSR Constitution, to introduce the changes and supplements resulting from them in the following articles of the Azerbaijan Constitution:

1. To set forth Article 70 in the following wording:

"Article 70. The sovereignty of the Azerbaijan SSR extends to the entire territory of the republic, including the Nakhichevan ASSR and the Nagorno-Karabakh Autonomous Oblast, which constitute an integral part of Azerbaijan.

"The territory of the Azerbaijan SSR is inalienable and cannot be changed without its consent, expressed by a nation-wide vote (referendum), held by decision of the Azerbaijan SSR Supreme Soviet among the entire population of the republic.

"The borders of the Azerbaijan SSR with other union republics may be changed only by mutual agreement with the corresponding republics."

2. Part one of Article 71 after the words "to the jurisdiction of the USSR" to supplement with the words "at the USSR Congress of People's Deputies."

3. To set forth Article 100 in the following wording:

"Article 100. The deputy carries out his powers, as a rule, without breaking off his production or office activity.

"For the time of the session of the Soviet, as well as for the execution of deputy powers in other cases provided for by law, the deputy is released from the fulfillment of production or office duties, with reimbursement to him of the expenditures connected with his deputy activity at the expense of the funds of the corresponding state or local budget."

4. To set forth Article 124 in the following wording:

"Article 124. The Azerbaijan SSR Council of Ministers is responsible to the Azerbaijan SSR Supreme Soviet and accountable to it.

"The newly-formed Azerbaijan SSR Council of Ministers presents for review of the Azerbaijan SSR Supreme Soviet a program of forthcoming activity for its term of office.

"The Azerbaijan SSR Council of Ministers, at least once a year, reports on its work to the Azerbaijan SSR Supreme Soviet."

5. To set forth part one of Article 125 in the following wording:

"The Azerbaijan SSR Council of Ministers is authorized to decide all questions of state government pertaining to the jurisdiction of the Azerbaijan SSR so far as they are not included, according to the Azerbaijan SSR Constitution, in the competence of the Azerbaijan SSR Supreme Soviet, its Presidium, and the Chairman of the Azerbaijan SSR Supreme Soviet."

6. To set forth Article 127 in the following wording:

"Article 127. The Azerbaijan SSR Council of Ministers, on the basis and in fulfillment of the laws of the USSR and other decisions of the USSR Congress of People's Deputies and the USSR Supreme Soviet, the laws of the Azerbaijan SSR and other decisions of the Azerbaijan SSR Supreme Soviet, and decrees and orders of the USSR Council of Ministers, issues decrees and orders and verifies their execution. Decrees and orders of the Azerbaijan SSR Council of Ministers are obligatory for execution throughout the territory of the Azerbaijan SSR."

7. In Article 129, in part four, to replace the words "on the basis and in fulfillment of the laws of the USSR, the Azerbaijan SSR, and other decisions of the USSR Supreme Soviet and its Presidium, the Azerbaijan SSR Supreme Soviet and its Presidium" with the following words:

"on the basis and in fulfillment of the laws of the USSR and other decisions of the USSR Congress of People's Legislature and the USSR Supreme Soviet, the laws of the Azerbaijan SSR and other decisions of the Azerbaijan SSR Supreme Soviet."

8. To set forth Articles 131, 132, and 133 in the following wording:

"Article 131. The highest organ of state power of the Nakhichevan ASSR is the Nakhichevan ASSR Supreme Soviet.

"The Nakhichevan ASSR Supreme Soviet is empowered to decide all questions included in the jurisdiction of the

Nakhichevan ASSR by the USSR Constitution, the Azerbaijan SSR Constitution, and the Nakhichevan ASSR Constitution.

"The Constitution of the Nakhichevan ASSR and the laws of the Nakhichevan ASSR are adopted by the Nakhichevan ASSR Supreme Soviet.

"Article 132. The powers, structure, and procedure of the activity of the Nakhichevan ASSR Supreme Soviet are determined by the Nakhichevan ASSR Constitution and by the laws of the Nakhichevan ASSR.

"The organization of the work of the Nakhichevan ASSR Supreme Soviet is effected by the Presidium of the Nakhichevan ASSR Supreme Soviet, headed by the Chairman of the Nakhichevan ASSR Supreme Soviet.

"Article 133. The Nakhichevan ASSR Council of Ministers—the highest executive and administrative organ of state power of the Nakhichevan ASSR—is formed by the Nakhichevan ASSR Supreme Soviet.

"The Nakhichevan ASSR Council of Ministers is responsible to the Nakhichevan ASSR Supreme Soviet and is accountable to it."

9. To set forth part one and part two of Article 140 in the following wording:

"Sessions of the Soviet of People's Deputies of Nagorno-Karabakh Autonomous Oblast, the rayon, city (except cities of rayon subordination), and city rayon Soviets of People's Deputies are convened by their presidia.

"Sessions of the city (cities of rayon subordination), settlement, and rural Soviets of People's Deputies are convened by their chairmen at least four times a year."

10. To insert Article 145 in Section 17, having set it forth in the following wording:

"Article 145. The work of the Soviet of People's Deputies of Nagorno-Karabakh Autonomous Oblast, the rayon, city, and city rayon Soviets of People's Deputies is organized by their presidia, headed by the chairmen of the Soviets, and of the city (cities of rayon subordination), settlement, and rural Soviets—by the chairmen of these Soviets."

11. To set forth Articles 146 and 150 in the following wording:

"Article 146. The executive and administrative organs of the local Soviets of People's Deputies are their executive committees.

"The executive committees, at least once a year, report to the corresponding Soviets, as well as to meetings of labor collectives and meetings of citizens at their place of residence."

"Article 150. The executive committees of the local Soviets of People's Deputies are directly subordinated both to the Soviet and to the higher executive and administrative organ."

12. To set forth Article 185 in the following wording:

"Article 185. The change of the Azerbaijan SSR Constitution is effected through a decision of the Azerbaijan SSR Supreme Soviet, taken by a majority of not less than two-thirds of the total number of Azerbaijan SSR people's deputies."

Belorussian SSR

Belorussian SSR Draft Law on Changes to Republic Constitution

18001547A Minsk SOVETSKAYA BELORUSSIYA
in Russian 18 Aug 89 pp 1-2

["Draft Law of the Belorussian Soviet Socialist Republic on Changes and Additions to the Belorussian SSR Constitution (Basic Law)"]

[Text] In order to develop socialist democracy and self-government by the people, and to improve the election system and structure and activities of the soviets of people's deputies and the justice agencies, the Supreme Soviet of the Belorussian Soviet Socialist Republic resolves:

I. To make the following changes and additions to the Belorussian SSR Constitution adopted 14 April 1978 at the special ninth session of the Ninth Belorussian SSR Supreme Soviet (CZ BSSR [Collected Laws of the BSSR], No 11, p 213):

1. To word Section 9 as follows:

"Section 9. The System and Operating Principles of the Soviets of People's Deputies

"Article 78. The soviets of people's deputies, i.e., the Belorussian SSR Supreme Soviet and the local soviets of people's deputies—oblast, rayon, city, city rayon, settlement and rural soviets—constitute a unified system of representative bodies of state authority of the Belorussian SSR.

"Article 79. The term of office of the soviets of people's deputies is five years.

"Elections of people's deputies are scheduled no later than three months before the expiration of the term of the bodies of state authority involved.

"Article 80. Key questions of republic and local significance are decided in sessions of the Belorussian SSR Supreme Soviet and the local soviets of people's deputies, or are put to referendums by them.

"The Belorussian SSR Supreme Soviet elects the chairman of the Belorussian SSR Supreme Soviet. Local

soviets of people's deputies elect soviet chairmen. The Belorussian SSR Supreme Soviet and the local soviets of people's deputies, with the exception of city soviets (for cities under rayon administration) and settlement and rural soviets, have their own presidiums.

"Soviets of people's deputies form standing commissions and establish executive and administrative agencies, as well as other agencies accountable to them.

"Officials elected or appointed by soviets of people's deputies may not hold their offices for more than two consecutive terms.

"Any official may be dismissed from his office before the end of his term in the event of his unsatisfactory performance of his official duties.

"Article 81. The soviets of people's deputies form agencies of people's control, which combines state control with public control by the working people at enterprises and in institutions and organizations.

"People's control agencies check up on fulfillment of the requirements of legislation and of state programs and assignments; campaign against violations of state discipline, manifestations of a narrowly local or departmental approach to matters, mismanagement and wastefulness, and red tape and bureaucratism; and promote the improvement of the structure and work of the state apparatus.

"Article 82. The soviets of people's deputies, directly and through agencies established by them; direct all branches of state, economic and social and cultural construction; make decisions and provide for them to be carried out; and monitor the implementation of decisions.

"Article 83. The activities of the soviets of people's deputies are based on the collective, free and business-like discussion and resolution of questions; regular reporting by the executive and administrative agencies and other agencies established by the soviets to them and to the public; and the broad enlistment of citizens to participate in their work.

"The soviets of people's deputies and the agencies they establish take public opinion into account, submit key questions of state and local significance for discussion by citizens, and regularly inform citizens about their work and decisions taken by them."

2. To word Section 10 as follows:

"Section 10. The Election System

"Article 84. Elections of people's deputies are conducted by single-seat election districts on the basis of universal, equal and direct suffrage and secret balloting. In order to ensure the representation of public organizations according to norms established by the Belorussian SSR Law on Elections of Belorussian SSR People's Deputies, one-fourth of the Belorussian SSR people's deputies are elected from public organizations—the Belorussian

Communist Party, trade unions, cooperative organizations, the Belorussian Leninist Communist Youth League, associations of women, war and labor veterans and scientific personnel, the creative unions, and other organizations created according to procedures established by law and having republic bodies. Elections of people's deputies from public organizations are held at their congresses or conferences, or at plenums of their republic bodies.

"Article 85. Elections of people's deputies from election districts are universal: citizens of the Belorussian SSR who have attained 18 years of age have the right to vote. The right to elect deputies from public organizations belongs to all delegates to their congresses or conferences, or participants in the plenums of their republic bodies.

"A citizen of the Belorussian SSR who has attained 18 years of age may be elected as a people's deputy.

"A citizen of the Belorussian SSR may not simultaneously be a people's deputy in more than two soviets of people's deputies.

"Persons belonging to the Belorussian SSR Council of Ministers or the executive committees of soviets of people's deputies—with the exception of the chairmen of those bodies and the executives of agencies, departments and administrations of local soviet executive committees—judges and state arbitrators may not be deputies in the soviet by which they are appointed or elected.

"Mentally ill citizens who have been deemed incompetent by a court, and persons who are being held in places of deprivation of freedom, as well as persons who have been sent by a court decision to places of compulsory treatment, do not participate in elections.

"Article 86. Elections of people's deputies from election districts are equal: a voter in each election district has one vote; voters participate in elections on an equal basis.

"In elections of people's deputies from public organizations, each delegate to the congress or conference of such an organization, or each participant in a plenum has one vote, and they all participate in elections on an equal basis.

"Article 87. Elections of people's deputies from election districts are direct: people's deputies are elected directly by the citizens.

"People's deputies from public organizations are elected directly by the delegates to their congresses and conferences, or participants in the plenums of their republic bodies.

"Article 88. Voting in elections of people's deputies is secret: no monitoring of the expression of voters' will is permitted.

"Article 89. The right to nominate candidates for people's deputy from election districts belongs to labor collectives, student collectives, public organizations, and meetings of constituents by places of residence and of military personnel by military units; and the right to nominate candidates for people's deputy from public organizations belongs to their republic bodies, which take into account proposals for candidates for people's deputy received from local bodies, lower-level collectives, and the members of those organizations.

"The number of candidates for people's deputy is not restricted, and each participant in a preelection meeting may propose any candidacies, including his own, for discussion.

"Any number of candidates may be included on election ballots.

"In elections of people's deputies from election districts, district preelection meetings may be held for the discussion of candidates nominated from the district and the adoption of decisions concerning the presentation of candidates to the appropriate election commission for registration.

"Expenses connected with the preparation and conduct of the elections of people's deputies are paid at by state.

"Article 90. Preparations for elections of people's deputies are carried out openly and publicly.

"The conduct of elections is accomplished by election commissions, which are made up of representatives of labor collectives, public organizations, and meetings of constituents by places of residence and of military personnel by military units.

"Citizens of the Belorussian SSR, labor collectives and public organizations are guaranteed the opportunity to discuss the political, business and personal qualities of candidates for people's deputy freely and thoroughly, as well as the right to campaign for or against a candidate at meetings, in the press, and on television and radio.

"Article 91. Constituents and public organizations issue directives to their deputies.

"The appropriate soviets of people's deputies consider the directives and take them into account in drafting economic and social development plans and making up budgets, as well as in preparing decisions on other matters, and organize the fulfillment of directives and inform citizens of their implementation."

3. To word Section 12 as follows:

"Section 12. The Belorussian SSR Supreme Soviet

"Article 97. The Belorussian SSR Supreme Soviet is the supreme body of state authority of the Belorussian SSR.

"The Belorussian SSR Supreme Soviet is empowered to take under consideration and resolve any question within the jurisdiction of the Belorussian SSR.

"The following belong to the exclusive jurisdiction of the Belorussian SSR Supreme Soviet:

1) the adoption of the Belorussian SSR Constitution, and the amending of it;

2) the scheduling of elections of Belorussian SSR people's deputies and people's deputies of local Belorussian SSR soviets of people's deputies, and confirmation of the membership of the election commission for elections of people's deputies;

3) the adoption of decisions on questions of national state structure belonging to the jurisdiction of the Belorussian SSR;

4) the determination of the basic guidelines for the internal and foreign political activities of the Belorussian SSR;

5) the confirmation of the state plan and key republic programs for the economic and social development of the Belorussian SSR, and of the Belorussian SSR state budget; monitoring of the fulfillment of the plan and budget, and the approval of reports on their fulfillment; the making, when necessary, of changes in the plan and budget;

6) the resolution of questions connected with changes in the Belorussian SSR's borders with other union republics; participation in determining the USSR's state border, if it results in a change in the territory of the Belorussian SSR;

7) the election of the chairman of the Belorussian SSR Supreme Soviet;

8) the election of the first deputy chairman of the Belorussian SSR Supreme Soviet and the deputy chairman of the Belorussian SSR Supreme Soviet;

9) the election of the Belorussian SSR Constitutional Oversight Commission;

10) the appointment of the chairman of the Belorussian SSR Council of Ministers, the confirmation, upon his representation, of the makeup of the Belorussian SSR Council of Ministers, and the making of changes in it; the formation and abolition, at the recommendation of the Belorussian SSR Council of Ministers, of Belorussian SSR ministries and Belorussian SSR state committees;

11) the election of the Belorussian SSR People's Control Committee and the Belorussian SSR Supreme Court, and the appointment of the Belorussian SSR chief state arbitrator; the confirmation of the collegium of the Belorussian SSR State Arbitration Service; the election of the judges of oblast courts and the Minsk City Court;

12) the exercise of the right of legislative initiative in the Congress of USSR People's Deputies and the USSR Supreme Soviet;

13) the hearing of reports from agencies formed or elected by it, and by officials appointed or elected by it;

14) the exercise, within the limits of the jurisdiction of the Belorussian SSR, of the legislative regulation of ownership relations, of the organization of the management of the economy and of social and cultural construction; of the budget and financial system; of pay and price setting; of taxation; of environmental protection and the utilization of natural resources; of procedures for the exercise of citizens' constitutional rights, liberties and duties; and also of relations in the area of state construction and other relations the regulation of which belongs to the jurisdiction of the Belorussian SSR;

15) the interpretation of the laws of the Belorussian SSR;

16) the establishment of procedures for the organization and activities of local bodies of state authority, as well as republic and local bodies of state administration, and determination of the legal status of public organizations of the Belorussian SSR;

17) the determination of the procedures for resolving questions pertaining to the administrative-territorial structure of the Belorussian SSR; the formation and abolition of oblasts;

18) guidance of the activities of local soviets of people's deputies;

19) the ratification and denunciation of international treaties of the Belorussian SSR;

20) the institution of Belorussian SSR state awards; the establishment of honorary titles of the Belorussian SSR;

21) the adoption of decisions on the holding of public votes (referendums);

22) the promulgation of republic acts on amnesty;

23) the right to rescind ukases and decrees of the Presidium of the Belorussian SSR Supreme Soviet, orders of the chairman of the Belorussian SSR Supreme Soviet, and decrees and orders of the Belorussian SSR Council of Ministers;

24) the rescinding of decisions of oblast soviets of people's deputies and of the Minsk Soviet of People's Deputies in the event they are in conflict with the USSR Constitution, the Belorussian SSR Constitution, or laws of the USSR or the Belorussian SSR.

"The Belorussian SSR Supreme Soviet adopts laws of the Belorussian SSR and decrees.

"Laws of the Belorussian SSR and decrees of the Belorussian SSR Supreme Soviet are adopted by a vote of the majority of the total number of Belorussian SSR people's deputies.

"**Article 98.** The Belorussian SSR Supreme Soviet consists of 360 deputies who are elected as follows:

—272 deputies from territorial election districts with equal numbers of constituents;

—88 deputies from republic public organizations according to norms established by the Belorussian SSR Law on Elections of Belorussian SSR People's Deputies.

"**Article 99.** The Belorussian SSR Supreme Soviet is convened for its first meeting no later than two months after elections.

"Upon the representation of the credentials commission elected by it, the Belorussian SSR Supreme Soviet adopts a decision to accept the credentials of deputies and, in the event that election laws have been violated, to deem the elections of individual deputies invalid.

"The Belorussian SSR Supreme Soviet is convened by the Presidium of the Belorussian SSR Supreme Soviet.

"The first meeting of the Belorussian SSR Supreme Soviet following elections is conducted by the chairman of the Central Election Commission for elections of Belorussian SSR people's deputies, and subsequent meetings—following the election of the chairman of the Belorussian SSR Supreme Soviet and his deputies—are conducted by the chairman of the Belorussian SSR Supreme Soviet or by his deputy.

"**Article 100.** The Belorussian SSR Supreme Soviet is the standing legislative, administrative and oversight body of state authority of the Belorussian SSR.

"**Article 101.** The Belorussian SSR Supreme Soviet is convened annually for regular—spring and fall—sessions lasting, as a rule, two to four months each.

"Special sessions are convened by the Presidium of the Belorussian SSR Supreme Soviet at its initiative, or at the recommendation of the chairman of the Belorussian SSR Supreme Soviet or no less than one-third of the membership of the Belorussian SSR Supreme Soviet.

"A session of the Belorussian SSR Supreme Soviet consists of meetings of it, as well as the meetings of standing commissions of the Belorussian SSR conducted between its meetings.

"**Article 102.** The Belorussian SSR Supreme Soviet maintains its authority until a new Belorussian SSR Supreme Soviet is elected.

"**Article 103.** The right of legislative initiative in the Belorussian SSR Supreme Soviet belongs to Belorussian SSR people's deputies, the Presidium of the Belorussian SSR Supreme Soviet, the chairman of the Belorussian SSR Supreme Soviet, the Belorussian SSR Constitutional Oversight Committee, the Belorussian SSR Council of Ministers, standing commissions of the Belorussian SSR Supreme Soviet, the Belorussian SSR People's Control Committee, the Belorussian SSR Supreme Court, the Belorussian SSR Procuracy, and the Belorussian SSR chief state arbitrator.

"The right of legislative initiative also belongs to public organizations in the person of their republic bodies, and to the Belorussian SSR Academy of Sciences.

"Article 104. Draft laws and other questions submitted for consideration by the Belorussian SSR Supreme Soviet are discussed in its meetings.

"Draft laws and other of the most important questions of state life may, by a decision of the Belorussian SSR Supreme Soviet, taken at its initiative or on the recommendation of the Presidium of the Belorussian SSR Supreme Soviet, or the recommendation of an oblast soviet of people's deputies or the Minsk City Soviet, be submitted for public discussion.

"Article 105. The Presidium of the Belorussian SSR Supreme Soviet is a body accountable to the Belorussian SSR Supreme Soviet that provides for the organization of the Belorussian SSR Supreme Soviet's work and exercises other powers, within limits stipulated in the Belorussian SSR Constitution and laws of the Belorussian SSR.

"The following are ex officio members of the Presidium of the Belorussian SSR Supreme Soviet: the chairman of the Belorussian SSR Supreme Soviet, the first deputy chairman and deputy chairman of the Belorussian SSR Supreme Soviet, the chairman of the Belorussian SSR People's Control Commission, and the chairmen of standing commissions of the Belorussian SSR Supreme Soviet.

"The Presidium of the Belorussian SSR Supreme Soviet is headed by the chairman of the Belorussian SSR Supreme Soviet.

"Article 106. The Presidium of the Belorussian SSR Supreme Soviet:

- 1) convenes sessions of the Belorussian SSR Supreme Soviet;
- 2) organizes the preparation of sessions of the Belorussian SSR Supreme Soviet;
- 3) coordinates the activities of the standing commissions of the Belorussian SSR Supreme Soviet;
- 4) provides assistance to Belorussian SSR people's deputies in exercising their authority and provides them with the necessary information;
- 5) exercises oversight over the observance of the Belorussian SSR Constitution;
- 6) organizes the preparation and conduct of public votes (referendums), as well as public discussions of draft laws of the Belorussian SSR and other of the most important questions of state life;
- 7) establishes and changes boundaries and rayon divisions of oblasts; forms rayons, cities, city rayons, and city-type settlements; establishes the subordination of

cities; renames rayons, cities, city rayons, city-type settlements, and other communities;

8) schedules elections for rayon (city) people's courts and elections of the people's assessors of oblast courts and the Minsk City Court;

9) awards state awards of the Belorussian SSR and confers honorary titles of the Belorussian SSR;

10) admits persons to Belorussian SSR citizenship; decides questions of granting asylum;

11) carries out the pardoning of citizens convicted by courts of the Belorussian SSR;

12) appoints and recalls diplomatic representatives of the Belorussian SSR to foreign states and in international organizations;

13) accepts the credentials and letters of recall of diplomatic representatives of foreign countries accredited to it;

14) considers, with the Presidium of the Belorussian SSR Supreme Soviet, the question of declaring the institution of martial law or a state of emergency on the territory of the republic or in individual areas of it in the interests of the country's defense and the security of Soviet citizens;

15) publishes in the Belorussian and Russian languages laws of the Belorussian SSR and other acts adopted by the Belorussian SSR Supreme Soviet, the Presidium of the Belorussian SSR Supreme Soviet, and the chairman of the Belorussian SSR Supreme Soviet.

"The Presidium of the Belorussian Supreme Soviet promulgates ukases and adopts decrees.

"Article 107. The chairman of the Belorussian SSR Supreme Soviet is the highest official of the Belorussian SSR and represents it in the USSR, in relations with other union republics, and in international relations.

"The chairman of the Belorussian SSR Supreme Soviet is elected by the Belorussian SSR Supreme Soviet from among the Belorussian SSR people's deputies by secret ballot for a term of five years, and not more than two consecutive terms.

"The chairman of the Belorussian SSR Supreme Soviet is accountable to the Belorussian SSR Supreme Soviet. The chairman of the Belorussian SSR Supreme Soviet may be recalled by the Belorussian SSR Supreme Soviet at any time by secret ballot.

"Article 108. The chairman of the Belorussian SSR Supreme Soviet:

- 1) carries out the general direction of the preparation of questions subject to consideration by the Belorussian SSR Supreme Soviet; signs laws of the Belorussian SSR and other acts adopted by the Belorussian SSR Supreme Soviet and the Presidium of the Belorussian SSR Supreme Soviet;

2) presents to the Belorussian SSR Supreme Soviet reports on the state of the republic and important questions of its internal and foreign political activities;

3) presents to the Belorussian SSR Supreme Soviet candidates for election to the offices of first deputy chairman and deputy chairman of the Belorussian SSR Supreme Soviet, as well as proposals concerning the membership of the Belorussian SSR Constitutional Oversight Committee;

4) presents to the Belorussian SSR Supreme Soviet candidates for appointment or election to the offices of chairman of the Belorussian SSR Council of Ministers, chairman of the Belorussian SSR People's Control Committee, chairman of the Belorussian SSR Supreme Court, and Belorussian SSR chief state arbitrator;

5) conducts negotiations and signs international treaties of the Belorussian SSR;

"The chairman of the Belorussian SSR Supreme Soviet issues orders.

"The first deputy chairman and deputy chairman of the Belorussian SSR Supreme Soviet perform, on authorization by the chairman of the Belorussian SSR Supreme Soviet, certain of his functions, and replace the chairman in the event of his absence or the impossibility of his performance of his duties.

"Article 109. The Belorussian SSR Supreme Soviet elects from among Belorussian SSR people's deputies standing commissions for the performance of legislative drafting work and the preliminary examination and preparation of questions lying within the jurisdiction of the Belorussian SSR Supreme Soviet, as well as for assisting in the implementation of laws of the Belorussian SSR and other decisions adopted by the Belorussian SSR Supreme Soviet, and overseeing the performance of state agencies and organizations.

"The Belorussian SSR Supreme Soviet creates, when it deems it necessary, investigative, auditing and other commissions on any question.

"Article 110. Laws and other decisions of the Belorussian SSR Supreme Soviet are adopted, as a rule, following the preliminary discussion of their drafts by appropriate standing commissions of the Belorussian SSR Supreme Soviet.

"The appointment and election of officials to the Council of Ministers, the Belorussian SSR People's Control Committee, the Belorussian SSR Supreme Court, oblast courts and the Minsk City Court, as well as confirmation of the collegium of the Belorussian SSR State Arbitration Service, are made in the knowledge of conclusions of the appropriate standing commissions of the Belorussian SSR Supreme Soviet.

"All state and public agencies, organizations and officials are required to fulfill the demands of commissions of the Belorussian SSR and present them with the necessary materials and documents.

"The commissions' recommendations are subject to mandatory consideration by state and public agencies, institutions and organizations. The results of the consideration and the measures adopted are to be reported to the commissions within time periods established by them.

"Article 111. In sessions of the Belorussian SSR Supreme Soviet, the Belorussian SSR people's deputy has the right to make an inquiry of the chairman of the Belorussian SSR Supreme Soviet, the Belorussian SSR Council of Ministers, the executives of other agencies formed or elected by the Belorussian SSR Supreme Soviet, and the executives of enterprises under union administration that are located on the territory of the Belorussian SSR regarding matters within the jurisdiction of the Belorussian SSR. The agency or official to which the inquiry is directed is required to provide an oral or written answer in the given session of the Belorussian SSR Supreme Soviet within no more than three days.

"Belorussian SSR people's deputies are freed from the performance of their office or production duties for a certain period necessary for the performance of their work as deputies in the Belorussian SSR Supreme Soviet and its commissions, and among the public. Belorussian SSR people's deputies may be freed from the performance of their office or production duties for the entire period of their term in the Belorussian SSR Supreme Soviet.

"A Belorussian SSR people's deputy may not have criminal charges brought against him, be arrested, or subjected to judicially imposed administrative penalties without the consent of the Belorussian SSR Supreme Soviet or, during the period between its sessions, without the consent of the Presidium of the Belorussian SSR Supreme Soviet.

"Article 112. The Belorussian SSR Constitutional Oversight Committee is elected by the Belorussian SSR Supreme Soviet for a term of 10 years from among specialists in the area of policy and law and consists of a chairman, deputy chairman and nine committee members.

"Persons elected to the Belorussian SSR Constitutional Oversight Committee may not simultaneously serve on agencies whose acts are subject to the committee's oversight.

"In the performance of their duties, persons elected to the Belorussian SSR Constitutional Oversight Committee are independent and subordinate only to the Belorussian SSR Constitution.

"The Belorussian SSR Constitutional Oversight Committee:

1) at its own initiative or on instructions from the Belorussian SSR Supreme Soviet, presents the Belorussian SSR Supreme Soviet with conclusions concerning the conformity of draft acts of the Belorussian SSR Supreme Soviet to the Belorussian SSR Constitution:

2) monitors decrees and orders of the Belorussian SSR Council of Ministers and decisions of oblast soviets of people's deputies and the Minsk City Soviet for conformity to the Belorussian SSR Constitution and Belorussian SSR laws;

3) at its own initiative, on instructions from the Belorussian SSR Supreme Soviet, or at the suggestion of the Presidium of the Belorussian SSR Supreme Soviet, the chairman of the Belorussian SSR Supreme Soviet, or standing commissions of the Belorussian SSR Supreme Soviet, provides conclusions concerning the conformity of the acts of other republic state agencies and public organizations to the Belorussian SSR Constitution and Belorussian SSR laws.

"In the event that a discrepancy between an act or certain of its provisions to the Belorussian SSR Constitution or laws is identified, the Belorussian SSR Constitutional Oversight Committee sends its conclusion to the agency that has promulgated the act in order that the violation that has occurred may be eliminated. The committee's adoption of such a conclusion suspends the execution of an act or individual provisions of an act that are contrary to the Belorussian SSR Constitution or Belorussian SSR laws.

"The Belorussian SSR Constitutional Oversight Committee has the right to submit a representation to the Belorussian SSR Supreme Soviet or Belorussian SSR Council of Ministers concerning the repeal of the acts of agencies or officials accountable to them that are contrary to the Belorussian SSR Constitution or Belorussian SSR laws.

"The organization and operating procedures of the Belorussian SSR Constitutional Oversight Committee are determined by the Law on Constitutional Oversight in the Belorussian SSR.

"Article 113. The Belorussian SSR Supreme Soviet exercises oversight over the activities of all state agencies accountable to it.

"The Belorussian SSR Supreme Soviet directs the activities of the Belorussian SSR People's Control Committee, which is in charge of the system of Belorussian SSR people's control agencies.

"The organization and operating procedures of the people's control agencies are determined by the Law on People's Control in the USSR.

"Article 114. The operating procedures of the Belorussian SSR Supreme Soviet and its agencies are determined by regulations of the Belorussian SSR Supreme Soviet and other laws of the Belorussian SSR that are promulgated on the basis of the Belorussian SSR Constitution."

4. To word Articles 151, 152 and 154 of Section 18, "The Court and the Arbitration Service," as follows:

"Article 151. All courts of the Belorussian SSR are formed according to the principles of elective judges and people's assessors.

"People's judges of rayon (city) people's courts are elected by the appropriate oblast soviet of people's deputies, or the Minsk City Soviet.

"Judges of oblast courts, the Minsk City Court and the Belorussian SSR Supreme Court are elected by the Belorussian SSR Supreme Soviet.

"People's assessors of rayon (city) people's courts are elected in meetings of citizens by their places of residence or work in open voting, and people's assessors of higher courts are elected by the appropriate soviets of people's deputies.

"Judges of all courts are elected for a term of 10 years. People's assessors of all courts are elected for a term of five years.

"Judges and people's assessors are accountable to the agencies or constituents that have elected them, report to them, and may be recalled by them according to procedures established by law.

"Article 152. The Belorussian SSR Supreme Court is the supreme judicial body of the Belorussian SSR and exercises oversight over the judicial activities of Belorussian SSR courts.

"The Belorussian SSR Supreme Court consists of a chairman, his deputies, members and people's assessors."

"Article 154. Judges and people's assessors are independent and subordinate only to the law.

"Judges and people's assessors are provided with the conditions for the unimpeded and effective exercise of their rights and performance of their duties. Any interference in the activities of judges and people's assessors in the execution of justice is impermissible and entails liability under the law.

"The inviolability of judges and people's assessors, and other guarantees of their independence are established by the Law on the Status of Judges in the USSR and other legislative acts of the USSR and Belorussian SSR."

II. In connection with the new wording of Sections 9, 10 and 12 of the Belorussian SSR Constitution, to make changes and additions stemming from them in the following articles of the Belorussian SSR Constitution:

1. Article 71, Part 1, following the words "to the jurisdiction of the USSR," to add the words "in the Congress of USSR People's Deputies."

2. To word Article 92, Part 3, as follows:

"In his activities a deputy is guided by general state interests, takes into account the requirements of the population of his election district and the interests expressed by the public organization that has elected him, and works to carry out the directives of his constituents and public organization."

3. To word Article 93 as follows:

"Article 93. A deputy exercises his authority, as a rule, without terminating his production or office work.

"For the duration of sessions of the Belorussian SSR Supreme Soviet or local soviets of people's deputies, and also for the exercise of his authority as a deputy in other cases provided by law, a deputy is relieved from the performance of production or office duties, and is reimbursed for expenses connected with his work as a deputy from moneys of the appropriate republic or local budget."

4. To word Article 94, Part 1, as follows:

"A deputy has the right to make an inquiry of the appropriate state agencies and officials, which are required to provide an answer to the inquiry in the session of the Belorussian SSR Supreme Soviet or the local soviet of people's deputies."

5. To word Article 96 as follows:

"Article 96. A deputy is required to report on his work and the work of the Belorussian SSR Supreme Soviet or his local soviet of people's deputies to the constituents, collectives and public organizations that have nominated him as a candidate for deputy, or to the public organization that has elected him.

"A deputy who has not justified the confidence of his constituents or public organization may be recalled at any time by a decision of the majority of his constituents or of the public organization that has elected him according to procedures established by law."

6. To word Article 117 as follows:

"Article 117. The Belorussian SSR Council of Ministers is accountable to the Belorussian SSR Supreme Soviet and reports to it.

"The newly formed Belorussian SSR Council of Ministers presents for the consideration of the Belorussian SSR Supreme Soviet its program of anticipated activities for the term of its office.

"The Belorussian SSR Council of Ministers reports on its work to the Belorussian SSR Supreme Soviet no less than once a year."

7. To word Article 118, Part 1, as follows:

"The Belorussian SSR Council of Ministers is authorized to resolve all questions of state administration belonging to the jurisdiction of the Belorussian SSR, as long as they do not belong, according to the Belorussian SSR Constitution, to the jurisdiction of the Belorussian SSR Supreme Soviet and its Presidium, or the chairman of the Belorussian SSR Supreme Soviet."

8. To word Article 120 as follows:

"Article 120. The Belorussian SSR Council of Ministers, on the basis of and by way of execution of the laws of the USSR and the Belorussian SSR, other decisions of the Congress of USSR People's Deputies, USSR Supreme Soviet and Belorussian SSR Supreme Soviet, and decrees and orders of the USSR Council of Ministers, issues decrees and orders, and organizes and monitors their implementation. Decrees and orders of the Belorussian SSR Council of Ministers are binding throughout the entire territory of the Belorussian SSR."

9. In Article 122, Part 4, to replace the words "on the basis of and by way of execution of legislative acts of the USSR and Belorussian SSR" with the words "on the basis of and by way of execution of laws of the USSR and Belorussian SSR and other decisions of the Congress of USSR People's Deputies, USSR Supreme Soviet and Belorussian SSR Supreme Soviet."

10. To word articles 127, 129, 131 and 132 as follows:

"Article 127. The work of oblast soviets of people's deputies, the Minsk City Soviet and rayon, city and city rayon soviets of people's deputies is organized by their presidiums, which are headed by the soviet chairmen, and in city (for cities under rayon administration), settlement and rural soviets, the work is organized by those soviets' chairmen.

"Sessions of oblast soviets of people's deputies, the Minsk City Soviet, rayon, city (for cities under oblast administration), and city rayon soviets of people's deputies are convened by their presidiums, and sessions of city (for cities under rayon administration), settlement and rural soviets—by those soviets' chairmen, no less than four times a year.

"Local soviets of people's deputies are authorized to consider and resolve in their sessions any questions assigned to their jurisdiction by legislation of the USSR and Belorussian SSR.

"The presidiums of oblast soviets of people's deputies, the Minsk City Soviet, rayon, city (for cities under oblast administration) and city rayon soviets of people's deputies, and the chairmen of city (for cities under rayon administration), settlement and rural soviets of people's deputies coordinate the work of standing commissions and deputies' groups; provide assistance to people's deputies in the exercise of their authority; organize

cooperation between the soviets and public organizations and labor collective councils, oversight over implementation of the decisions of the soviets and higher state agencies, and of the directives of constituents and public organizations, the conducting of local referendums, and the discussion by citizens of draft decisions of the soviets and other important questions of local, republic and all-union significance; and exercise other authority invested in them by legislation."

"**Article 129.** Local soviets of people's deputies elect from among their deputies standing commissions for the preliminary consideration and preparation of questions belonging to the jurisdiction of local soviets, as well as for assisting in the implementation of the decisions of the soviets and higher state agencies, and for monitoring the activities of state agencies, enterprises, institutions and organizations.

"The appointment and election of officials to the executive committees of local soviets of people's deputies and to people's control committees, as well as the executives of departments and administrations of executive committees, are done with knowledge of the conclusions of appropriate standing commissions.

"The recommendations of the standing commissions of local soviets of people's deputies are subject to mandatory consideration by the relevant state and public agencies, enterprises, institutions and organizations. Commissions must be informed within a time period established by them of the results of this consideration and of the measures that have been taken."

"**Article 131.** Local soviets of people's deputies carry out their activities in close communication with public organizations and labor collectives, submit the most important questions of local significance for discussion by citizens or put them to referendums, enlist citizens in the work of standing commissions and other bodies accountable to the soviets, direct the work of local volunteer societies, and develop local grass-roots volunteer efforts.

"**Article 132.** The executive and administrative agencies of local soviets of people's deputies are executive committees elected by them.

"Executive committees report at least once a year to the soviets that have elected them, and to meetings of labor collectives and of citizens by place of residence."

11. To word Article 134, Part 2, as follows:

"The executive committees of local soviets of people's deputies provide for the carrying out of the decisions of the soviets and higher state agencies, and of constituents' directives; and they direct the management agencies subordinate to them."

12. To add the words "Minsk City Soviet" to Article 138, Part 1, following the words "oblast soviets of people's deputies."

13. To word Article 172 as follows:

"**Article 172.** Amendment of the Belorussian SSR Constitution is done by a decision of the Belorussian SSR Supreme Soviet adopted by at least a two-thirds majority of the total number of Belorussian SSR people's deputies."

Comparison of Belorussian SSR Law on Changes to Republic Constitution

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[Editorial Report] Minsk SOVETSKAYA ROSSIYA in Russian on 4 Nov 89 carries on pp 5-6 the Belorussian SSR Law on Changes in and Additions to the Belorussian SSR Constitution (Basic Law). Comparison of the text of the law to the text of the draft Belorussian SSR Law on Changes in and Additions to the Belorussian SSR Constitution (Basic Law) as published in SOVETSKAYA BELORUSSIYA 18 August 1989 pp 1-2 reveals the following changes in the draft to have been incorporated in the law as adopted:

In Chapter I, Part 1:

In Article 80 as amended: the words "are decided in sessions of the Belorussian SSR Supreme Soviet and the local soviets" are changed to: "are decided, respectively, in sessions of the Belorussian SSR Supreme Soviet and the local soviets."

In Article 83 as amended: the words "regular reporting by the executive and administrative agencies and other agencies established by the soviets to them and to the public" are changed to: "regular reporting by the agencies established by them to the soviets of people's deputies and to the public."

In Chapter I, Part 2:

In Article 84 as amended: the words "representation of public organizations" are changed to "representation of war and labor veterans and disabled persons"; the words "one-fourth of the Belorussian SSR people's deputies" are changed to "part of the Belorussian SSR people's deputies"; the words "are elected from public organizations—the Belorussian Communist Party, trade unions, cooperative organizations, the Belorussian Leninist Communist Youth League, associations of women, war and labor veterans and scientific personnel, the creative unions, and other organizations created according to procedures established by law and having republic agencies" are changed to: "are elected from the following public organizations—the Belorussian Republic Organization of War and Labor Veterans, the Belorussian Society of Disabled Veterans, the Belorussian Society of the Blind, and the Belorussian Society of the Deaf."

In Article 85 as amended: the words "by decision of a court or with a procurator's sanction" are inserted between the words "persons who are being held" and the words "in places of deprivation of freedom."

In Article 89 as amended: the words "student collectives" are changed to "collectives of secondary specialized and higher educational institutions"; the fourth paragraph, "In elections of people's deputies ...appropriate election commission for registration," is deleted.

In Article 90 as amended: in the third paragraph, the words "labor collectives and public organizations" are changed to: "labor collectives, collectives of secondary specialized and higher educational institutions, public organizations and military personnel by military units."

In Chapter I, Part 3:

In Article 97 as amended: part (6) is renumbered as part (4) and inserted after part (3), causing parts (4) and (5) to be renumbered as parts (5) and (6), respectively; at the end of part (4) (renumbered as part 5), the following phrase is inserted following the words "activities of the Belorussian SSR": "in accordance with the basic guidelines of the USSR's domestic and foreign policy"; in part (18), the word "guidance" is changed to "direction"; a part (25) is added following part (24), as follows: "(25) suspension of the acts of USSR union and union-republic ministries and departments in the event that they are contrary to USSR and Belorussian SSR laws."

In Article 98 as amended: the words "272 deputies from territorial election okrugs with equal numbers of voters" are changed to "310 deputies from territorial election okrugs with approximately equal numbers of voters"; the words "88 deputies from republic public organizations" are changed to "50 deputies from the Belorussian Republic Organization of War and Labor Veterans, the Belorussian Society of Disabled Persons, the Belorussian Society of the Blind and the Belorussian Society of the Deaf."

In Article 99 as amended: the phrase "chairman of the Central Election Commission for Elections of Belorussian SSR People's Deputies" is changed to "chairman of the Central Commission for Elections of Belorussian SSR People's Deputies."

Article 100 as amended is deleted, causing Article 101 to be renumbered as Article 100, as amended; in this renumbered article: following the words "convened annually," the words "for regular—spring and fall—sessions lasting, as a rule, two to four months each" are changed to: "two regular sessions"; the third paragraph, which begins with the words "A session of the Belorussian SSR Supreme Soviet...", is numbered "Article 101."

Article 102 as amended is deleted, causing Articles 103 through 106 to be renumbered as Articles 102 through 105, as amended.

In Article 103 (renumbered as Article 102) as amended: in the list that follows the words "belongs to," the words "oblast and Minsk city soviets of people's deputies" are inserted after the words "standing commissions of the Belorussian SSR Supreme Soviet" and before the words "Belorussian SSR People's Control Committee."

In Article 104 (renumbered as Article 103) as amended: the words "on the recommendation of the Presidium of the Belorussian SSR Supreme Soviet, or the recommendation of an oblast soviet of people's deputies or the Minsk City Soviet" are changed to: "on the recommendation of agencies and persons having the right of legislative initiative."

In Article 106 (renumbered as Article 105) as amended: in part (8), the words "schedules elections for rayon (city) people's courts and elections of the people's assessors of oblast courts and the Minsk City Court" are changed to: "schedules elections of the people's assessors of rayon (city) people's courts and of oblast courts and the Minsk City Court."

A new Article 106 as amended is inserted, as follows: "Article 106. The Presidium of the Belorussian SSR Supreme Soviet maintains its authority up until the convening of the newly elected Belorussian SSR Supreme Soviet."

In Article 108 as amended: in part (2), following the words "presents to the Belorussian SSR Supreme Soviet," the words "no less than once a year" are inserted.

In Article 111 as amended: in the first paragraph, following the words "the executives of enterprises, institutions and organizations," the words "under union jurisdiction" are deleted; following the words "that are located within the territory of the Belorussian SSR," the words "regarding matters within the jurisdiction of the Belorussian SSR" are deleted; in the second paragraph, following the words "freed from the performance of their office or production duties," the words "for a certain period necessary" are deleted.

In Article 112 as amended: in parts (1) and (3), the words "on instructions from the Belorussian SSR Supreme Soviet" are changed to "at the suggestion of the Belorussian SSR Supreme Soviet"; in the last paragraph, the words "Law on Constitutional Oversight in the Belorussian SSR" are changed to "Belorussian SSR Law on the Belorussian SSR Constitutional Oversight Committee."

In Article 113 as amended: following the words "Law on People's Control in the USSR," the words "and Belorussian SSR legislation" are inserted.

In Article 114 as amended: the words "promulgated on the basis" are changed to "adopted on the basis."

In Chapter I, Part 4:

In Article 151 as amended: in an apparent typographical error, in the fifth paragraph the words "are elected for a period of five years" are omitted from the end of the last sentence, "People's assessors of all courts...", leaving it incomplete; in the sixth paragraph, the words "are accountable to the agencies or constituents that have elected them, report to them" are changed to "report to the agencies or constituents that have elected them."

In Chapter II, Part 10:

The introduction adds Article 128 to the list of articles for which amended wording is offered.

In Article 127 as amended: the first paragraph is removed and transposed to the newly added amended Article 128 [see below], and the second paragraph becomes the first; the third paragraph in the draft is deleted, and the fourth paragraph in the draft is removed and transposed to the newly added amended Article 128 [see below]; a new second paragraph is added, as follows:

"Local soviets of people's deputies make decisions within the limits of their powers as granted by USSR and Belorussian SSR legislation. The decisions of local soviets are binding on all enterprises, institutions, organizations located within their territory, as well as on officials and citizens."

A new amended Article 128 is added; its two paragraphs are, respectively, the first and fourth paragraphs of the amended Article 127 from the draft:

"Article 128. The work of oblast soviets...by these soviets' chairmen."

"The presidiums of oblast soviets...and exercise other powers invested in them by legislation."

In Article 131 as amended: following the words "close communication with," the words "agencies of public territorial government" are inserted before the words "public organizations and labor collectives."

In Article 132 as amended: the words "of local soviets of peoples deputies" are changed to: "of oblast soviets, the Minsk City Soviet, and rayon, city and city rayon soviets of people's deputies."

The law as adopted is signed by N. Dementey, chairman of the Presidium of the Belorussian SSR Supreme Soviet, and L. Syroyegin, secretary of the Presidium of the Belorussian SSR Supreme Soviet, and dated Minsk, 27 October 1989.

Kazakh SSR

Kazakh SSR Draft Law on Changes to Republic Constitution

18300811A Alma-Ata KAZAKHSTANSKAYA PRAVDA
in Russian 19 Aug 89 pp 1-2

["Draft Law of the Kazakh Soviet Socialist Republic on Changes and Additions to the Kazakh SSR Constitution (Fundamental Law)"]

[Text] In order to develop social democracy, the people's self-government, to improve the election system, the structure and activity of the Soviet of People's Deputies, as well as the juridical organs, and in accordance with the USSR Law dated 1 December 1988 "On Changes and

Additions to the USSR Constitution (Fundamental Law)," the Kazakh SSR Supreme Soviet resolves:

I. To introduce into the Kazakh SSR Constitution, as adopted on 20 April 1978 at an extraordinary session of the Kazakh SSR Supreme Soviet, Ninth Convocation, the following changes and additions:

1. Section 9 shall be set forth in the following version:

"Section 9. System and Principles of Activity of the Soviets of People's Deputies

"Article 78. The soviets of people's deputies—the Kazakh SSR Supreme Soviet and the local soviets of people's deputies—oblast, rayon, city, city-district, settlement, village, and aul [Central Asia village]—shall comprise an integrated system of representative organs of the Kazakh SSR's state power.

"Article 79. The term of office for the soviets of people's deputies shall be five years.

"Elections of Kazakh SSR people's deputies shall be scheduled not later than four months, and for deputies to the local soviets of people's deputies—not later than three months prior to the expiration of the term of office of the appropriate organs of state power.

"Article 80. The most important questions of republic and local significance shall be decided respectively at sessions of the Kazakh SSR Supreme Soviet and those of the local soviets of people's deputies, or they shall be put up by them for referendums.

"The Kazakh SSR Supreme Soviet and the local soviets of people's deputies shall elect the chairmen of the soviets, Supreme Soviet, and local soviets of people's deputies with the exception of the city (cities under rayon jurisdiction), village and aul soviets, which have their own presidiums.

"Soviets of people's deputies shall form standing commissions and create executive and administrative organs, as well as other other organs accountable to them.

"Official elected or appointed by soviets of people's deputies cannot occupy their positions for more than two terms consecutively.

"Any official can be relieved ahead of schedule of the office occupied by him in the event that he is improperly carrying out his service duties.

"Article 81. Soviets of people's deputies shall form organs of people's control, combining state control with the public control of workers at enterprises, as well as in institutions and organizations.

"The organs of people's control shall check up on the execution of the requirements of legislation, state programs, and assigned tasks; they shall wage a struggle against violations of state discipline, along with manifestations of local favoritism, a narrowly departmental

approach to matters, against mismanagement and squandering, red tape and bureaucracy; they shall coordinate the work of the other control organs; they shall assist in improving the structure and work of the state apparatus.

"Article 82. Soviets of people's deputies shall, directly or through the organs created by them, supervise all sectors of state, economic, social, and ethnic-cultural construction; they shall make decisions, make sure that the latter are carried out, and exercise monitoring controls over their implementation.

"Article 83. The activity of soviet of people's deputies shall be constructed on a foundation of democracy and legality, glasnost, a collective, free, businesslike discussion and solution of problems, a regular accountability of executive and administrative organs, as well as other organs created by the soviets and responsible to them and the population, and the extensive involvement of citizens in taking part in their work.

"Soviets of people's deputies and the organs created by them shall study public opinion and take it into account, shall bring the most important questions of republic and local significance up for discussion by the citizens; they shall systematically inform citizens about their work and about the decisions taken by them."

2. Section 10 shall be set forth in the following version:

"Section 10. The Election System

"Article 84. Elections of people's deputies in the Kazakh SSR shall be conducted by single-seat election districts on the basis of a universal, equal, and direct suffrage, with secret voting. In order to ensure the representation of public organizations in accordance with the norms established by the Law on Elections of People's Deputies of the Kazakh SSR, one-fourth of the Kazakh SSR's people's deputies shall be elected from among public organizations—Kazakhstan's Communist Party, trade unions, cooperative organizations, Kazakhstan's Komsomol, associations of women, veterans of war and labor, scientific staff members, and creative unions, the Union of Kazakh SSR Jurists, public organizations in the field of foreign ties, and other organizations founded in the procedure established by law and having republic-level organs. The elections of people's deputies from public organizations shall be conducted at their congresses, conferences, or the plenums of their republic-level organs.

"Article 85. The elections of people's deputies from election districts shall be universal: the right to vote shall be possessed by citizens of the Kazakh SSR who have reached the age of 18. The right to elect Kazakh SSR people's deputies from public organizations shall be possessed by all delegates of their congresses, conferences, or participants in the plenums of their republic-level organs.

"Citizens of the Kazakh SSR who have reached the age of 18 can be elected as a people's deputy.

"A citizen of the Kazakh SSR cannot be simultaneously a people's deputy in more than two soviets of people's deputies.

"Persons included within the Kazakh SSR Council of Ministers, the ispolkoms of local soviets of people's deputies, with the exception of the chairmen of these organs, deputy directors of departments, deputy directors of ministries, state committees and departments, leading officials of divisions, administrations, and other subdivisions of the ispolkoms of local soviets and their deputies, as well as judges and state arbiters, cannot be deputies in a Soviet to which they have been appointed or elected.

"Mentally ill citizens who have been found by a court to be incompetent, persons confined in places of incarceration, as well as those sent by a court decision to places of compulsory treatment shall not participate in elections.

"Article 86. Elections of people's deputies from election districts shall be equal: a voter shall have one vote for the election district; voters shall take part in elections on an equal footing.

"Article 87. Elections of people's deputies from election districts shall be direct: people's deputies shall be elected by citizens directly.

"Kazakh SSR people's deputies from public organizations shall be elected directly by the delegates of their congresses, conferences, or participants in the plenums of their republic-level organs.

"Article 88. Voting in elections for people's deputies shall be secret: controls on the free expressions of voters shall not be permitted.

"Article 89. The right to nominate candidates to the office of people's deputy for election districts shall belong to labor collectives, collectives of students and pupils of higher and secondary special educational institutions, public organizations, meetings of voters at their places of residence, and military service personnel at their military units, whereas the nomination of candidates to the office of people's deputy of the Kazakh SSR from public organizations shall belong to their republic-level organs, which shall take into account suggestions regarding candidates for the office of deputy as received from local organs, lower-level collectives, and members of these organizations. The number of candidates for the office of deputy shall not be limited. Each participant in a pre-election meeting can propose any candidates for discussion.

"An election ballot can include any number of candidates.

"Candidates for the office of people's deputy from the moment of their nomination shall participate in the elections on an equal footing.

"Elections for people's deputies from election districts can be conducted by conferences of voters from a district convoked by the appropriate Soviet of People's Deputies or its presidium, or a district electoral commission, for nominating representatives to be included in a district electoral commission, discussions of the nominees by the candidates' districts, candidates for the office of people's deputy of the Kazakh SSR, and the adoption of a decision to submit their names for registration, developing instructions for deputies, conducting reports by deputies to the voters, as well as for deciding questions of instigating a recall of a people's deputy in an election district.

"Expenditures connected with preparing and conducting the election of people's deputies shall be handled solely by means of the state.

"Article 90. Preparation for the elections of people's deputy shall be carried out openly and publicly.

"The conduct of elections shall be ensured by electoral commissions, which shall be formed from representatives of labor collectives, public organizations, meetings of voters at their places of residence, and military service personnel at their military units.

"Citizens of the Kazakh SSR, labor collectives, and public organizations shall be guaranteed the opportunity to freely and universally discuss the political, business-like, and personal characteristics of the candidates for the office of people's deputy, as well as the right to campaign for or against a candidate at meetings, on television, or over the radio.

"The procedure for conducting elections to the office of people's deputy shall be specified by the laws of the USSR and the Kazakh SSR.

"Article 91. Voters and public organizations shall issue directives to their deputies.

"The appropriate soviets of people's deputies shall examine the directives, take them into account in working out plans for the economic and social development and in drawing up the budget, as well as in preparing decisions with regard to other matters. They shall organize the execution of the directives and inform the citizens about their implementation."

3. Section 12 shall be set forth in the following version:

"Section 12. The Kazakh SSR Supreme Soviet

"Article 97. The Kazakh SSR Supreme Soviet shall be the highest organ of state power in the Kazakh SSR.

"The Kazakh SSR Supreme Soviet shall be entitled to take under its consideration and decide any question related to the conduct of the Kazakh SSR.

"Included within the exclusion purview of the Kazakh SSR Supreme Soviet shall be the following:

1) to adopt the Kazakh SSR Constitution and make changes in it;

2) to determine the directions of the Kazakh SSR's domestic-policy and foreign-policy activities in accordance with the basic lines of the USSR's domestic and foreign policies.

3) to adopt decisions concerning questions of national-state structure, as related to the conduct of the Kazakh SSR.

4) to adopt decisions concerning changes in the borders between the Kazakh SSR and other Union republics in accordance with their mutual consent and submitting them for approval to the USSR Congress of People's Deputies; to establish a procedure for solving problems of the administrative-territorial structure of the Kazakh SSR; to form and abolish oblasts, rayons, cities, and city districts, to establish the subordination of cities, to change the borders of oblasts, to name and rename rayons, cities, city districts, workers' settlements, and other populated centers;

5) to approve prospective state plans and the most important republic-level programs of economic and social development; to approve state plans for the economic and social development of the Kazakh SSR, the Kazakh SSR state budget; to exercise controls over the progress of fulfilling the plan and the budget; to approve the accounts concerning their execution; to introduce changes in the plan and budget in case of necessity;

6) to elect the Chairman of the Kazakh SSR Supreme Soviet;

7) to elect the First Deputy Chairman of the Kazakh SSR Supreme Soviet and the deputy chairmen of the Kazakh SSR Supreme Soviet;

8) to appoint the Chairman of the Kazakh SSR Council of Ministers, to approve, based on the names submitted by him, the composition of the Kazakh SSR Council of Ministers and to introduce changes into it; to form and abolish, based on a proposal by the Kazakh SSR Council of Ministers, Kazakh SSR ministries and Kazakh SSR state committees;

9) to elect the Kazakh SSR People's Control Committee, Kazakh SSR Supreme Court, as well as oblast-level judges and those of the Alma-Ata municipal courts, to appoint the Kazakh SSR Chief State Arbiter, to approve the collegiums of the Kazakh SSR State Arbitration Board;

10) to elect the Kazakh SSR Committee for Constitutional Oversight;

11) to take decisions concerning national voting (a referendum);

12) to schedule elections of Kazakh SSR people's deputies and approve the composition of the Central Electoral Commission for electing Kazakh SSR people's deputies;

13) to schedule elections of Kazakh SSR people's deputies to the local soviets and the elections of people's assessors of rayon (or municipal) people's courts of the Kazakh SSR;

14) to interpret the laws of the Kazakh SSR;

15) to carry out, within the limits of competence of the Kazakh SSR, legislative regulation of the activity of the local soviets of people's deputies, property relations, to organize the administration of the national economy, as well as social and ethnic-cultural construction, the budgetary-financial system, wages and price formation, taxation, environmental protection and the utilization of natural resources, the procedure for implementing constitutional rights, civil rights and obligations, along with other relationships, to determine the legal status of public organizations;

16) to ensure the equal rights of all nationalities living on the territory of the Kazakh SSR, in conjunction with the common interests and needs of a multi-national state;

17) to regularly listen to reports by the organs formed or elected by them, as well as from the officials appointed or elected by them;

18) to institute state awards and to establish honorary titles of the Kazakh SSR;

19) to abrogate ukases and resolutions of the Kazakh SSR Supreme Soviet Presidium, dispositions of the chairman of the Kazakh SSR Supreme Soviet, resolutions and administrative dispositions of the Kazakh SSR Council of Ministers, as well as decisions of the oblast, Alma-Ata, and Leninsk municipal soviets of people's deputies in case they do not conform to the USSR Constitution, the Kazakh SSR Constitution, or the laws of the USSR and the Kazakh SSR;

20) to promulgate acts of amnesty for citizens convicted by courts of the Kazakh SSR;

21) to ratify and abrogate international treaties of the Kazakh SSR;

22) to decide other matters related to the conduct of the Kazakh SSR.

"The Kazakh SSR Supreme Soviet shall adopt the laws of the Kazakh SSR and resolutions.

"The laws and resolutions adopted by the Kazakh SSR Supreme Soviet cannot contradict the laws of the USSR.

"Article 98. The Kazakh SSR Supreme Soviet shall consist of 360 deputies, who shall be elected in the following procedure:

—270 deputies—from election districts having an approximately equal number of voters,

—90 deputies—from republic-level public organizations in accordance with norms established by the Law on Elections of Kazakh SSR People's Deputies.

"Article 99. The Kazakh SSR Supreme Soviet shall be convoked for its first session not later than two months after the elections.

"Upon the presentation of the Credentials Commission elected by it, the Kazakh SSR Supreme Soviet shall adopt a decision concerning a recognition of the powers of the deputies, and in case of a violation of the election laws—concerning a recognition that the elections of certain deputies are invalid.

"Article 100. The Kazakh SSR Supreme Soviet shall be convoked by the Kazakh SSR Supreme Soviet Presidium not less than twice a year for sessions to last as long as two months.

"Extraordinary sessions shall be convoked by the Kazakh SSR Supreme Soviet Presidium upon its initiative or upon the proposal of the chairman of the Kazakh SSR Supreme Soviet, or that of at least one-fourth of the members of the Kazakh SSR Supreme Soviet.

"The first, post-election session of the Kazakh SSR Supreme Soviet prior to electing the chairman of the Kazakh SSR Supreme Soviet shall be conducted by the chairman of the Central Electoral Commission for the Election of Kazakh SSR People's; the subsequent procedure for conducting the sessions shall be determined by the Kazakh SSR Supreme Soviet.

"A session of the Kazakh SSR Supreme Soviet shall consist of its sittings, as well as the sittings held during the period between them by the standing commissions, committees, and other commissions of the Kazakh SSR Supreme Soviet. A session shall be opened and closed at sittings of the Kazakh SSR Supreme Soviet.

"Article 101. The right of legislative initiative in the Kazakh SSR Supreme Soviet shall belong to the people's deputies of the Kazakh SSR, the Kazakh SSR Supreme Soviet Presidium, the chairman of the Kazakh SSR Supreme Soviet, the Kazakh SSR Committee for Constitutional Oversight, the Kazakh SSR Council of Ministers, the standing commissions and committees of the Kazakh SSR Supreme Soviet, the Kazakh SSR People's Control Committee, the Kazakh SSR Supreme Court, the Kazakh SSR procurator, and the Kazakh SSR chief state arbiter.

"The right of legislative initiative shall also be possessed by public organizations in the person of their republic-level organs and by the Kazakh SSR Academy of Sciences.

"Article 102. The laws of the Kazakh SSR, resolutions and other acts of the Kazakh SSR Supreme Soviet shall be adopted by a majority of the total number of Kazakh SSR people's deputies.

"Article 103. Draft laws and other extremely important matters of state, by a decision of the Kazakh SSR Supreme Soviet, adopted upon its initiative, or at the initiative of the Kazakh SSR Supreme Soviet Presidium, or that of the oblast, Alma-Ata, Leninsk city soviets of people's deputies, can be submitted for national discussion.

"Article 104. The Kazakh SSR Supreme Soviet Presidium shall be accountable to the Kazakh SSR Supreme Soviet as the organ ensuring the organization of the work to be done by the Kazakh SSR Supreme Soviet, and exercising other powers within the limits provided for by the Kazakh SSR Constitution and the Laws of the Kazakh SSR.

"The Kazakh SSR Supreme Soviet Presidium shall include the following members *ex officio*: the chairman of the Kazakh SSR Supreme Soviet, the first deputy chairman of the Kazakh SSR Supreme Soviet, the deputy chairmen of the Kazakh SSR Supreme Soviet, the chairman of the Kazakh SSR People's Control Committee, as well as the chairmen of the standing commissions and committees of the Kazakh SSR Supreme Soviet.

"The Kazakh SSR Supreme Soviet Presidium shall be headed up by the chairman of the Kazakh SSR Supreme Soviet.

"Article 105. The Kazakh SSR Supreme Soviet Presidium shall perform the following functions:

- 1) convoke the sessions of the Kazakh SSR Supreme Soviet;
- 2) organize the preparations for the sessions of the Kazakh SSR Supreme Soviet;
- 3) coordinate the activities of the standing commissions and committees of the Kazakh SSR Supreme Soviet;
- 4) render assistance to the Kazakh SSR people's deputies in exercising their powers, and provide them with the necessary information;
- 5) exercise monitoring controls over the observance of the Kazakh SSR Constitution;
- 6) organize the preparations and conduct of people's votes (referendums), as well as national discussions of Kazakh SSR draft laws and other extremely important matters of state affecting the republic's life;
- 7) publish in the Kazakh and Russian languages the Laws of the Kazakh SSR and other acts adopted by the Kazakh SSR Supreme Soviet, the Kazakh SSR Supreme Soviet, the chairman of the Kazakh SSR Supreme Soviet; facilitate the publication of the above-indicated acts as

translated into other languages which are used by a majority of the population in certain localities of this republic;

8) adopt Kazakh SSR honorary titles; award Honorary Certificates of the Kazakh SSR Supreme Soviet;

9) grant citizenship in the Kazakh SSR and decide matters of granting political asylum;

10) grant pardons to citizens convicted by Kazakh SSR courts;

11) appoint and recall diplomatic representatives of the Kazakh SSR in foreign states and in international organizations;

12) accept letters of accreditation and recall from the diplomatic representatives of foreign states;

13) upon the submission of requests by the Kazakh SSR chief state arbiter, appoint and dismiss state arbiters from the Kazakh SSR State Board of Arbitration.

"Article 106. The Kazakh SSR Supreme Soviet Presidium shall issue ukases and adopt resolutions.

"Article 107. The chairman of the Kazakh SSR shall be the highest official of the Kazakh Soviet Socialist Republic and shall represent it within the country as well as in international relations.

"The chairman of the Kazakh SSR Supreme Soviet shall be elected by the Kazakh SSR Supreme Soviet from among the Kazakh SSR people's deputies by secret balloting for a term of five years and for not more than two terms consecutively. He can be recalled by the Kazakh SSR Supreme Soviet at any time by means of secret balloting.

"The chairman of the Kazakh SSR Supreme Soviet shall be accountable to the Kazakh SSR Supreme Soviet.

"Article 108. The chairman of the Kazakh SSR Supreme Soviet shall perform the following duties:

- 1) exercise overall supervision over the preparation of matters subject to examination by the Kazakh SSR Supreme Soviet; sign Laws of the Kazakh SSR and other acts passed by the Kazakh SSR Supreme Soviet and the Kazakh SSR Supreme Soviet Presidium;
- 2) submits reports to the Kazakh SSR Supreme Soviet concerning this republic's status and about important matters of the Kazakh SSR's domestic- and foreign-policy activities;
- 3) submits to the Kazakh SSR Supreme Soviet candidates for election to the posts of first deputy chairman of the Kazakh SSR Supreme Soviet and deputy chairmen of the Kazakh SSR Supreme Soviet, as well as proposals concerning the personnel composition of the Kazakh SSR Committee for Constitutional Oversight;

4) submits to the Kazakh SSR Supreme Soviet candidates for appointment or election to the posts of chairman of the Kazakh SSR Council of Ministers, chairman of the Kazakh SSR Committee of People's Control, chairman of the Kazakh SSR Supreme Court, and the Kazakh SSR chief state arbiter;

5) conducts negotiations and signs international treaties for the Kazakh SSR.

"The chairman of the Kazakh SSR Supreme Soviet shall issue administrative dispositions.

"The first deputy chairman of the Kazakh SSR Supreme Soviet and the deputy chairmen of the Kazakh SSR Supreme Soviet shall perform, with the powers of the chairman of the Kazakh SSR Supreme Soviet, certain of the latter's functions and shall substitute for the chairman in case the latter is absent or is incapable of carrying out his own duties.

"Article 109. The Kazakh SSR Supreme Soviet shall elect from among the Kazakh SSR people's deputies standing commissions and committees for conducting legislative work, the preliminary examination and preparation of matters affecting the conduct of the Kazakh SSR Supreme Soviet, as well as assisting to implement the Laws of the Kazakh SSR and other decisions adopted by the Kazakh SSR Supreme Soviet, and monitoring controls over the activity of state organs and organizations.

"The Kazakh SSR Supreme Soviet shall create, when it deems it to be necessary, investigative, auditing, and other commissions on any matters.

"Article 110. Laws and other decisions of the Kazakh SSR Supreme Soviet shall be adopted, as a rule, after preliminary discussion of bills submitted by the appropriate standing commissions and committees of the Kazakh SSR Supreme Soviet.

"The appointment and election of officials to membership in the Kazakh SSR Council of Ministers, Kazakh SSR People's Control Committee, Kazakh SSR Supreme Court, the oblast and Alma-Ata municipal courts, the Kazakh SSR State Board of Arbitration shall be conducted with the availability of the conclusions drawn by the appropriate standing commissions and committees of the Kazakh SSR Supreme Soviet.

"All state and public organs, organizations, and officials are obliged to carrying out the demands of the commissions and committees of the Kazakh SSR Supreme Soviet, as well as to present them with the necessary materials and documents.

"The recommendations of the commissions and committees shall be subject to mandatory review by the state and public organs, institutions, and organizations. The results of such review and the measures taken must be reported to the commissions and committees within the time frame set up by them.

"Article 111. At sessions of the Kazakh SSR Supreme Soviet Kazakh SSR people's deputies shall have the right to address inquiries to the chairman of the Kazakh SSR Supreme Soviet, the Kazakh SSR Council of Ministers, to the leading officials of other organs to be formed or elected by the Kazakh SSR Supreme Soviet, as well as to the leading officials of associations, enterprises, organizations, and departments under All-Union jurisdiction located on the territory of the territory of the Kazakh SSR with regard to matters falling within the competence of the Kazakh SSR. The organ or official to whom the inquiry is addressed shall be obliged to give an oral or a written reply to that session of the Kazakh SSR Supreme Soviet within no later than a three-day period.

"Kazakh SSR people's deputies shall be released from performing their service or production duties for the specific period of time necessary for carrying out their activity as a deputy in the Kazakh SSR Supreme Soviet, its commissions and committees, as well as among the population. Kazakh SSR people's deputies can also be released from performing their service or production duties for the entire period of their terms in the Kazakh SSR Supreme Soviet.

"A Kazakh SSR people's deputy cannot be held criminally liable, arrested, or subjected to measures of administrative penalty imposed in a juridical procedure without the consent of the Kazakh SSR Supreme Soviet, and during the period between its sessions—without the consent of the Kazakh SSR Supreme Soviet Presidium.

"Article 112. The Kazakh SSR Committee of Constitutional Oversight shall be elected by the Kazakh SSR Supreme Soviet for a term of 10 years from among specialists in the field of politics and law, and it shall consist of a chairman, deputy chairman, and nine committee members.

"Persons elected to the Kazakh SSR Committee of Constitutional Oversight, while performing their duties, shall be independent and subordinate solely to the USSR Constitution and the Kazakh SSR Constitution.

"The Kazakh SSR Committee of Constitutional Oversight shall perform the following duties:

1) upon its own initiative or at the suggestion of the Kazakh SSR Supreme Soviet, submit to the Kazakh SSR Supreme Soviet its conclusions concerning the conformity of the acts of the Kazakh SSR Supreme Soviet, as well as the draft acts of the Kazakh SSR Supreme Soviet, to the Kazakh SSR Constitution and the Laws of the Kazakh SSR;

2) monitoring the conformity to the Kazakh SSR Constitution and to the Laws of the Kazakh SSR of the resolutions and administrative dispositions of the Kazakh SSR Council of Ministers, as well as the decisions of the local soviets of people's deputies;

3) upon its own initiative or at the suggestions of the Kazakh SSR Supreme Soviet, the Kazakh SSR Supreme

Soviet Presidium, the chairman of the Kazakh SSR Supreme Soviet, the standing commissions and committees of the Kazakh SSR Supreme Soviet, and the Kazakh SSR Council of Ministers, submit its conclusions concerning the conformity to the Kazakh SSR Constitution and the Laws of the Kazakh SSR of the acts of other state organs and public organizations.

"Upon uncovering a contradiction between an act or its individual statutes and the Kazakh SSR Constitution or the Laws of the Kazakh SSR, the Kazakh SSR Committee on Constitutional Oversight shall send to the organ which published the act its own conclusion in order to eliminate the permitted violation; the adoption by the committee of such a conclusion shall put a halt to the execution of such an act or its individual statutes which are contradictory to the Kazakh SSR or to a Law of the Kazakh SSR.

"The Kazakh SSR Committee on Constitutional Oversight shall have the right to submit materials to the Kazakh SSR Supreme Soviet or the Kazakh SSR Council of Ministers concerning the abrogation of acts of the organs or officials accountable to them which are contradictory to the Kazakh SSR Constitution or to the Law of the Kazakh SSR.

"The organization and procedure of the activity to be engaged in by the Kazakh SSR shall be specified by the Law on the Kazakh SSR Committee for Constitutional Oversight.

"Article 113. The Kazakh SSR Supreme Soviet shall monitor the activities of all state organs accountable to it.

"The Kazakh SSR Supreme Soviet shall direct the activity of the Kazakh SSR People's Control Committee, which heads up the system of people's control organs in this republic.

"The organization and procedure for the activity of the people's control organs shall be specified by law.

"Article 114. The procedure for the activity of the Kazakh SSR Supreme Soviet and its organs shall be specified by the regulations of the Kazakh SSR Supreme Soviet, as well as by other Laws of the Kazakh SSR, published on the basis of the Kazakh SSR Constitution."

4. Articles 152, 153, and 155 of Section 18, entitled "The Court and the Board of Arbitration," shall be set forth in the following wording:

"Article 152. All courts in the Kazakh SSR shall be formed on the principles of electing the judges and the people's assessors.

"People's judges of rayon (municipal) people's courts shall be elected by the appropriate, higher-level soviets of people's deputies. Judges of the Kazakh SSR Supreme Court, oblast and Alma-Ata municipal courts shall be elected by the Kazakh SSR Supreme Soviet.

"People's assessors of the rayon (municipal) people's courts shall be elected at meetings of citizens at their places of residence or employment by open voting, whereas people's assessors of higher-level courts shall be elected by the appropriate soviets of people's deputies.

"Judges of all courts shall be elected for a term of 10 years. People's assessors of all courts shall be elected for a term of five years.

"Judges and people's assessors shall be responsible to the organs or voters which elected them; they shall be accountable to them and can be recalled by them in the procedure established by law.

"Article 153. The Kazakh SSR Supreme Court shall be the highest juridical organ of the Kazakh SSR and shall exercise oversight of the juridical activity of the Kazakh SSR courts.

"The Kazakh SSR Supreme Court shall consist of a president, his deputies, members, and people's assessors.

"The organization and procedure for the activity of the Kazakh SSR Supreme Court shall be specified by the Law on the Judiciary of the Kazakh SSR."

"Article 155. Judges and people's assessors shall be independent and shall be subordinate only to the law.

"Judges and people's assessors shall be ensured of conditions for the unhampered and effective exercise of their rights and duties. Any sort of interference in the activities of judges and people's assessors regarding their exercise of justice shall be inadmissible and shall entail responsibility before the law.

"The inviolability of judges and people's assessors, as well as other guarantees of their independence shall be established by the Law on the Status of Judges in the USSR and by other legislative acts of the USSR and the Kazakh SSR."

II. In connection with the new wording of Sections 9, 10, and 12 of the Kazakh SSR Constitution, the changes and additions stemming from them shall be introduced into the following articles of the Kazakh SSR Constitution:

1. Articles 70 and 71 shall be set forth in the following version:

"Article 70. The Kazakh language shall be the state language of the Kazakh Soviet Socialist Republic.

"Within the Kazakh SSR Russian shall be the language of inter-ethnic communication.

"The Kazakh SSR shall ensure the harmonious development of national-Russian and Russian-national bilingualism, as well as the free functioning of the languages of all nationality groups living on the territory of this republic. No restrictions on the use of various languages shall be permitted.

"Article 71. The Kazakh SSR shall take part in deciding matters related to governing the USSR, at the Congress of USSR People's Deputies, the USSR Supreme Soviet Presidium, the USSR government, and other USSR organs.

"The Kazakh SSR shall ensure comprehensive economic and social development on its own territory, shall facilitate the implementation on this territory of the powers of the USSR, and shall implement the decisions of the USSR higher organs of state power and administration.

"Enterprises, institutions, and organizations under union administration can be established in this republic's territory only with the consent of the Kazakh SSR Council of Ministers after preliminary coordination with the appropriate local soviets of people's deputies.

"With regard to matters pertaining to its jurisdiction, the Kazakh SSR shall coordinate and monitor the activities of enterprises, institutions, and organizations, under union jurisdiction.

"The Kazakh SSR shall have the right to enter into relations with foreign states, conclude treaties with them, and exchange diplomatic and consular representatives, as well as take part in the activity of international organizations."

2. Part III of Article 92 shall be set forth in the following version:

"In their activities the deputies shall be guided by the people's interests, shall express and defend the interests of their voters, and they shall take into account the economic, cultural, national, and other characteristics of the territories where the deputies exercise their powers."

3. Article 93 shall be set forth in the following version:

"Article 93. As a rule, a deputy shall exercise his powers without a break from his production or service activities.

"During sessions of the Kazakh SSR Supreme Soviet or local soviets of people's deputies, as well as in order to exercise a deputy's powers in other cases provided for by the law, a deputy shall be released from performing his production or service duties with a reimbursement to him of expenditures connected with his deputy's activity by means of funds from either the republic-level or local budget."

4. Article 96 shall be set forth in the following version:

"Article 96. A deputy shall be obliged to hold himself accountable in his work and in the work of the Kazakh SSR Supreme Soviet or a local soviet of people's deputies to the voters, collectives, and public organizations which nominated him to be a candidate for the office of deputy, or to the public organization which elected him.

"A deputy who has not justified the trust of the voters or the public organization can be recalled at any time upon

the decision of a majority of the voters or of the public organization which elected him in a procedure established by law."

5. Article 117 shall be set forth in the following version:

"Article 117. The Kazakh SSR Council of Ministers shall be responsible to the Kazakh SSR Supreme Soviet and accountable to it.

"The newly formed Kazakh SSR Council of Ministers shall submit for examination by the Kazakh SSR Supreme Soviet a program for its upcoming activity during its term of office.

"Not less than once a year the Kazakh SSR Council of Ministers shall give an account of its work to the Kazakh SSR Supreme Soviet."

6. Part I of Article 118 shall be set forth in the following version:

"The Kazakh SSR Council of Ministers shall be empowered to decide all matters of state administration related to governing the Kazakh SSR insofar as they do not fall, according to the Kazakh SSR Constitution, within the competence of the Kazakh SSR Supreme Soviet and its presidium, the USSR Supreme Soviet and its presidium, or the chairman of the Kazakh SSR Supreme Soviet."

7. In Article 123 the words "on the basis of and in execution of the Laws of the USSR, the Kazakh SSR, and other decisions of the USSR Supreme Soviet and its presidium, the Kazakh SSR Supreme Soviet, and its presidium" shall be replaced by the words "on the basis of and in execution of the laws of the USSR and other decisions of the USSR Congress of People's Deputies, the Laws of the Kazakh SSR, and other decisions of the Kazakh SSR Supreme Soviet."

8. Article 125 shall be supplemented by Parts II and III with the following content:

"The work of the oblast, city, and city-district soviets of people's deputies shall be organized by their presidiums, headed by the chairmen of the soviets, and in the city (cities under rayon jurisdiction), settlement, village, and aul soviets—by the chairmen of these soviets.

"The powers and procedure for the activity of the presidiums, chairmen of city (cities under rayon jurisdiction), settlement, village, and aul soviets of people's deputies shall be established by legislative acts of the USSR and the Kazakh SSR."

9. Article 170 shall be set forth in the following version:

"Article 170. The state anthem of the Kazakh Soviet Socialist Republic shall be approved by the Kazakh SSR Supreme Soviet."

10. Article 173 shall be set forth in the following version:

"Article 173. An amendment to the Kazakh SSR Constitution shall be promulgated by a decision of the Kazakh

SSR Supreme Soviet by a majority of at least two-thirds of the total number of Kazakh SSR people's deputies."

Decree

*18300811A Alma-Ata KAZAKHSTANSKAYA PRAVDA
in Russian 19 Aug 89 p 1*

[Decree of the Kazakh SSR Supreme Soviet Presidium on the Draft of the Kazakh SSR Law "On Changes and Additions to the Constitution (Fundamental Law) of the Kazakh SSR," the Kazakh SSR Law on Languages, the Kazakh SSR Law "On Elections of People's Deputies of the Kazakh SSR, and the Kazakh SSR Law "On Elections of Deputies to the Local Soviets of People's Deputies of the Kazakh SSR, issued 17 August 1989]

[Text] The Kazakh SSR Supreme Soviet Presidium resolves:

1. To introduce for national discussion the legislative proposals submitted by the standing commissions concerning the matters of national and inter-ethnic relations, public education, science and culture of the Kazakh SSR Supreme Soviet, the drafts of the Kazakh SSR Law "On Changes and Additions to the Constitution (Fundamental Law) of the Kazakh SSR," the Kazakh SSR Law on Languages, the Kazakh SSR Law "On Elections of Kazakh SSR People's Deputies, and the Kazakh SSR Law "On Elections of Deputies to the Local Soviets of People's Deputies of the Kazakh SSR."

To publish in the republic and oblast newspapers on 19 August 1989 the draft of the Kazakh SSR Law "On Changes and Additions to the Constitution (Fundamental Law) of the Kazakh SSR," on 22 August—the draft of the Kazakh SSR Law on Languages, on 23 August—the draft of the Kazakh SSR Law "On Elections of People's Deputies of the Kazakh SSR," and on 24 August—the draft of the Kazakh SSR Law "On Elections of Deputies to the Local Soviets of People's Deputies of the Kazakh SSR."

2. To organize for the ispolkoms of the oblast, Alma-Ata, and Leninsk city soviets of people's deputies and summarization of the proposals and remarks made concerning the draft laws by people's deputies, citizens, labor collectives, public organizations, as well as members of the mass media.

3. To organize for the republic organs of the press, television, and radio explanations of the provisions in the draft laws, to elucidate the course of their discussion in a multi-faceted way, and to sum up the suggestions and remarks which have been received concerning them.

4. To examine for the standing commissions for legislative proposals, for issues of national and inter-ethnic relations, for public education, science and culture of the Kazakh SSR Supreme Soviet the suggestions and remarks which are received during the course of the national discussion of the above-indicated drafts, and to introduce the appropriate proposals.

5. The materials summarizing the suggestions and remarks made concerning the drafts of the Kazakh SSR Law "On Changes and Additions to the Constitution (Fundamental Law) of the Kazakh SSR," the Kazakh SSR Law on Languages, the Kazakh SSR Law "On Elections of People's Deputies of the Kazakh SSR," and the Kazakh SSR Law "On Elections of Deputies to the Local Soviets of People's Deputies of the Kazakh SSR" shall be submitted to the Kazakh SSR Supreme Soviet Presidium once every five days prior to 19 September 1989.

*Chairman of the Kazakh SSR Supreme Soviet Presidium,
M. Sagdiyev;*

For the Secretary—Member of the Kazakh SSR Supreme Soviet Presidium, A. Arystanbekova

Kazakh SSR Law on Changes to Republic Constitution

*90US0104A Alma-Ata KAZAKHSTANSKAYA PRAVDA
in Russian 27 Sep 89 pp 1, 3*

[“Law of the Kazakh Soviet Socialist Republic on Amendments and Supplements to the Kazakh SSR Constitution (Fundamental Law), 22 September 1989]

[Text] In order to develop socialist democracy and the people's self-government, to improve the electoral system, the structure and activity of the Soviets of People's Deputies, as well as the juridical organs, and in accordance with the USSR Law, issued 1 December 1988, “On Amendments and Supplements to the USSR Constitution (Fundamental Law),” the Kazakh SSR Supreme Soviet resolves:

To introduce into the Kazakh SSR Constitution adopted on 20 April 1978 at the Extraordinary Seventh Session of the Kazakh SSR Supreme Soviet, Ninth Convocation, the following amendments and supplements:

1. To set forth Section 9 in the following wording:

“Section 9. System and Principles of Activity of Soviets of People's Deputies

“Article 78. The Soviets of People's Deputies—the Kazakh SSR Supreme Soviet and the local Soviets of People's Deputies—the oblast, rayon, city, city-district, settlement, rural, and aul soviets—shall comprise an integrated system of the representative organs of state power in the Kazakh SSR.

“Article 79. The term of office for the Soviets of People's Deputies shall be five years.

“Elections of the Kazakh SSR people's deputies shall be set no later than four months, and for deputies to the local Soviets of People's Deputies—no later than three months prior to the expiration of the term of office of the corresponding organs of state power.

"Article 80. The most important matters at the republic or local level shall be decided at sessions of the Kazakh SSR Supreme Soviet or those of the local Soviets of People's Deputies, or shall be put up by them for referendums.

"The Kazakh SSR Supreme Soviet and the local Soviets of People's Deputies shall elect the chairmen of the soviets. The Supreme Soviet and the local Soviets of People's Deputies, with the exception of the city (cities under rayon), settlement, village, and aul soviets, shall have their own presidiums.

"Soviets of People's Deputies shall form standing commissions, create executive, administrative, and other organs accountable to them.

"The officials elected or appointed by the Soviets of People's Deputies cannot occupy their positions for more than two consecutive terms.

"Any official may be relieved of the position occupied by him prior to the expiration of his term of office in the event that he is improperly performing his service obligations or has committed some acts besmirching his office.

"Article 81. The Soviets of People's Deputies shall form people's control organs, combining state control with the public control of workers at enterprises, on kolkhozes, institutions, and organizations.

"The people's control organs shall check on the implementation of the requirements of the legislation, state programs, and assignments; they shall fight violations of state discipline, manifestations of localism, a narrowly departmental approach to matters, mismanagement and squandering, as well as red tape and bureaucratism; they shall coordinate the work of other control organs; they shall facilitate improvements in the structure and work of the state apparatus.

"Article 82. The Soviets of People's Deputies shall directly and through the organs created by them guide all sectors of state, economic-management, social, and national-cultural construction; they shall adopt decisions and make sure that they are carried out; and they shall exercise monitoring controls on the implementation of decisions.

"Article 83. The activity of the Soviet of People's Deputies shall be constructed on the foundation of legality and democracy, glasnost, a collective, free, businesslike discussion and solution of problems, regular accountability of the executive and administrative, regulatory organs, as well as other organs established by the soviets, to them and to the population, along with the broad-based involvement of citizens in participating in their work.

"The Soviets of People's Deputies and the organs to be established by them shall thoroughly study public opinion and take it into consideration; they shall bring up for discussion by the citizens the most important

issues at republic or local level, and they shall systematically inform citizens about their own work and the decisions which they have made."

2. To set forth Section 10 in the following wording:

"Section 10. Electoral System

"Article 84. In the Kazakh SSR elections of people's deputies shall be conducted by single-seat, election districts on the basis of a universal, equal, and direct suffrage with secret voting. In order to ensure of representation of public organizations in accordance with the norms established by the Law on the Elections of Kazakh SSR People's Deputies, one-fourth of the Kazakh SSR people's deputies shall be elected from the public organizations—the Communist Party of Kazakhstan, the trade unions, cooperative organizations, Kazakh Komsomol, organizations of women, veterans of war and labor, scientific staff members, creative unions, the Kazakh SSR Union of Jurists, public organizations in the sphere of foreign ties, and other organizations founded according to the procedure established by law and having republic-level organs. Elections of people's deputies from public organizations shall be conducted at their congresses, conferences, or plenums of their republic-level organs.

"Article 85. Elections of people's deputies from election districts shall be universal: citizens of the Kazakh SSR who have reached the age of 18 shall have the right to vote and be elected. The right to elect Kazakh SSR people's deputies from public organizations shall be possessed by all delegates of their congresses or conferences, or participants in the plenums of their republic-level organs.

"Citizens of the Kazakh SSR cannot be simultaneously people's deputies in more than two Soviets of People's Deputies.

"Persons who are on the staff of the Kazakh SSR Council of Ministers, the executive committees of the local Soviets of People's Deputies, with the exception of the chairmen of these organs, the directors of departments, the deputy directors of ministries, state committees and departments, the supervisors of sections, administrations, and other sub-divisions of the executive committees of local soviets and their deputies, judges and state arbitrators cannot be deputies of a soviet to which they have been appointed or elected, or to which they are accountable.

"Elections shall not be participated in by mentally ill citizens, by persons deemed to be incompetent by a court, those persons who are incarcerated, or by those who have been sentenced by a court to places of compulsory treatment.

"Article 86. Elections of people's deputies from election districts shall be equal: a voter shall have one vote for the election district; voters shall take part in elections on an equal footing.

"In elections of Kazakh SSR people's deputies from public organizations each delegate to its congress or conference, or each participant in its plenum shall have one vote, and they all shall participate in elections on an equal footing.

"Article 87. Elections of people's deputies from election districts shall be direct: people's deputies shall be elected by citizens directly.

"Kazakh SSR people's deputies from the Kazakh SSR from the public organizations shall be elected directly by delegates to their congresses, conferences, or by participants in the plenums of their republic-level organs.

"Article 88. Voting at elections of people's deputies is secret: no control over the expression of the will of the voters is permitted.

"Article 89. The right to nominate candidates to the office of people's deputy by election districts shall belong to labor collectives, collectives of students and pupils at higher and secondary special educational institutions, to public organizations, meetings of voters at their places of residence, and military-service personnel at their military units, whereas the right to nominate candidates for the office of Kazakh SSR people's deputy from public organizations—to their republic-level organs, which shall take into consideration proposals regarding candidates for the office of deputy received from local organs, lower-level collectives, and the members of these organizations.

"The number of candidates for the office of people's deputy shall not be limited. Each participant in a pre-election meeting can propose any number of candidates for discussion.

"The election ballots can include any number of candidates.

"Candidates for the office of people's deputy from the moment of their nomination shall participate in the elections on an equal footing.

"During the election campaigns for the office of people's deputy from election districts conferences of the district's voters may be held, convoked by the appropriate Soviet of People's Deputies or its presidium, or by the district electoral commission for the purpose of nominating representatives to the district electoral commission, discussing the candidates already nominated for the office of Kazakh SSR people's deputy, and the adoption of a decision concerning their registration, working out instructions to the deputies, conducting reports by the deputies to their voters, as well as for resolving issues of instigating the recall of a people's deputy in an election district.

"The expenditures connected with preparing and conducting elections to the office of people's deputy shall be handled and borne solely by the state.

"Article 90. The preparation for the elections to the office of people's deputy shall be carried out openly and publicly.

"The conduct of elections shall be ensured by the electoral commissions, which shall be formed from representatives from labor collectives, public organizations, meetings of voters at their places of residence, and military-service personnel at their military units.

"Citizens of the Kazakh SSR, labor collectives, and public organizations shall be guaranteed the opportunity for a free and multi-faceted discussion of the political, businesslike, and personal qualities of the candidates for the office of people's deputy, as well as the right to campaign for or against a candidate at meetings, in the press, as well as on television and radio.

"The procedure for conducting elections for the office of people's deputy shall be specified by the laws of the USSR and the Kazakh SSR.

"Article 91. Voters and public organizations shall give instructions to their own deputies.

"The appropriate Soviets of People's Deputies shall examine the instructions and take them into consideration when working out plans for economic and social development, drawing up the budget, and preparing decisions on other issues; they shall organize the execution of the instructions and shall inform the citizens about their implementation."

3. To set forth Section 12 in the following wording:

"Section 12. The Kazakh SSR Supreme Soviet

"Article 97. The Kazakh SSR Supreme Soviet shall be the highest organ of state power in the Kazakh SSR.

"The Kazakh SSR Supreme Soviet shall be legally empowered to take under its consideration and decide any matter related to running the Kazakh SSR.

"The following shall be under the exclusive jurisdiction of the Kazakh SSR Supreme Soviet:

- 1) the adoption of the Kazakh SSR Constitution and the introduction of amendments to it;
- 2) determining the directions of the Kazakh SSR's domestic policy and foreign-policy activity in accordance with the basic directions of the USSR's domestic and foreign policies;
- 3) adopting decisions on matters of the national-state structure, related to running the Kazakh SSR;
- 4) adopting decisions on changing the borders of the Kazakh SSR with the other union republics according to their reciprocal agreement with their submission for approval to the USSR Congress of People's Deputies; establishing a procedure for solving problems of the Kazakh SSR's administrative-territorial structure; forming and abolishing oblasts, rayons, cities, and city

districts, ascertaining the jurisdiction of cities, altering the borders of oblasts, naming and renaming rayons, cities, city districts, workers' settlements, and other populated centers;

5) approving future state plans and the most important republic-level programs for economic and social development; approving the state plans for the Kazakh SSR's economic and social development, the Kazakh SSR State Budget, exercising monitoring controls on the progress being made in fulfilling the plan and the budget; approving the accounts of their execution; introducing changes in the plan and the budget in the event of necessity;

6) electing the chairman of the Kazakh SSR Supreme Soviet;

7) electing the first deputy chairman of the Kazakh SSR Supreme Soviet and the deputy chairmen of the Kazakh SSR Supreme Soviet;

8) appointing the chairman of the Kazakh SSR Council of Ministers, approving, upon his submitting his choices, the members of the Kazakh SSR Council of Ministers and introducing changes into it; forming and abolishing, at the suggestion of the Kazakh SSR Council of Ministers, the Kazakh SSR ministries and Kazakh SSR state committees;

9) electing the Kazakh SSR People's Control Committee, the Kazakh SSR Supreme Court, as well as the judges of the oblast courts and the Alma-Ata Municipal Court, appointing the Kazakh SSR chief arbitrator, approving the collegium of the Kazakh SSR State Arbitration Office;

10) electing the Kazakh SSR Committee for Constitutional Oversight;

11) adopting decisions on people's voting (referendums);

12) setting elections for the office of Kazakh SSR people's deputy, and approving the composition of the Central Electoral Commission for the Election of Kazakh SSR People's Deputies;

13) setting elections for local Kazakh SSR Soviets of People's Deputies and elections for Kazakh SSR people's assessors of the Kazakh SSR rayon (city) people's courts;

14) interpreting the laws of the Kazakh SSR;

15) carrying out, within the competence limits of the Kazakh SSR, the legislative regulation of the activities engaged in by the local Soviets of People's Deputies, property relations, organizing the administration of the national economy, social and national-cultural construction, the budgetary-finance system, wages and price formation, taxation, environmental protection and the utilization of natural resources, the procedure for implementing the constitutional rights, liberties, and obligations of citizens, as well as other relations, and determining the legal status of public organizations;

16) ensuring the equal rights of all nationalities living on the territory of the Kazakh SSR in conjunction with the common interests and needs of a multi-national state;

17) the regular hearing of reports by the organs formed or elected by it, as well as from the officials appointed or elected by it;

18) instituting Kazakh SSR state awards and honorary titles;

19) abrogating Ukases and decrees issued by the Kazakh SSR Supreme Soviet Presidium, administrative dispositions issued by the chairman of the Kazakh SSR Supreme Soviet, decrees and administrative dispositions issued by the Kazakh SSR Council of Ministers, as well as decisions made by the oblast-level, Alma-Ata, and Leninsk City Soviets of People's Deputies, in the event that they are not in accordance with the USSR Constitution, the Kazakh SSR Constitution, or the laws of the USSR and the Kazakh SSR;

20) publication of republic-level acts granting amnesty to citizens convicted by Kazakh SSR courts;

21) ratifying and abrogating international agreements made by the Kazakh SSR;

22) deciding other matters related to running the Kazakh SSR.

"The Kazakh SSR Supreme Soviet shall pass laws for the Kazakh SSR and decrees.

"The laws and decrees passed by the Kazakh SSR Supreme Soviet cannot contradict the laws of the USSR.

"**Article 98.** The Kazakh SSR Supreme Soviet shall consist of 360 deputies, who shall be elected in the following procedure:

—270 deputies—from election districts, as a rule, having an equal number of voters;

—90 deputies—from the republic-level public organizations in accordance with norms established by the Law on Elections of Kazakh SSR People's Deputies.

"**Article 99.** The Kazakh SSR Supreme Soviet shall be convoked for its first session no later than two months after the elections.

"Upon the submission of the Credentials Commission elected by it, the Kazakh SSR Supreme Soviet shall adopt a decision on recognizing the plenipotentiary powers of the deputies, and, in the event of violations of the legislation in the elections—on recognizing the elections of the delegates involved as invalid.

"**Article 100.** The Kazakh SSR Supreme Soviet shall be convoked by the Kazakh SSR Supreme Soviet Presidium not less than five times a year for sessions to last for up to two months each.

"Extraordinary sessions shall be convoked by the Kazakh SSR Supreme Soviet Presidium upon its initiative or at the suggestion of the chairman of the Kazakh SSR Supreme Soviet, or by at least one-fourth of the members of the Kazakh SSR Supreme Soviet.

"The first post-election session of the Kazakh SSR Supreme Soviet prior to the election of the chairman of the Kazakh SSR Supreme Soviet shall be conducted by the chairman of the Central Electoral Commission for the Elections of Kazakh SSR Deputies; the further procedure for conducting the sessions shall be determined by the Kazakh SSR Supreme Soviet.

"A session of the Kazakh SSR shall consist of its sittings, as well as the sittings conducted during the period between them of the standing commissions, committees, and other commissions of the Kazakh SSR Supreme Soviet. A session shall be opened and closed at sittings of the Kazakh SSR Supreme Soviet.

"**Article 101.** The right of legislative initiative in the Kazakh SSR Supreme Soviet shall belong to the Kazakh SSR people's deputies, the Kazakh SSR Supreme Soviet Presidium, the chairman of the Kazakh SSR Supreme Soviet, the Kazakh SSR Committee for Constitutional Oversight, the Kazakh SSR Council of Ministers, the standing commissions and committees of the Kazakh SSR Supreme Soviet, the Kazakh SSR People's Control Committee, the Kazakh SSR Supreme Court, the Kazakh SSR procurator, and the Kazakh SSR chief arbitrator.

"The right of legislative initiative shall also belong to the public organizations in the persons of their republic-level organs and the Kazakh SSR Academy of Sciences.

"**Article 102.** Laws of the Kazakh SSR, as well as decrees and other acts of the Kazakh SSR Supreme Soviet, shall be passed by a majority of the total number of Kazakh SSR people's deputies.

"**Article 103.** Draft laws and other extremely important matters of state life shall be passed by a decision of the Kazakh SSR Supreme Soviet upon its initiative, or upon the initiative of the Kazakh SSR Supreme Soviet Presidium, the oblast, Alma-Ata, Leninsk Municipal Soviets of People's Deputies, and they may be brought up for public discussion.

"**Article 104.** The Kazakh SSR Supreme Soviet Presidium shall be accountable to the Kazakh SSR Supreme Soviet, to organs ensuring the organizational work of the Kazakh SSR Supreme Soviet exercising other plenipotentiary powers within the limits provided for by the Kazakh SSR Constitution and the laws of the Kazakh SSR.

"The membership of the Kazakh SSR Supreme Soviet Presidium shall include the following ex officio: the chairman of the Kazakh SSR Supreme Soviet, the first deputy chairman of the Kazakh SSR Supreme Soviet, the deputy chairmen of the Kazakh SSR Supreme Soviet, the

chairman of the Kazakh SSR People's Control Committee, the chairmen of the standing commissions and committees of the Kazakh SSR Supreme Soviet.

"The Kazakh SSR Supreme Soviet Presidium shall be headed by the chairman of the Kazakh SSR Supreme Soviet.

"The Kazakh SSR Supreme Soviet Presidium shall report to the Kazakh SSR Supreme Soviet at least twice during a given convocation.

"**Article 105.** The Kazakh SSR Supreme Soviet Presidium shall:

- 1) convoke sessions of the Kazakh SSR Supreme Soviet;
- 2) organize the preparation of sessions of the Kazakh SSR Supreme Soviet;
- 3) coordinate the activities of the standing commissions and committees of the Kazakh SSR Supreme Soviet;
- 4) render assistance to the Kazakh SSR people's deputies in their exercise of their powers and shall provide them with the necessary information;
- 5) exercise monitoring controls on the observance of the Kazakh SSR Constitution;
- 6) organize the preparation and conduct of popular voting (referendums), as well as popular discussions of Kazakh SSR draft laws and other extremely important issues of this republic's state life;
- 7) publish in Kazakh and Russian the laws of the Kazakh SSR and other acts adopted by the Kazakh SSR Supreme Soviet, the Kazakh SSR Supreme Soviet Presidium, and the chairman of the Kazakh SSR Supreme Soviet; facilitate the publication of the above-indicated acts in translation into other languages which are used by a majority of the population in certain localities within this republic;
- 8) confer honorary titles of the Kazakh SSR and award the Honorary Certificate of the Kazakh SSR Supreme Soviet;
- 9) grant citizenship in the Kazakh SSR and decide matters of granting asylum;
- 10) grant pardons to citizens convicted by courts of the Kazakh SSR;
- 11) appoint and recall diplomatic representatives of the Kazakh SSR in foreign states and in international organizations;
- 12) accept credentials and recall documents of the accredited diplomatic representatives of foreign states;
- 13) upon the recommendation of the Kazakh SSR chief state arbiter, appoint and dismiss state arbiters of the Kazakh SSR State Board of Arbitration.

"Article 106. The Kazakh SSR Supreme Soviet Presidium shall issue Ukases and pass decrees.

"Article 107. The chairman of the Kazakh SSR Supreme Soviet shall be the highest official of the Kazakh Soviet Socialist Republic and shall represent it within the country as well as in international relations.

"The chairman of the Kazakh SSR Supreme Soviet shall be elected by the Kazakh SSR Supreme Soviet from among the Kazakh SSR people's deputies by secret balloting for a term of five years and for not more than two consecutive terms. He can be recalled at any time by the Kazakh SSR Supreme Soviet by means of secret balloting.

"The chairman of the Kazakh SSR Supreme Soviet shall be accountable to the Kazakh SSR Supreme Soviet.

"Article 108. The chairman of the Kazakh SSR Supreme Soviet shall:

1) exercise overall leadership in preparing questions subject to consideration by the Kazakh SSR Supreme Soviet; sign laws of the Kazakh SSR and other acts adopted by the Kazakh SSR Supreme Soviet, as well as by the Kazakh SSR Supreme Soviet Presidium;

2) submit to the Kazakh SSR Supreme Soviet reports on the status of the republic and on the important issues of the Kazakh SSR's domestic-policy and foreign-policy activities;

3) submit to the Kazakh SSR Supreme Soviet candidates for election to the positions of first deputy chairman of the Kazakh SSR Supreme Soviet, deputy chairmen of the Kazakh SSR Supreme Soviet, and suggestions regarding the personnel composition of the Kazakh SSR Committee for Constitutional Oversight;

4) submit to the Kazakh SSR Supreme Soviet candidates for appointment or election to the following positions: chairman of the Kazakh SSR Council of Ministers, chairman of the Kazakh SSR Committee for People's Control, chairman of the Kazakh SSR Supreme Court, and the Kazakh SSR chief state arbiter;

5) conduct negotiations and sign international agreements entered into by the Kazakh SSR.

"The chairman of the Kazakh SSR shall issue administrative dispositions.

"The first deputy chairman of the Kazakh SSR Supreme Soviet and the deputy chairmen of the Kazakh SSR Supreme Soviet shall carry out with the full powers of the chairman of the Kazakh SSR Supreme Soviet certain of the latter's functions, and shall replace the chairman in the event of the latter's absence or incapacity to carry out his own duties.

"Article 109. The Kazakh SSR Supreme Soviet shall elect from among the Kazakh SSR people's deputies standing commissions and committees for handling work on draft

legislation, preliminary examination and preparation of matters pertaining to the running of the Kazakh SSR Supreme Soviet, as well as for facilitating the implementation of the laws of the Kazakh SSR and other decisions adopted by the Kazakh SSR Supreme Soviet, and monitoring the activities of the state organs and organizations.

"The Kazakh SSR Supreme Soviet shall create, when it deems the situation to be necessary, investigative, auditing, and other commissions to deal with any matter.

"Article 110. The laws and other decisions of the Kazakh SSR Supreme Soviet shall be adopted, as a rule, after a preliminary discussion of the drafts by the appropriate standing commissions and committees of the Kazakh SSR Supreme Soviet.

"The appointment and election of officials to membership in the Kazakh SSR Council of Ministers, Kazakh SSR Committee for People's Control, Kazakh SSR Supreme Court, as well as the oblast and Alma-Ata municipal courts, and the Kazakh SSR State Board of Arbitration shall be conducted with the availability of the conclusions drawn by the appropriate standing commissions and committees of the Kazakh SSR Supreme Soviet.

"All state and public organs, organizations, and officials shall be obligated to carry out the requirements of the commissions and committees of the Kazakh SSR Supreme Soviet, and to submit to it the necessary materials and documents.

"The recommendations of the commissions and committees shall be subject to mandatory examination by the state and public organs, institutions, and organizations. The results of such examination and the measures adopted must be reported on to the commissions and committees within the time frame established by them.

"Article 111. A Kazakh SSR people's deputy at sessions of the Kazakh SSR Supreme Soviet shall have the right to direct an inquiry to the chairman of the Kazakh SSR Supreme Soviet, the Kazakh SSR Council of Ministers, to the leading officials of other organs formed or elected by the Kazakh SSR Supreme Soviet, as well as to the leading officials of associations, enterprises, organizations, and departments under union jurisdiction which are situated in the territory of the Kazakh SSR, concerning issues related to the competence of the Kazakh SSR. The organ or official to whom the inquiry has been directed shall be obligated to furnish an oral or written reply at the given session of the Kazakh SSR Supreme Soviet before the expiration of a three-day deadline.

"Kazakh SSR people's deputies shall be freed from the performance of their service or production duties during the specific time period necessary for carrying out their activities as deputies in the Kazakh SSR Supreme Soviet, its commissions and committees, as well as among the population. Kazakh SSR people's deputies may also be

freed from performing their service or production duties for the entire period of their term of office in the Kazakh SSR Supreme Soviet.

"A Kazakh SSR people's deputy cannot be held criminally liable, arrested, or subjected to measures of administrative search, imposed in a juridical procedure, without the consent of the Kazakh SSR Supreme Soviet, and during the period between its sessions—without the consent of the Kazakh SSR Supreme Soviet Presidium.

"Article 112. The Kazakh SSR Committee for Constitutional Oversight shall be elected by the Kazakh SSR Supreme Soviet for 10 years from among specialists in the field of politics and law. It shall consist of the chairman, deputy chairman, and nine committee members.

"Persons elected to the Kazakh SSR Committee for Constitutional Oversight cannot be simultaneously members of organs whose acts are being surveyed by the committee, nor can they be Kazakh SSR people's deputies.

"Persons elected to the Kazakh SSR Committee for Constitutional Oversight, when performing their duties, shall be independent and subordinate solely to the USSR Constitution and the Kazakh SSR Constitution.

"The Kazakh SSR Committee for Constitutional Oversight shall:

- 1) upon its own initiative, at the suggestion of the chairman of the Kazakh SSR Supreme Soviet, or by at least one-third of the Kazakh SSR people's deputies, submit to the Kazakh SSR Supreme Soviet its conclusions concerning the correspondence between the acts of the Kazakh SSR Supreme Soviet, as well as the draft laws of the Kazakh SSR Supreme Soviet, and the Kazakh SSR Constitution and the laws of the Kazakh SSR;

- 2) conduct a monitoring on the correspondence between the Kazakh SSR Constitution and the laws of the Kazakh SSR, as well as the decrees and administrative dispositions of the Kazakh SSR Council of Ministers, and decisions of the local Soviet of People's Deputies;

- 3) upon its own initiative or at the suggestion of the Kazakh SSR Supreme Soviet, the Kazakh SSR Supreme Soviet Presidium, the chairman of the Kazakh SSR Supreme Soviet, the standing commissions and committees of the Kazakh SSR Council of Ministers, shall furnish its conclusions concerning the correspondence between the Kazakh SSR Constitution and the laws of the Kazakh SSR, the acts of other state organs, and public organizations.

"When a contradiction is discovered between an act or one of its individual statutes and the Kazakh SSR Constitution or the laws of the Kazakh SSR, the Kazakh SSR Committee for Constitutional Oversight shall send to the organ which has published the act in question its own conclusion for eliminating the violation committed

therein; the adoption of such a conclusion by the committee shall put a stop to the promulgation of such an act or its individual statutes which are contradictory to the Kazakh SSR Constitution or a law of the Kazakh SSR.

"The Kazakh SSR Committee for Constitutional Oversight shall have the right to enter a submission to the Kazakh SSR Supreme Soviet or the Kazakh SSR Council of Ministers concerning the abrogation of acts of organs or officials accountable to them which contradict the Kazakh SSR Constitution or the law of the Kazakh SSR.

"The organization and procedure for the activity of the Kazakh SSR Committee for Constitutional Oversight shall be determined by the Law on the Kazakh SSR Committee for Constitutional Oversight.

"Article 113. The Kazakh SSR Supreme Soviet shall exercise monitoring controls on the activities of all the state organs accountable to it.

"The Kazakh SSR Supreme Soviet shall direct the activity of the Kazakh SSR Committee for People's Control, which heads up the system of people's control organs in this republic.

"The organization and procedure for the activity of the people's control organs shall be determined by law.

"Article 114. The procedure for the activities of the Kazakh SSR Supreme Soviet and its organs shall be determined by the regulations of the Kazakh SSR Supreme Soviet, as well as by other laws of the Kazakh SSR issued on the basis of the Kazakh SSR Constitution."

4. To set forth Articles 152, 153, and 155 of Section 18, entitled "The Court and Arbitration," in the following wording:

"Article 152. All courts in the Kazakh SSR shall be formed on the principles of electing judges and people's assessors.

"People's judges of the rayon (municipal) people's courts shall be elected by the appropriate, higher-ranking Soviets of People's Deputies. Judges of the Kazakh SSR Supreme Court, as well as the oblast and Alma-Ata municipal courts, shall be elected by the Kazakh SSR Supreme Soviet.

"People's assessors of the rayon (municipal) people's courts shall be elected at citizens' meetings at their places of residence or employment by open voting, whereas people's assessors of higher-ranking courts shall be elected by the appropriate Soviets of People's Deputies.

"Judges of all courts shall be elected for a term of 10 years. People's assessors of all courts shall be elected for a term of five years.

"Judges and people's assessors shall be responsible to the organs which have elected them or to the voters; they

shall be accountable them and can be recalled by them within the procedure established by law.

"Article 153. The Kazakh SSR Supreme Court shall be the highest juridical organ of the Kazakh SSR and shall exercise oversight on the juridical activities of the Kazakh SSR courts.

"The Kazakh SSR Supreme Court shall consist of a chairman, his deputy, the members, and the people's assessors.

"The organization and procedure for the activity of the Kazakh SSR Supreme Court shall be determined by the Law on the Kazakh SSR Court Structure."

"Article 155. Judges and people's assessors shall be independent and subordinate solely to the law.

"Judges and people's assessors shall be guaranteed the conditions for the unimpeded and effective implementation of their rights and obligations. No sort of interference whatsoever in the activities of judges or people's assessors in the implementation of justice shall be tolerated; such interference shall entail legal liability.

"The inviolability of judges and people's assessors, as well as other guarantees of their independence, shall be established by the Law on the Status of Judges in the USSR and by other legislative acts of the USSR and the Kazakh SSR."

5. In Article 43 the words "the possibility of being taught in school in the native language" shall be replaced by the words "the possibility of being reared and taught in the native language."

6. Articles 70 and 71 shall be set forth in the following wording:

"Article 70. Kazakh shall be the state language of the Kazakh Soviet Socialist Republic.

"In the Kazakh SSR Russian shall be the language of inter-ethnic communication.

"The Kazakh SSR shall guarantee the free functioning of Russian on an equal footing with the state language.

"The Kazakh SSR shall guarantee the harmonious development of ethnic-Russian and Russian-ethnic bilingualism, as well as the free functioning of the languages of ethnic groups in those regions which are compactly populated by them. No sort of restriction on the use of these or other languages shall be allowed.

"Article 71. The Kazakh SSR shall take part in deciding issues related to running the USSR, at the USSR Congress of People's Deputies, in the USSR Supreme Soviet, the USSR Supreme Soviet Presidium, the USSR government, and other organs of the USSR.

"The Kazakh SSR shall ensure comprehensive economic and social development on its own territory; it shall facilitate the implementation on this territory of the plenipotentiary powers of the USSR; it shall implement the decisions of the USSR higher organs of state power and administration.

"Enterprises, institutions and organizations under union jurisdiction may be created in this republic's territory only with the consent of the Kazakh SSR Council of Ministers after preliminary coordination with the appropriate local Soviets of People's Deputies.

"With regard to matters pertaining to its jurisdiction, the Kazakh SSR shall coordinate and monitor the activities of enterprises, institutions, and organizations under union jurisdiction.

"The Kazakh SSR shall have the right to enter into relations with foreign states, to conclude agreements with them and exchange diplomatic and consular representatives with them, as well as to take part in the activities of international organizations."

7. Part Three of Article 92 shall be set forth in the following wording:

"In their activities the deputies shall be guided by the people's interests; they shall express and protect the interests of their own voters; they shall also take into consideration the economic, cultural, national, and other characteristics of those territories where they (the deputies) exercise their own powers."

8. Article 93 shall be set forth in the following wording:

"Article 93. As a rule, a deputy shall exercise his powers without taking a break from his production or service activity.

"During sessions of the Kazakh SSR Supreme Soviet or the local Soviets of People's Deputies, as well as for exercising his powers as a deputy in other instances provided for by law, a deputy shall be freed from performing his production or service duties with a reimbursement to him of the expenditures connected with his activity as a deputy, by means of funds from the appropriate republic-level or local budget."

9. Article 96 shall be set forth in the following wording:

"Article 96. A deputy shall be obligated to render an account of his own work, as well as the work of the Kazakh SSR Supreme Soviet or a local Soviet of People's Deputies, to those voters, collectives, or public organizations which nominated him as a candidate for the office of deputy, or to the public organization which elected him.

"A deputy who has not justified the trust placed in him by the voters or public organization may be recalled at any time upon the decision of a majority of voters or by the public organization which elected him in a procedure established by law."

10. Article 117 shall be set forth in the following wording:

"Article 117. The Kazakh SSR Council of Ministers shall be responsible to the Kazakh SSR Supreme Soviet and shall be accountable to it.

"The newly formed Kazakh SSR Council of Ministers shall submit for the examination by the Kazakh SSR Supreme Soviet a program of its forthcoming activity for its term of office.

"At least once a year the Kazakh SSR Council of Ministers shall report on its own work to the Kazakh SSR Supreme Soviet."

11. Part One of Article 118 shall be set forth in the following wording:

"The Kazakh SSR Council of Ministers shall be legally empowered to decide all matters of state administration related to running the Kazakh SSR, insofar as they are not included, according to the Kazakh SSR Constitution, within the competence of the Kazakh SSR Supreme Soviet and its Presidium, or the chairman of the Kazakh SSR Supreme Soviet."

12. In Article 123 the words "on the basis of and in fulfillment of the laws of the USSR, the Kazakh SSR, and other decisions of the USSR Supreme Soviet and its Presidium, the Kazakh SSR Supreme Soviet and its Presidium" shall be replaced by the words "on the basis of and in fulfillment of the laws of the USSR and other decisions of the USSR Congress of People's Deputies and the USSR Supreme Soviet, the laws of the Kazakh SSR and other decisions of the Kazakh SSR Supreme Soviet."

13. Article 125 shall be supplemented by Parts Two and Three in the following wording:

"The work of the oblast, rayon, municipal, and municipal-district Soviets of People's Deputies shall be organized by their presidiums, headed up by the chairmen of the soviets, whereas in the municipal (cities under rayon administration), settlement, village, and aul soviets—by the chairmen of these soviets.

"The powers and procedure for activity of the presidiums, chairmen of the municipal (cities under rayon administration), as well as those of the settlement, village, and aul Soviets of People's Deputies, shall be established by legislative acts of the USSR and the Kazakh SSR."

14. Article 170 shall be set forth in the following wording:

"Article 170. The national anthem of the Kazakh Soviet Socialist Republic shall be approved by the Kazakh SSR Supreme Soviet."

15. Article 173 shall be set forth in the following wording:

"Article 173. Amending the Kazakh SSR Constitution shall be done after a popular discussion by a decision of the Kazakh SSR Supreme Soviet passed by a majority of at least two-thirds of the total number of Kazakh SSR people's deputies."

Kirghiz SSR

Kirghiz SSR Draft Law on Changes to Republic Constitution

18300798B Frunze SOVETSKAYA KIRGIZIYA
in Russian 13 Aug 89 pp 1, 3

["Draft Law of the Kirghiz Soviet Socialist Republic on Changes and Additions to the Constitution (Basic Law) of the Kirghiz SSR"]

[Text] For purposes of developing socialist democracy and self-government by the people, and for improving the electoral system and the structure and activity of the Soviets of People's Deputies and the judicial organs, the Kirghiz SSR Supreme Soviet hereby **resolves**:

I. To introduce the following changes and additions into the Kirghiz SSR Constitution:

1. Section 9 will be stated in the following rendition:

"Section 9. System and Principles of Activity of the Soviet of People's Deputies

"Article 78. The Soviets of People's Deputies—the Kirghiz SSR Congress of People's Deputies and the Kirghiz SSR Supreme Soviet, the local Soviets of People's Deputies—the oblast, rayon, city, city regional, village and rural—comprise a unified system of representative organs of state power.

"Article 79. The term of office for Soviets of People's Deputies is five years.

"Elections of people's deputies are scheduled no later than four months prior to the expiration of the term of office for the appropriate organs of state power.

"Article 80. The most important questions of republic and local significance are resolved at the meetings of the Kirghiz SSR Congress of People's Deputies, the sessions of the Supreme Soviet and the local Soviets of People's Deputies, or are presented by them for referendum.

"The Kirghiz SSR Congress of People's Deputies elects the Kirghiz SSR Supreme Soviet and the chairman of the Kirghiz SSR Supreme Soviet. The local Soviets of People's Deputies elect the chairmen of the Soviets. The Kirghiz SSR Supreme Soviet and the local Soviets of People's Deputies, with the exception of city (cities of rayon subordination), village and rural Soviets, have their own presidiums."

"The Soviets of People's Deputies form permanent commissions, create executive and administrative, and other subordinate organs.

"The officials elected or appointed by the Soviets of People's Deputies cannot hold their offices, as a rule, for more than two consecutive terms.

"Any official may be dismissed from his duties prior to expiration of his term if he fails to fulfill his official responsibilities.

"Article 81. The Soviets of People's Deputies form organs of people's control which combines state control with public control of workers at enterprises, institutions and organizations.

"The organs of people's control verify the fulfillment of legislative requirements and state programs and assignments, and wage a struggle against violations of state discipline, manifestations of localism, a bureaucratic approach to matters, mismanagement and waste, red tape and bureaucratism. They also coordinate the work of other control organs.

"Article 82. The Soviets of People's Deputies, directly and through their created organs, manage all the sectors of state, economic and social-cultural construction, make decisions ensuring their fulfillment, and implement control over the realization of decisions.

"Article 83. The activity of the Soviets of People's Deputies is based on collective, free, business-like discussion and resolution of questions, on glasnost, and on regular reporting by the executive and administrative organs and other organs created by the Soviets to them and to the public, as well as on the broad involvement of citizens to participate in their work.

"The Soviets of People's Deputies and the organs created by them take into consideration public opinion, present important questions of all- state, republic and local significance for public discussion, and systematically inform the citizens about their work and their adopted decisions."

2. Section 10 will be stated in the following rendition:

"Section 10. The Electoral System

"Article 84. Elections of people's deputies are conducted in single-mandate or multi-mandate electoral districts on the basis of general, equal and direct electoral rights with secret ballot.

"Article 85. Elections of people's deputies are general: All citizens of the Kirghiz SSR who have reached the age of 18 years have the right to vote.

"Any citizen of the Kirghiz SSR who has reached the age of 18 years and who, as a rule, lives on the territory of the given Soviet, may be elected as a people's deputy to the local Soviet of People's Deputies.

"A citizen of the Kirghiz SSR who has reached the age of 21 years may be elected as a Kirghiz SSR people's deputy.

"A citizen of the Kirghiz SSR cannot serve simultaneously as people's deputy in more than two Soviets of People's Deputies.

"Persons who are members of the Kirghiz SSR Council of Ministers, executive committees of local Soviets of People's Deputies, with the exception of chairmen of these organs, chiefs of departments, sections and administrations of executive committees of local Soviets, judges and state arbiters, cannot be deputies in the Soviet by which they were appointed or elected.

"Mentally ill citizens who have been deemed incompetent by the court, persons who are located in places of confinement, as well as those sent by court order to places of mandatory treatment cannot participate in the elections.

"Article 86. Elections for people's deputies are equal: An elector in each electoral district has one vote. Electors participate in elections on an equal basis.

"Article 87. Elections of people's deputies are direct: People's deputies are elected directly by the citizens.

"Article 88. Voting in elections for people's deputies is secret: Control over the expression of will of the voters is not permitted.

"Article 89. The right of nominating candidates for people's deputies belongs to the labor collectives, the collectives of pupils, students and teachers, public organizations, meetings of voters by place of residence, and military servicemen in their military units.

"The number of candidates for people's deputies is not limited. Each participant in the pre-electoral meeting may propose any candidacy for discussion, including his own.

"The electoral bulletins must include any number of candidates.

"The expenditures associated with preparing for and holding elections of people's deputies are paid by the state.

"Article 90. The preparations for elections of people's deputies are conducted openly and publicly.

"The electoral commissions are responsible for holding elections. These commissions are formed from representatives of labor collectives, collectives of pupils, students and teachers, public organizations, meetings of voters at places of residence, and military servicemen in their military units.

"The citizens of the Kirghiz SSR, the labor collectives and public organizations are guaranteed the opportunity of free and comprehensive discussion of the political, business and personal qualities of candidates for people's deputies, as well as the right of agitation for or against a candidate at meetings, in the press, or on television and radio.

"The order of holding elections for people's deputies is determined by the laws of the USSR and the Kirghiz SSR.

"Article 91. The electors give mandates to their deputies.

"The appropriate Soviets of People's Deputies review the mandates, take them into consideration in developing the plans for economic and social development and in compiling the budget, as well as in preparing decisions on other questions. Then they organize the fulfillment of the mandates and inform the citizens of their realization".

3. Section 12 will be stated in the following rendition:

"Section 12. Congress of Kirghiz SSR People's Deputies and the Kirghiz SSR Supreme Soviet

"Article 97. The highest organ of state authority of the Kirghiz SSR is the Kirghiz SSR Congress of People's Deputies.

"The Kirghiz SSR Congress of People's Deputies is empowered to take upon itself the examination and resolution of any question relating to the administration of the Kirghiz SSR.

"The exclusive jurisdiction of the Kirghiz SSR Congress of People's Deputies includes:

- 1) adopting the Kirghiz SSR Constitution and introducing changes into it;
- 2) making decisions on questions of national-state organization;
- 3) changing the boundaries between the Kirghiz SSR and other union republics by mutual agreement and introducing proposals on other questions to the USSR Congress of People's Deputies;
- 4) determining the domestic and foreign policy activity of the republic in accordance with the primary directions of USSR domestic and foreign policy;
- 5) ratifying prospective state plans and major republic programs for economic and social development of the Kirghiz SSR;
- 6) electing the Kirghiz SSR Supreme Soviet;
- 7) electing the chairman of the Kirghiz SSR Supreme Soviet;
- 8) electing the first deputy and deputy chairmen of the Kirghiz SSR Supreme Soviet;
- 9) ratifying the chairman of the Kirghiz SSR Council of Ministers;
- 10) ratifying the chairman of the Kirghiz SSR Committee for People's Control, the chairman of the Kirghiz SSR Supreme Court, the Kirghiz SSR procurator, and the Kirghiz SSR chief state arbiter;

11) electing the Kirghiz SSR Committee for Constitutional Control;

12) repealing statutes adopted by the Kirghiz SSR Supreme Soviet;

13) making decisions on conducting public voting (referendum).

"The Kirghiz SSR Congress of People's Deputies adopts the laws of the Kirghiz SSR and the resolutions by a majority of votes of Kirghiz SSR people's deputies.

"Article 98. The Kirghiz SSR Congress of People's Deputies consists of 350 deputies who are elected from electoral districts, as a rule with an equal number of voters.

"Article 99. The Kirghiz SSR Congress of People's Deputies is convened for its first meeting no later than two months after the elections.

"Upon presentation by its elected mandate commission, the Kirghiz SSR Congress of People's Deputies makes the decision to recognize the powers of the deputies, and in the case of violation of the legislation on elections—to recognize the election of individual deputies as being invalid.

"The Kirghiz SSR Congress of People's Deputies is convened by the Kirghiz SSR Supreme Soviet.

"Regular meetings of the Kirghiz SSR Congress of People's Deputies are held once a year. Extraordinary sessions are convened at the initiative of the Kirghiz SSR Supreme Soviet, at the proposal of the Kirghiz SSR Supreme Soviet Presidium, or at the proposal of no less than one-fifth of the Kirghiz SSR people's deputies.

"The first meeting of the Kirghiz SSR Congress of People's Deputies after the election is called to order by the chairman of the Republic Electoral Commission on Election of Kirghiz SSR People's Deputies and is conducted by him until the chairman of the Kirghiz SSR Supreme Soviet is elected. After that, the Kirghiz SSR Supreme Soviet chairman or his deputy conduct the meeting.

"Article 100. The Kirghiz SSR Supreme Soviet is a permanently acting legislative, executive and control organ of Kirghiz SSR state authority.

"The Kirghiz SSR Supreme Soviet is elected by secret ballot from among the Kirghiz SSR people's deputies by the Kirghiz SSR Congress of People's Deputies, and is answerable to it.

"The Kirghiz SSR Supreme Soviet consists of 65 Kirghiz SSR people's deputies. The Kirghiz SSR Congress of People's Deputies annually renews one-fifth of the membership of the Kirghiz SSR Supreme Soviet.

"Article 101. The Kirghiz SSR Supreme Soviet is convened each year by the Kirghiz SSR Supreme Soviet

Presidium for regular—spring and fall—sessions which last, as a rule, up to one month each.

“Extraordinary sessions are convened by the Kirghiz SSR Supreme Soviet Presidium at its initiative or at the proposal of no less than one-third of the Kirghiz SSR Supreme Soviet membership.

“The Kirghiz SSR Supreme Soviet session consists of its meetings, as well as the permanent or other commissions of the Kirghiz SSR Supreme Soviets which are conducted in the interim period.

“The chairman of the Kirghiz SSR Supreme Soviet presides over the meetings of the Kirghiz SSR Supreme Soviet and manages its internal order.

“Upon expiration of the term of the Kirghiz SSR Congress of People's Deputies, the Kirghiz SSR Supreme Soviet retains its authorities until the formation of a new Kirghiz SSR Supreme Soviet membership by the newly elected Kirghiz SSR Congress of People's Deputies.

“**Article 102.** The Kirghiz SSR Supreme Soviet:

- 1) schedules elections of Kirghiz SSR people's deputies and ratifies the membership of the Republic Electoral Commission for election of Kirghiz SSR people's deputies;
- 2) appoints the chairman of the Kirghiz SSR Council of Ministers, ratifies the membership roster of the Kirghiz SSR Council of Ministers which he submits, and introduces changes into it;
- 3) at the proposal of the Kirghiz SSR Council of Ministers, forms and dissolves Kirghiz SSR ministries and Kirghiz SSR state committees;
- 4) elects the Kirghiz SSR Committee for People's Control, the Kirghiz SSR Supreme Court, judges of the oblast and Frunze city courts, as well as people's judges of rayon (city) people's courts in the rayons and cities under republic jurisdiction;
- 5) upon nomination by the USSR Procurator General, appoints the Kirghiz SSR Procurator and ratifies the Kirghiz SSR Procurator's Office collegium;
- 6) appoints the Kirghiz SSR Chief State Arbiter; ratifies the Kirghiz SSR State Arbitration Collegium;
- 7) regularly hears the reports of the organs which it forms or elects, as well as its appointed or elected officials; if necessary decides the question of trust in regard to the government of the republic or individual member of the government by a two-thirds majority of people's deputies;
- 8) ensures the unity of legislative regulation on the entire territory of the Kirghiz SSR on questions relating to the administration of the Kirghiz SSR;
- 9) within the limits of competence of the Kirghiz SSR, implements legislative regulation of the organization of

managing the national economy and social-cultural construction, the budget-finance system, environmental protection and application of natural resources, the order of realization of constitutional rights, freedoms and responsibilities of citizens, as well as other relations;

10) interprets the laws the Kirghiz SSR.

11) reviews if necessary questions of national and international relations;

12) directs the activity of the local Kirghiz SSR Soviets of People's Deputies;

13) establishes the order of organization and activity of republic and local organs of state authority and administration; determines the legal status of the republic's social organizations;

14) holds elections to the local Kirghiz SSR Soviets of People's Deputies and selection of people's assessors to rayon (city) people's courts;

15) presents for ratification by the Kirghiz SSR Congress of People's Deputies the drafts of prospective state plans and major republic programs for the economic and social development of the Kirghiz SSR; ratifies state plans for the economic and social development of the Kirghiz SSR and the Kirghiz SSR state budget; implements control over the course of fulfillment of the plan and the budget; ratifies reports on their fulfillment; if necessary introduces changes into the plan and the budget;

16) ratifies and announces international agreements made by the Kirghiz SSR;

17) makes decisions on questions of administrative-territorial organization of the republic; forms and dissolves oblasts and rayons; establishes and changes boundaries of oblasts and rayons; establishes rayon oblast divisions; forms cities and establishes their subordination, forms rayons in cities, city-type settlements and rural soviets; re-names rayons and cities in oblasts, rayons in cities, worker's settlements and other population centers;

18) institutes Kirghiz SSR state awards;

19) grants pardons to persons found guilty by Kirghiz SSR courts;

20) determines necessary measures for ensuring public order;

21) has the right to rescind directives and resolutions of the Kirghiz SSR Supreme Soviet Presidium, directives of the Kirghiz SSR Supreme Soviet chairman, resolutions and directives of the Kirghiz SSR Council of Ministers;

22) rescinds the decisions of oblast Soviets, as well as rayon and city Soviets of People's Deputies (rayons and cities of republic subordination) if they do not correspond with the law;

23) resolves other questions related to the administration of the Kirghiz SSR aside from those relating to the exclusive jurisdiction of the Kirghiz SSR Congress of People's Deputies.

"The Kirghiz SSR Supreme Soviet adopts Kirghiz SSR laws and resolutions.

"The laws and resolutions adopted by the Kirghiz SSR Supreme Soviet cannot contradict the laws and other statutes adopted by the Kirghiz SSR Congress of People's Deputies.

"Article 103. The right of legislative initiative at the Kirghiz SSR Congress of People's Deputies and the Kirghiz SSR Supreme Soviet belongs to the Kirghiz SSR people's deputies, the Kirghiz SSR Supreme Soviet, the Kirghiz SSR Supreme Soviet Presidium, the Kirghiz SSR Committee for Constitutional Control, the Kirghiz SSR Council of Ministers, permanent and other commissions of the Kirghiz SSR Supreme Soviet, the Kirghiz SSR Committee for People's Control, the Kirghiz SSR Supreme Court, the Kirghiz SSR Procurator's Office, and the Kirghiz SSR Chief State Arbitrator.

"Public organizations as represented by their republican organs and the Kirghiz SSR Academy of Sciences also have the right of legislative initiative.

"Article 104. Draft laws presented for review by the Kirghiz SSR Supreme Soviet are discussed at its meetings.

"A Kirghiz SSR law is considered adopted if a majority of deputies entering into the membership of the Kirghiz SSR Supreme Soviet have voted in favor of it.

"Draft laws and other important questions of state life may be presented for public discussion by decision of the Kirghiz SSR Supreme Soviet.

"Article 105. The Kirghiz SSR Supreme Soviet Presidium is an organ answerable to the Kirghiz SSR Supreme Soviet, which ensures the organization of work of the Kirghiz SSR Congress of People's Deputies and the Kirghiz SSR Supreme Soviet and grants other rights within the limits provided by the Kirghiz SSR Constitution and Kirghiz SSR laws.

"The membership of the Kirghiz SSR Supreme Soviet Presidium includes, by duties: The chairman of the Kirghiz SSR Supreme Soviet; the first deputy and deputy chairman of the Kirghiz SSR Supreme Soviet; the chairman of the Kirghiz SSR Committee for People's Control, and the chairmen of the Kirghiz SSR Supreme Soviet's permanent commissions.

"The Kirghiz SSR Supreme Soviet Presidium is headed up by the chairman of the Kirghiz SSR Supreme Soviet.

"Article 106. The Kirghiz SSR Supreme Soviet Presidium:

1) convenes the sessions of the Kirghiz SSR Supreme Soviet;

2) organizes the preparation of meetings of the Kirghiz SSR Congress of People's Deputies and the sessions of the Kirghiz SSR Supreme Soviet;

3) coordinates the activity of the Kirghiz SSR Supreme Soviet's permanent commissions;

4) gives aid to the Kirghiz SSR people's deputies in the implementation of their authority and provides them with necessary information;

5) implements control over adherence to the Kirghiz SSR Constitution and Kirghiz SSR laws;

6) organizes the preparation and implementation of public votes (referenda), as well public discussions of Kirghiz SSR draft laws and other important questions of state life;

7) grants Kirghiz SSR honorary titles, awards Honorary Certificates and Kirghiz SSR Supreme Soviet Certificates;

8) grants Kirghiz SSR citizenship; resolves questions on granting asylum;

9) grants pardons to persons found guilty by Kirghiz SSR courts;

10) appoints and recalls diplomatic representatives of the Kirghiz SSR to foreign countries;

11) examines questions of declaring martial law or state of emergency on the territory of the Kirghiz SSR and presents its recommendations to the USSR Supreme Soviet Presidium;

12) publishes the laws of the Kirghiz SSR and other statutes adopted by the Kirghiz SSR Congress of People's Deputies, the Kirghiz SSR Supreme Soviet, and the Kirghiz SSR Supreme Soviet Presidium in the Kirghiz and Russian languages.

"The Kirghiz SSR Supreme Soviet Presidium publishes ukazes and adopts resolutions.

"Article 107. The chairman of the Kirghiz SSR Supreme Soviet is elected by the Kirghiz SSR Congress of People's Deputies by secret ballot from a number of Kirghiz SSR people's deputies, to serve for a term of five years, and no more than two successive terms. He may be recalled at any time by secret ballot of the Kirghiz SSR Congress of People's Deputies.

"The chairman of the Kirghiz SSR Supreme Soviet is answerable to the Kirghiz SSR Congress of People's Deputies and to the Kirghiz SSR Supreme Soviet.

"Article 108. The chairman of the Kirghiz SSR Supreme Soviet:

1) implements overall management of the preparation of questions subject to review by the Kirghiz SSR Congress of People's Deputies and the Kirghiz SSR Supreme Soviet;

2) signs Kirghiz SSR laws and other statutes adopted by the Kirghiz SSR Congress of People's Deputies, the Kirghiz SSR Supreme Soviet, and the Kirghiz SSR Supreme Soviet Presidium;

3) presents annual speeches to the Kirghiz SSR Congress of People's Deputies and the Kirghiz SSR Supreme Soviet on the state of affairs in the republic and other important questions of state life;

4) presents to the Kirghiz SSR Congress of People's Deputies candidacies for election to the duties of first deputy and deputy chairman of the Kirghiz SSR Supreme Soviet, as well as recommendations on the personnel make-up of the Kirghiz SSR Committee for Constitutional Control;

5) presents to the Kirghiz SSR Supreme Soviet candidacies for appointment or election to the duties of Kirghiz SSR Council of Ministers chairman, chairman of the Kirghiz SSR Committee for People's Control, chairman of the Kirghiz SSR Supreme Court, Kirghiz SSR procurator, Kirghiz SSR chief state arbiter, and then presents these officials to the Kirghiz SSR Congress of People's Deputies for ratification;

6) represents the Kirghiz SSR within the country and in international relations;

7) conducts negotiations and signs international agreements for the Kirghiz SSR.

"The chairman of the Kirghiz SSR Supreme Soviet issues directives.

"The first deputy chairman of the Kirghiz SSR Supreme Soviet performs individual functions as authorized by the chairman of the Kirghiz SSR Supreme Soviet and takes the place of the chairman in his absence or inability to perform his duties.

"Article 109. The Kirghiz SSR Supreme Soviet elects from its membership and from among the other Kirghiz SSR people's deputies permanent commissions for performing the work of drafting laws, for preliminary examination and preparation of questions relating to the administration of the Kirghiz SSR Supreme Soviet, as well as for aiding in the implementation of Kirghiz SSR laws and other decisions made by the Kirghiz SSR Congress of People's Deputies and the Kirghiz SSR Supreme Soviet, and for control over the activity of state organs and organizations.

"Whenever it deems necessary, the Kirghiz SSR Supreme Soviet creates investigative, inspection and other commissions on any question.

"One-fifth of the membership of the Kirghiz SSR Supreme Soviet's permanent commissions is renewed each year.

"Article 110. The laws and other decisions of the Kirghiz SSR Congress of People's Deputies and the Kirghiz SSR Supreme Soviet are adopted after preliminary discussion of the drafts by the appropriate Kirghiz SSR Supreme Soviet permanent commissions.

"The appointment and election of officials for membership in the Kirghiz SSR Council of Ministers, the Kirghiz SSR Committee for People's Control, the Kirghiz SSR Supreme Court, the collegium of the Kirghiz SSR Procurator's Office and the Kirghiz SSR State Arbitrator's Office, the judges of oblast and Frunze city courts, and the people's judges of rayon (city) people's courts in rayons and cities of republic subordination is performed by decision of the appropriate permanent commissions of the Kirghiz SSR Supreme Soviet.

"All state and public organs, organizations and officials must fulfill the demands of Kirghiz SSR Supreme Soviet commissions and submit to them the necessary materials and documents.

"The commission recommendations are subject to mandatory review by the state and public organs, institutions and organizations. The results of the review and the measures taken must be reported to the commissions within the established time.

"Article 111. At meetings of the Kirghiz SSR Congress of People's Deputies and sessions of the Kirghiz SSR Supreme Soviet, a people's deputy has the right to address a request to the Kirghiz SSR Supreme Soviet Chairman, to the Kirghiz SSR Council of Ministers, and to the managers of other organs which are formed or elected by the Kirghiz SSR Congress of People's Deputies and the Kirghiz SSR Supreme Soviet, as well as to the managers of the enterprises, institutions and organizations of union subordination located on the territory of the Kirghiz SSR on questions related to the management of the Kirghiz SSR. The organ or official to whom the question is directed must give a verbal or written response at the given meeting of the Congress or at the given session of the Kirghiz SSR Supreme Soviet within a period of no more than three days.

"The Kirghiz SSR people's deputies are exempt from fulfilling service or production duties for the time period necessary for performing deputy duties at the Kirghiz SSR Congress of People's Deputies, in the Kirghiz SSR Supreme Soviet or its commissions, and also among the population. Kirghiz SSR people's deputies elected for membership to the Kirghiz SSR Supreme Soviet may be exempted from fulfilling service or production duties for the entire period of their work in the Kirghiz SSR Supreme Soviet.

"A Kirghiz SSR people's deputy cannot be brought to criminal responsibility, arrested or subjected to measures of administrative reprimand issued in judicial

order without the agreement of the Kirghiz SSR Supreme Soviet, and in the period between its sessions—without the agreement of the Kirghiz SSR Supreme Soviet Presidium.

“Article 112. The Kirghiz SSR Committee for Constitutional Control is elected by the Kirghiz SSR Congress of People's Deputies for a term of 10 years from among a number of specialists in the field of politics and law, and is made up of a chairman, a deputy chairman, and seven committee members.

“Persons elected to the Kirghiz SSR Committee for Constitutional Control cannot also simultaneously be members of organs whose statutes are under the committee's control.

“In performing their duties, persons elected to the Kirghiz SSR Committee for Constitutional Control are independent and subordinate only to the Kirghiz SSR Constitution.

“The Kirghiz SSR Committee for Constitutional Control:

1) at its own initiative or on the instruction of the Kirghiz SSR Congress of People's Deputies, presents to the Congress conclusions on the correspondence of the Kirghiz SSR Constitution to Kirghiz SSR draft laws which are subject to review by the Congress;

2) at its own initiative, at the instruction of the Kirghiz SSR Congress of People's Deputies, or at the suggestion of the Kirghiz SSR Supreme Soviet, presents to the Kirghiz SSR Supreme Soviet its conclusions on the correspondence of statutes of the Kirghiz SSR Supreme Soviet, as well as the drafts of these statutes, to the Kirghiz SSR Constitution and to the laws adopted by the Kirghiz SSR Congress of People's Deputies;

3) monitors the correspondence of the Kirghiz SSR Constitution and the Kirghiz SSR laws with resolutions and directives of the Kirghiz SSR Council of Ministers;

4) at its own initiative or at the instruction of the Kirghiz SSR Congress of People's Deputies, at the suggestions of the Kirghiz SSR Supreme Soviet, the Kirghiz SSR Supreme Soviet Presidium, the Kirghiz SSR Supreme Soviet chairman, the Kirghiz SSR Supreme Soviet permanent commissions, or the Kirghiz SSR Council of Ministers, presents conclusions as to the correspondence of the Kirghiz SSR Constitutions and the Kirghiz SSR laws with the statutes of local Kirghiz SSR Soviets of People's Deputies and other state organs and public organizations.

“Upon finding a contradiction of a statute or its individual points with the Kirghiz SSR Constitution or the laws of the Kirghiz SSR, the Kirghiz SSR Committee for Constitutional Control forwards its conclusion on eliminating the allowed violation to the organ which published the statute. The adoption of such a conclusion by the committee halts the execution of the statute or its

individual points which are in contradiction with the Kirghiz SSR Constitution or Kirghiz SSR law.

“The Kirghiz SSR Committee for Constitutional Control has the right to submit presentations to the Kirghiz SSR Congress of People's Deputies, the Kirghiz SSR Supreme Soviet or the Kirghiz SSR Council of Ministers on rescinding the statutes of its subordinate organs or officials which are in contradiction with the Kirghiz SSR Constitution or Kirghiz SSR law.

“The organization and order of activity of the Kirghiz SSR Committee for Constitutional Control are determined by the appropriate legislation.

“Article 113. The Kirghiz SSR Congress of People's Deputies and the Kirghiz SSR Supreme Soviet implement control over the activity of all the state organs which are subordinate to them.

“The Kirghiz SSR Supreme Soviet directs the activity of the Kirghiz SSR Committee for People's Control.

“The organization and order of activity of the organs of people's control are defined by the USSR Law on People's Control.

“Article 114. The order of activity of the Kirghiz SSR Congress of People's Deputies, the Kirghiz SSR Supreme Soviet and their organs is determined by the regulations of the Kirghiz SSR Congress of People's Deputies and the Kirghiz SSR Supreme Soviet and other laws of the Kirghiz SSR adopted on the basis of the Kirghiz SSR Constitution”.

4. Articles 74 and 75 of Section 7, “The Kirghiz SSR—a union republic within the USSR” should be stated in the following rendition:

“Article 74. The state language of the Kirghiz Soviet Socialist Republic is the Kirghiz language.

“The Kirghiz SSR ensures the comprehensive development of the state language and its functioning in all spheres of state, public and cultural life of the republic.

“The Kirghiz SSR ensures the free functioning of the Russian language on the territory of the republic as the language of international communication.

“The Kirghiz SSR exhibits state concern for the equal and free development of all languages which are used by the republic's population.

“The order of functioning of languages on the territory of the Kirghiz SSR is established by Kirghiz SSR legislation.

“Article 75. The sovereign rights of the Kirghiz SSR in accordance with the USSR Constitution are protected by the USSR.

“USSR laws are mandatory on the territory of the Kirghiz SSR”.

Articles 151, 152 and 154 of Section 18, "Court and Arbitration" shall be presented in the following rendition:

"Article 151. All the courts in the Kirghiz SSR are formed on the principles of election of judges and people's assessors.

"People's judges in rayon (city) people's courts are elected by the corresponding superior Soviets of People's Deputies.

"Judges of the Kirghiz SSR Supreme Court, oblast courts, the Frunze city court, and people's judges of rayon (city) people's courts in rayons and cities of republic subordination are elected by the Kirghiz SSR Supreme Soviet.

"People's assessors of rayon (city) people's courts are elected at meetings of citizens at the place of their residence or work by open voting, while the people's assessors of superior courts—by the corresponding Soviets of People's Deputies.

"The judges of all the courts are elected for a term of 10 years. People's assessors of all courts are elected for a term of five years.

"Judges and people's assessors are responsible to the organs or electors by whom they were elected, report to them, and may be recalled by them in the order established by law.

"Article 152. The Kirghiz SSR Supreme Soviet is the highest judicial organ of the Kirghiz SSR and implements control over the judicial activity of the Kirghiz SSR courts.

"The Kirghiz SSR Supreme Court consists of a chairman, his deputy, the members, and the people's assessors".

"Article 154. The judges and people's assessors are independent and subordinate only to the law.

"The judges and people's assessors are provided conditions for unhindered and effective implementation of their rights and responsibilities. Any interference in the activity of the judges and people's assessors in the administration of justice is inadmissible and entails answerability under the law.

"The inviolability of judges and people's assessors, as well as other guarantees of their independence, are established by the USSR Law on the Status of Judges in the USSR and other legislative statutes of the USSR and Kirghiz SSR".

II. In connection with the new edition of Sections 9, 10 and 12 of the Kirghiz SSR Constitution, the changes and additions stemming from them will be introduced into the following articles of the Kirghiz SSR Constitution:

1. Part one of Article 71 will be stated in the following rendition:

"The Kirghiz SSR participates in the resolution of questions relegated to the jurisdiction of the USSR at the USSR Congress of People's Deputies, at the USSR Supreme Soviet, the USSR Supreme Soviet Presidium, the USSR government, and other USSR organs".

2. Part 3 of Article 92 will be stated in the following rendition:

"In his activity the deputy is guided by state interests, takes into consideration the requests of the labor collectives and the population of the electoral district, and strives to bring to implement the mandates of the electors and his own pre-election program".

3. Article 93 will be stated in the following rendition:

"Article 93. The deputy exercises his authority, as a rule, without taking leave of his production or work-related activity.

"During the time of meetings of the Kirghiz SSR Congress of People's Deputies, sessions of the Kirghiz SSR Supreme Soviet or local Soviets of People's Deputies, as well as for performing deputy's duties in other cases as proscribed by law, the deputy is excused from performing his production or work responsibilities and is reimbursed for expenditures associated with his deputy activity from the appropriate state or local budget".

4. Part 1 of Article 94 is to be stated in the following rendition:

"The deputy has the right of inquiry to the appropriate state organs and officials, who must respond to this inquiry at the Kirghiz SSR Congress of People's Deputies, the session of the Kirghiz SSR Supreme Soviet, or local Soviet of People's Deputies".

5. Article 96 will be stated in the following rendition:

"Article 96. A deputy must report on his work, fulfillment of his pre-election program, and the work of the Kirghiz SSR Congress of People's Deputies, Kirghiz SSR Supreme Soviet or local Soviet of People's Deputies to the electors, collectives and public organizations who supported his candidacy for deputy.

"A deputy who has not justified the trust of the voters may at any time be recalled by decision of a majority of voters in the order proscribed by law".

6. Article 117 will be stated in the following rendition:

"Article 117. The Kirghiz SSR Council of Ministers is responsible to the Kirghiz SSR Congress of People's Deputies and the Kirghiz SSR Supreme Soviet, and is answerable to them.

"The newly formed Kirghiz SSR Council of Ministers presents programs of its forthcoming activity for the term of its office for review by the Kirghiz SSR Supreme Soviet.

"The Kirghiz SSR Council of Ministers reports to the Kirghiz SSR Supreme Soviet no less than once a year on the most important questions of the republic's economic and social development".

7. Part 1 of Article 118 will be stated in the following rendition:

"The Kirghiz SSR Council of Ministers is empowered to resolve all questions of state administration related to the management of the Kirghiz SSR, since according to the Kirghiz SSR Constitution, they do not enter into the competency of the Kirghiz SSR Congress of People's Deputies, the Kirghiz SSR Supreme Soviet or its Presidium, or the chairman of the Kirghiz SSR Supreme Soviet".

8. Article 120 will be stated in the following rendition:

"**Article 120.** The Kirghiz SSR Council of Ministers publishes resolutions and directives on the basis of and in execution of the laws of the USSR and other decisions of the USSR Congress of People's Deputies and the USSR Supreme Soviet, the laws of the Kirghiz SSR and other decisions of the Kirghiz SSR Congress of People's Deputies and Kirghiz SSR Supreme Soviet, the resolutions and directives of the USSR Council of Ministers, and verifies their fulfillment. The resolutions and directives of the Kirghiz SSR Council of Ministers are mandatory for execution on the entire territory of the Kirghiz SSR".

9. In Part 4 of Article 122 the words "on the basis of and in execution of the laws of the USSR, the Kirghiz SSR, and other decisions of the USSR Supreme Soviet and its Presidium, the Kirghiz SSR Supreme Soviet and its Presidium" will be replaced by the words "On the basis of and in execution of the laws of the USSR and other decisions of the USSR Congress of People's Deputies and the USSR Supreme Soviet, the laws of the Kirghiz SSR and other decisions of the Kirghiz SSR Congress of People's Deputies and the Kirghiz SSR Supreme Soviet".

10. The words "their executive committees" will be deleted from Part 1 of Article 128.

11. The name of Section 15 will be stated in the following rendition:

"Section 15. Presidiums and Executive Committees of Local Soviets of People's Deputies"

12. Articles 132 and 133 will be stated in the following rendition:

"**Article 132.** The work of the oblast, rayon, city, and city rayon Soviets of People's Deputies is organized by their presidiums, which are headed by chairman of the Soviets, and in city (cities of rayon subordination), village and rural Soviets—by the chairmen of these Soviets.

"The authority and order of activity of the presidiums and chairmen of local Soviets of People's Deputies are established by legislation on the local Soviets of People's Deputies.

"**Article 133.** The executive and directive organs of the local Soviets of People's Deputies are the executive committees which they elect.

"The executive committees report to the Soviets which have elected them no less than once a year, as well as at meetings of labor collectives and at places of residence of the citizens.

"Executive committees of local Soviets of People's Deputies are directly subordinate to the Soviet which has elected them as well as to the superior executive and directive organ".

13. Article 172 will be stated in the following rendition:

"**Article 172.** A change in the Kirghiz SSR Constitution is enacted by decision of the Kirghiz SSR Congress of People's Deputies and adopted by no less than a $\frac{2}{3}$ majority of the total number of Kirghiz SSR people's deputies."

Supreme Soviet Presidium Decree

18300798A Frunze SOVETSKAYA KIRGIZIYA in
Russian 13 Aug 89 p 1

[Decree of the Kirghiz SSR Supreme Soviet Presidium on the Kirghiz SSR Draft Laws on Changes and Additions to the Constitution (Basic Law) of the Kirghiz SSR, on Elections of Kirghiz SSR People's Deputies, and on Elections of Deputies of Local Kirghiz SSR Soviets of People's Deputies, issued 9 August 1989]

[Text] Having heard the reports by Kirghiz SSR Supreme Soviet Presidium Chairman, Comrade K. B. Gusev and Kirghiz SSR Supreme Soviet Presidium Secretary, Comrade A. Myrzaliyeva on the work which has been done in preparing drafts of the Kirghiz SSR Laws on changes and additions to the Constitution (Basic Law) of the Kirghiz SSR, on the elections of Kirghiz SSR people's deputies, and on the election of deputies to local Kirghiz SSR Soviets of People's Deputies, the Kirghiz SSR Supreme Soviet Presidium resolves:

1. To approve on the whole the drafts of the Kirghiz SSR Laws "On changes and additions to the Constitution (Basic Law) of the Kirghiz SSR", "On the elections of Kirghiz SSR people's deputies" and "On elections of deputies to local Kirghiz SSR Soviets of People's Deputies".

To supplement the draft of the Kirghiz SSR Law "On changes and additions to the Constitution (Basic Law) of the Kirghiz SSR" with an article on the state language of the Kirghiz Soviet Socialist Republic in the formulation presented by the Kirghiz SSR Supreme Court.

To present the Kirghiz SSR draft laws for public discussion and to publish them in the republic and oblast newspapers on 13 August 1989.

2. The ispolkoms of oblast, city and rayon Soviets of People's Deputies, the ministries, state committees and departments, and the republic's organs of mass information are to organize broad discussion and to generalize the proposals and comments which have been submitted on the draft laws by the people's deputies, citizens, labor collectives, and public organizations, and to forward them to the Kirghiz SSR Supreme Soviet Presidium.

3. To determine that the generalized proposals and comments on the draft laws be presented to the Kirghiz SSR Supreme Soviet Presidium once in 10 days up to 13 September 1989.

4. Based upon the results of the public discussion of the draft laws, the Kirghiz SSR Supreme Soviet Commission on Legislative Proposals must introduce the necessary corrections and additions [to these drafts] and prior to 16 September 1989 to present them to the Supreme Soviet Presidium for subsequent review by the extraordinary 10th Session of the Kirghiz SSR Supreme Soviet.

*Chairman of the Kirghiz SSR Supreme Soviet Presidium,
T. Akmatov*

*Secretary of the Kirghiz SSR Supreme Soviet Presidium,
A. Myrzaliyev*

Kirghiz SSR Law on Changes to Republic Constitution

90US0107A *Frunze SOVETSKAYA KIRGIZIYA*
in Russian 29 Sep 89 pp 1-3

["Law of the Kirghiz Soviet Socialist Republic on Amendments and Additions to the Constitution (Basic Law) of the Kirghiz SSR"]

[Text] In order to develop socialist democracy, self-management of the people and improvement of the election system and of the structure and activities of soviets of people's deputies and organs of justice, and in compliance with the 1 December 1988 USSR law "On Amendments and Additions to the Constitution (Basic Law) of the USSR," the Supreme Soviet of the Kirghiz Soviet Socialist Republic **resolves**:

I. To introduce the following amendments and additions to the Constitution of the Kirghiz SSR, adopted 20 April 1978 at the special Eighth Session of the Ninth Convocation of the Kirghiz SSR Supreme Soviet (VEDOMOSTI VERKHOVNOGO SOVETA KIRGIZSKOY SSR, No 8, 1978, Article 50):

1. To use the following wording in Chapter 9:

"Section 9. The System and Principles of the Activities of Soviets of People's Deputies"

"Article 78. Soviets of people's deputies—the Supreme Soviet of the Kirghiz SSR and the local soviets of

people's deputies—oblast, rayon, city, city rayon, settlement and village—make up a single system of representative organs of state power in the Kirghiz SSR.

"Article 79. The term of soviets of people's deputies is five years.

"Elections of people's deputies are scheduled not later than four months prior to expiration of the term of the corresponding organs of state power.

"Article 80. The most important issues of republic and local significance are resolved at sessions of the Kirghiz SSR Supreme Soviet and local soviets of people's deputies, or put up by them for referendum.

"The Kirghiz SSR Supreme Soviet and local soviets of people's deputies elect chairmen of the soviets. The Kirghiz SSR Supreme Soviet and local soviets of people's deputies, with the exception of city (rayon-subordinated city), settlement and village soviets, possess their own presidiums.

"Soviets of people's deputies form permanent commissions and create executive, administrative and other organs accountable to them.

"Officials elected or appointed to soviets of people's deputies may not occupy their positions for more than two successive terms.

"Any official may be dismissed prior to the end of his term if he performs his official duties improperly.

"Article 81. Soviets of people's deputies form organs of people's control combining state control with public control of laborers at enterprises and in institutions and organizations.

"Within the limits of their competency, people's control organs check fulfillment of the requirements of legislation, and of state programs and quotas; fight violations of state discipline, manifestations of parochialism and a bureaucratic approach to work, mismanagement and waste, red tape and bureaucratism; coordinate the work of other control organs; promote improvement of the structure and work of the state apparatus.

"Article 82. Soviets of people's deputies manage, directly and by way of organs they create, all sectors of state, economic, social and cultural development within their territories, make decisions, ensure their fulfillment, and maintain control over implementation of decisions.

"Article 83. The activities of soviets of people's deputies are based on democracy and legality, on glasnost, on collective, free and business-like discussion and resolution of issues, on regular accountability—to them, to labor collectives and to the population—of executive and administrative organs, and of other organs created

by the soviets, and on encouragement of wide participation of citizens in their work.

"Soviets of people's deputies and organs they create heed public opinion, bring the most important issues of state and local significance up for discussion among citizens, and keep citizens systematically informed on their work and on adopted decisions."

2. To use the following wording in section 10:

"Section 10. The Election System

"Article 84. Elections of people's deputies are conducted in single-mandate election okrugs on the basis of the right of universal, equal and direct vote by secret ballot.

"Article 85. Elections of people's deputies are universal: The right to vote is possessed by citizens of the Kirghiz SSR who have attained 18 years of age.

"A citizen of the Kirghiz SSR who has attained 18 years of age and who as a rule resides permanently within the territory of the given soviet may be elected a people's deputy of the local Soviet of People's Deputies.

"A citizen of the Kirghiz SSR who has attained 21 years of age may be elected a people's deputy of the Kirghiz SSR.

"A citizen of the Kirghiz SSR may not simultaneously serve as a people's deputy in more than two soviets of people's deputies.

"Persons serving in the Kirghiz SSR Council of Ministers and in executive committees of local soviets of people's deputies with the exception of the chairmen of these organs, directors of services, departments and administrations of the executive committees of local soviets, judges and state arbiters may not serve as deputies in the soviet by which they are appointed or elected.

"Mentally ill citizens recognized by the court to be incompetent and persons confined in prisons and located in places of compulsory treatment by decision of the court do not participate in elections.

"Article 86. Elections of people's deputies are equal: A voter has one vote in each election district; voters participate in elections on equal grounds.

"Article 87. Elections of people's deputies are direct: People's deputies are elected directly by citizens.

"Article 88. Voting in elections of people's deputies is by secret ballot: Monitoring the will of voters is prohibited.

"Article 89. The right to nominate candidates for people's deputies belongs to labor collectives, public organizations and collectives of teachers and blue and white collar workers jointly with students of secondary special

and higher educational institutions, residential assemblies of voters and military servicemen of specific military units. A nomination should account for the working, political and moral qualities of the candidate for people's deputies.

"The number of candidates for people's deputies is not limited. Each participant of an election meeting may propose any candidate for discussion.

"Candidates for people's deputies participate in the election campaign on equal grounds from the moment of their nomination.

"Any number of candidates may be listed on ballots.

"In elections of people's deputies, district election commissions may conduct conferences of election district representatives to discuss deputy candidates nominated in the district and to make decisions on submitting candidates for registration to the appropriate election commission, to draft mandates to deputies, and to organize accountability reports of deputies to voters.

"Expenditures associated with preparing and conducting elections of people's deputies are made only at state expense.

"Article 90. Preparations for elections of people's deputies are made openly and publicly.

"Elections are conducted by election commissions formed out of representatives of labor collectives, public organizations, collectives of teachers and blue and white collar workers jointly with students of secondary special and higher educational institutions, residential assemblies of voters and servicemen of specific military units.

"Citizens of the Kirghiz SSR, labor collectives and public organizations are guaranteed the possibility of free and comprehensive discussion of the political, working and personal qualities of candidates for people's deputies, and the right of agitation for or against a candidate at meetings, in the press, on television and on radio.

"The procedure for conducting elections of people's deputies is determined by laws of the USSR and the Kirghiz SSR.

"Article 91. Voters give their mandate to their deputies.

"The corresponding soviets of people's deputies examine the mandates and take them into account when drafting plans for economic and social development, when preparing the budget and when drafting decisions regarding other matters, they organize fulfillment of the mandates, and they inform citizens on their fulfillment."

3. To use the following wording in Section 12:

"Section 12. The Kirghiz SSR Supreme Soviet

"Article 97. The Kirghiz SSR Supreme Soviet is the supreme organ of state power of the Kirghiz SSR.

"The Kirghiz SSR Supreme Soviet is a permanent legislative, administrative and control organ of state power of the Kirghiz SSR.

"Article 98. The Kirghiz SSR Supreme Soviet is empowered to examine and decide on any issue within the jurisdiction of the Kirghiz SSR.

"The following are within the exclusive jurisdiction of the Kirghiz SSR Supreme Soviet:

- 1) adopting the Kirghiz SSR Constitution, and introducing amendments to it;
- 2) scheduling elections of people's deputies of the Kirghiz SSR and approving the composition of the Republic Election Commission on Elections of People's Deputies of the Kirghiz SSR;
- 3) making decisions on matters of national and state organization within the jurisdiction of the Kirghiz SSR;
- 4) making decisions on changing the borders of the Kirghiz SSR with other union republics, with their mutual consent;
- 5) resolving matters of the republic's administrative and territorial organization; forming and abolishing oblasts and rayons; establishing and changing the boundaries of oblasts and rayons; establishing the division of oblasts into rayons; forming cities and establishing their subordination; forming rayons in cities, urban settlements and village soviets; renaming rayons and cities in oblasts, rayons in cities, workers' settlements and other population centers;
- 6) determining the republic's domestic and foreign political activities in correspondence with the basic directions of the foreign and domestic policy of the USSR;
- 7) approving long-range state plans and the most important republic programs of economic and social development of the Kirghiz SSR; approving state plans for economic and social development of the Kirghiz SSR, and the State Budget of the Kirghiz SSR; monitoring fulfillment of the plan and the budget; approving reports on their fulfillment; making changes in the plan and in the budget as necessary;
- 8) electing the Chairman of the Supreme Soviet of the Kirghiz SSR;
- 9) electing the First Deputy and Deputy Chairman of the Kirghiz SSR Supreme Soviet;
- 10) appointing the Chairman of the Kirghiz SSR Council of Ministers and members of the government nominated by him, and making changes in the composition of the Kirghiz SSR Council of Ministers;
- 11) forming and abolishing ministries of the Kirghiz SSR and state committees of the Kirghiz SSR at the proposal of the Kirghiz SSR Council of Ministers;
- 12) electing the Committee of People's Control of the Kirghiz SSR, the Supreme Court of the Kirghiz SSR, judges of oblast courts and the Frunze City Court, and the people's judges of rayon (city) people's courts of the Kirghiz SSR;
- 13) appointing the Chief State Arbiter of the Kirghiz SSR; approving the Kirghiz SSR State Board of Arbitration;
- 14) electing the Kirghiz SSR Constitutional Supervision Committee;
- 15) regularly entertaining reports from organs formed or elected by it, and from officials appointed or elected by it; calling for a vote of confidence, when necessary, on the republic's government or an individual member of government, with a majority of two-thirds of the total number of deputies, by secret ballot;
- 16) effecting, within the limits of competency of the Kirghiz SSR, legislative regulation of property relations, organization of the management of the national economy and of social and cultural development, the budget and financial system, wages and price setting, taxation, protection of the environment and exploitation of natural resources, the procedures for implementing constitutional rights, freedoms and obligations of citizens, and other relations;
- 17) interpreting the laws of the Kirghiz SSR;
- 18) adopting decisions to conduct a popular vote (referendum);
- 19) exercising the right of legislative initiative in the USSR Congress of People's Deputies and in the USSR Supreme Soviet;
- 20) directing the activities of local soviets of people's deputies of the Kirghiz SSR; promoting development and reinforcement of local self-management;
- 21) establishing the procedures for organizing republic and local organs of state power and administration and their activities, and establishing the legal status of the republic's public organizations;
- 22) scheduling elections of people's deputies of local soviets of people's deputies of the Kirghiz SSR, and elections of people's assessors of rayon (city) people's courts;
- 23) ratifying and denouncing international treaties of the Kirghiz SSR;
- 24) instituting state awards of the Kirghiz SSR;
- 25) publishing acts of amnesty for persons convicted by courts of the Kirghiz SSR;
- 26) exercising the right to repeal ukases and decrees of the Presidium of the Kirghiz SSR Supreme Soviet;

orders of the Chairman of the Kirghiz SSR Supreme Soviet, and decrees and orders of the Kirghiz SSR Council of Ministers;

27) repealing decisions of oblast soviets and of rayon and city soviets of people's deputies (of republic-subordinated rayons and cities) in the event of their inconsistency with the USSR Constitution, the Kirghiz SSR Constitution, and laws of the USSR and Kirghiz SSR.

"The Supreme Soviet of the Kirghiz SSR adopts laws and decrees.

"Laws of the Kirghiz SSR and decrees of the Kirghiz SSR Supreme Soviet may not contradict laws of the USSR.

"Article 99. The Kirghiz SSR Supreme Soviet consists of 350 people's deputies who are elected from election okrugs, as a rule containing an equal number of voters.

"Article 100. The Kirghiz SSR Supreme Soviet convenes for its first session not later than two months after elections.

"Upon representation of a mandate commission elected by it, the Kirghiz SSR Supreme Soviet makes a decision to recognize the authority of the deputies, and in the event of violation of elections legislation—to recognize election of particular deputies as invalid.

"Article 101. The Kirghiz SSR Supreme Soviet is convened by the Presidium of the Kirghiz SSR Supreme Soviet for regular sessions not less than twice a year.

"Special sessions are convened by the Presidium of the Kirghiz SSR Supreme Soviet on its initiative or at the suggestion of the Chairman of the Kirghiz SSR Supreme Soviet or of not less than one-third of Kirghiz SSR people's deputies.

"Article 102. A session of the Kirghiz SSR Supreme Soviet consists of its meetings as well as of meetings of permanent and other commissions of the Kirghiz SSR Supreme Soviet held in the period between them.

"The first meeting of the Kirghiz SSR Supreme Soviet after elections is opened by the chairman of the Republic Election Commission for Election of Kirghiz SSR People's Deputies, and he leads the meeting until election of the Chairman of the Kirghiz SSR Supreme Soviet, while subsequent meetings are opened by the Chairman of the Kirghiz SSR Supreme Soviet or his deputy.

"The Chairman of the Kirghiz SSR Supreme Soviet directs meetings of the Kirghiz SSR Supreme Soviet and manages its routine.

"Article 103. The right of legislative initiative in the Kirghiz SSR Supreme Soviet belongs to Kirghiz SSR people's deputies, to the Presidium of the Kirghiz SSR Supreme Soviet, to the Chairman of the Kirghiz SSR

Supreme Soviet, to permanent commissions of the Kirghiz SSR Supreme Soviet, to the Constitutional Supervision Committee of the Kirghiz SSR, to the Kirghiz SSR Council of Ministers, to oblast soviets of people's deputies, to the Kirghiz SSR Committee for People's Control, to the Kirghiz SSR Supreme Court, to the Kirghiz SSR Procurator and to the Kirghiz SSR Main State Board of Arbitration.

"The right of legislative initiative is also possessed by public organizations as represented by republic organs, and by the Kirghiz SSR Academy of Sciences.

"Article 104. Draft laws and other matters submitted for examination by the Kirghiz SSR Supreme Soviet are discussed in its meetings.

"Laws of the Kirghiz SSR and decrees of the Kirghiz SSR Supreme Soviet are adopted by a majority of the total number of Kirghiz SSR people's deputies.

"Draft laws and other most important matters of state life may be brought up for public discussion by decision of the Kirghiz SSR Supreme Soviet.

"Article 105. The Presidium of the Kirghiz SSR Supreme Soviet is an organ accountable to the Kirghiz SSR Supreme Soviet which organizes the work of the Kirghiz SSR Supreme Soviet and exercises other powers within the limits foreseen by the Kirghiz SSR Constitution and laws of the Kirghiz SSR.

"The Presidium of the Kirghiz SSR Supreme Soviet contains the following *ex officio* members: the Chairman of the Kirghiz SSR Supreme Soviet, the first deputy and deputy chairmen of the Kirghiz SSR Supreme Soviet, the chairman of the Kirghiz SSR Committee for People's Control, and the chairmen of permanent commissions of the Kirghiz SSR Supreme Soviet.

"The Presidium of the Kirghiz SSR Supreme Soviet is headed by the Chairman of the Kirghiz SSR Supreme Soviet.

"The Presidium of the Kirghiz SSR Supreme Soviet retains its powers until formation of a presidium of the Kirghiz SSR Supreme Soviet of new membership elected by the Kirghiz SSR Supreme Soviet.

"Article 106. The Presidium of the Kirghiz SSR Supreme Soviet:

- 1) convenes sessions of the Kirghiz SSR Supreme Soviet and organizes preparations for them;
- 2) coordinates the activities of permanent commissions of the Kirghiz SSR Supreme Soviet;
- 3) provides assistance to Kirghiz SSR people's deputies in their exercise of their powers and provides them with needed information;
- 4) exercises control over compliance with the Kirghiz SSR Constitution and laws of the Kirghiz SSR;

5) organizes preparation for and conduct of popular votes (referendums) and public discussions of draft laws of the Kirghiz SSR and other most important matters of state life;

6) awards honorary titles of the Kirghiz SSR and presents other state awards of the Kirghiz SSR;

7) grants Kirghiz SSR citizenship in accordance with the procedure established by USSR and Kirghiz SSR legislation; decides on matters of granting asylum;

8) grants pardons to persons convicted by Kirghiz SSR courts;

9) appoints and recalls diplomatic representatives of the Kirghiz SSR in foreign states and international organizations;

10) participates in the USSR Supreme Soviet Presidium's examination of questions of declaring war or a state of emergency within Kirghiz SSR territory;

11) publishes in Kirghiz and Russian Kirghiz SSR laws and other acts adopted by the Kirghiz SSR Supreme Soviet, the Presidium of the Kirghiz SSR Supreme Soviet and the Chairman of the Kirghiz SSR Supreme Soviet;

12) exercises other powers foreseen by Kirghiz SSR laws.

"The Presidium of the Kirghiz SSR Supreme Soviet publishes ukases and adopts decrees.

"**Article 107.** The Chairman of the Kirghiz SSR Supreme Soviet is the highest official of the Kirghiz SSR, and he represents the republic within the country and in international relations.

"The Chairman of the Kirghiz SSR Supreme Soviet is elected by the Kirghiz SSR Supreme Soviet from among Kirghiz SSR people's deputies by secret ballot for a term of five years and for not more than two successive terms. He may be recalled by the Kirghiz SSR Supreme Soviet at any time by secret ballot.

"The Chairman of the Kirghiz SSR Supreme Soviet is accountable to the Kirghiz SSR Supreme Soviet.

"**Article 108.** The Chairman of the Kirghiz SSR Supreme Soviet:

1) exercises general leadership over preparation of matters subject to examination by the Kirghiz SSR Supreme Soviet;

2) signs Kirghiz SSR laws and other acts adopted by the Kirghiz SSR Supreme Soviet and the Presidium of the Kirghiz SSR Supreme Soviet;

3) reports to the Kirghiz SSR Supreme Soviet on the state of affairs in the republic and on other important matters of state life;

4) submits candidates to the Kirghiz SSR Supreme Soviet for election to the positions of first deputy and

deputy chairmen of the Kirghiz SSR Supreme Soviet, and proposals for the membership of the Kirghiz SSR Constitutional Supervision Committee;

5) submits candidates to the Kirghiz SSR Supreme Soviet for appointment for election to the positions of chairman of the Kirghiz SSR Council of Ministers, chairman of the Kirghiz SSR Committee for People's Control, chairman of the Kirghiz SSR Supreme Court, and the Kirghiz SSR Main State Arbiter;

6) conducts negotiations and signs international treaties of the Kirghiz SSR.

"The Chairman of the Kirghiz SSR Supreme Soviet issues orders.

"The First Deputy Chairman of the Kirghiz SSR Supreme Soviet and the Deputy Chairman of the Kirghiz SSR Supreme Soviet carry out certain functions of the Chairman of the Kirghiz SSR Supreme Soviet on his authority, and substitute for the Chairman in the event of his absence or inability to carry out his obligations.

"**Article 109.** The Kirghiz SSR Supreme Soviet elects permanent commissions from among Kirghiz SSR people's deputies to manage the writing of bills, to carry out preliminary examinations and preparations on matters within the jurisdiction of the Kirghiz SSR Supreme Soviet, to promote implementation of Kirghiz SSR laws and other decisions adopted by the Kirghiz SSR Supreme Soviet, and to monitor the activities of state organs and organizations.

"The Kirghiz SSR Supreme Soviet creates investigative, auditing and other commissions pertaining to any matter whenever it finds this necessary.

"**Article 110.** Laws and other decisions of the Kirghiz SSR Supreme Soviet are adopted after preliminary discussion of drafts by the appropriate permanent commissions of the Kirghiz SSR Supreme Soviet.

"Officials are appointed and elected to the composition of the Kirghiz SSR Council of Ministers, the Kirghiz SSR Committee for People's Control, the Kirghiz SSR Supreme Court, the Kirghiz SSR State Board of Arbitration, judges of oblast and Frunze city courts and people's judges of rayon (city) people's courts on the basis of conclusions of appropriate permanent commissions of the Kirghiz SSR Supreme Soviet.

"All state and public organs, organizations and officials are obligated to fulfill the requirements of commissions of the Kirghiz SSR Supreme Soviet, and furnish them with needed materials and documents.

"Recommendations of commissions are subject to mandatory examination by state and public organs, institutions and organizations. The results of examination and of adopted measures must be communicated to the commissions by the deadline they establish.

"Article 111. During sessions of the Kirghiz SSR Supreme Soviet a Kirghiz SSR people's deputy is entitled to make enquiries of the Chairman of the Kirghiz SSR Supreme Soviet, the Kirghiz SSR Council of Ministers, of directors of other organs formed or elected by the Kirghiz SSR Supreme Soviet, and of directors of union-subordinated enterprises, institutions and organizations located on Kirghiz SSR territory in regard to matters within the jurisdiction of the Kirghiz SSR. The organ or official to which an enquiry is made is obligated to provide an oral or written reply during the given session of the Kirghiz SSR Supreme Soviet within not more than three days.

"Kirghiz SSR people's deputies are released from administrative and production responsibilities for the time necessary to carry out their deputy functions in the Kirghiz SSR Supreme Soviet, in its commissions and among the public. Kirghiz SSR people's deputies may be released from administrative or production responsibilities for their entire term in the Kirghiz SSR Supreme Soviet.

"A Kirghiz SSR people's deputy may not be subjected to criminal proceedings, arrested or subjected to administrative punishment imposed by the courts without the consent of the Kirghiz SSR Supreme Soviet, and in the period between its sessions, without the consent of the Presidium of the Kirghiz SSR Supreme Soviet.

"Article 112. The Kirghiz SSR Constitutional Supervision Committee is elected by the Kirghiz SSR Supreme Soviet for a term of 10 years from among specialists in the fields of politics and law, and it consists of a chairman, a deputy chairman and seven committee members.

"Persons elected to the Kirghiz SSR Constitutional Supervision Committee may not serve simultaneously as members of organs publishing acts that are subject to supervision by the committee.

"Persons elected to the Kirghiz SSR Constitutional Supervision Committee are independent in the performance of their obligations, and they are subordinated only to the Kirghiz SSR Constitution.

"The Kirghiz SSR Constitutional Supervision Committee:

1) submits, to the Kirghiz SSR Supreme Soviet on its own initiative or on instructions from the Kirghiz SSR Supreme Soviet, its conclusions as to the correspondence of draft laws of the Kirghiz SSR, subject to examination by the Kirghiz SSR Supreme Soviet, to the Constitution;

2) submits, to the Kirghiz SSR Supreme Soviet on its own initiative or on instructions from the Kirghiz SSR Supreme Soviet, its conclusions as to the correspondence of acts of the Kirghiz SSR Supreme Soviet and of draft acts of this organ to the Kirghiz SSR Constitution and Kirghiz SSR laws;

3) maintains surveillance over the correspondence of decrees and orders of the Kirghiz SSR Council of Ministers and decisions of oblast, rayon, city and city rayon soviets of people's deputies of the Kirghiz SSR to the Kirghiz SSR Constitution and Kirghiz SSR laws;

4) makes conclusions, on its own initiative or on instructions from the Kirghiz SSR Supreme Soviet and at the request of the Presidium of the Kirghiz SSR Supreme Soviet, the Chairman of the Kirghiz SSR Supreme Soviet, permanent commissions of the Kirghiz SSR Supreme Soviet and the Kirghiz SSR Council of Ministers, as to correspondence of acts of other state organs and public organizations to the Kirghiz SSR Constitution and Kirghiz SSR laws.

"When an act or certain of its provisions are found to be contrary to the Kirghiz SSR Constitution or Kirghiz SSR laws, the Kirghiz SSR Constitutional Supervision Committee forwards its conclusion to the organ that published the act in order to correct the violation. Adoption of such a conclusion by the committee suspends execution of the act or certain of its provisions contrary to the Kirghiz SSR Constitution or Kirghiz SSR law.

"The Kirghiz SSR Constitutional Supervision Committee is entitled to make representations to the Kirghiz SSR Supreme Soviet or the Kirghiz SSR Council of Ministers concerning repeal of acts of organs or officials accountable to them that are contrary to the Kirghiz SSR Constitution or Kirghiz SSR law.

"The organization and procedures of the activities of the Kirghiz SSR Constitutional Supervision Committee are determined by law.

"Article 113. The Kirghiz SSR Supreme Soviet monitors the activities of all state organs accountable to it.

"The Kirghiz SSR Supreme Soviet directs the activities of the Kirghiz SSR Constitutional Supervision Committee, which itself is in charge of the system of Kirghiz SSR people's control organs.

"The organization and procedures of the activities of people's control organs are determined by the USSR Law on People's Control.

"Article 114. The procedures of the activities of the Kirghiz SSR Supreme Soviet and of its organs are determined by regulations of the Kirghiz SSR Supreme Soviet and by other Kirghiz SSR laws adopted on the basis of the Kirghiz SSR Constitution."

4. To use the following wording in articles 151, 152 and 154 of section 18, "The Court and Arbitration":

"Article 151. All courts in the Kirghiz SSR are constituted out of elected judges and people's assessors.

"People's judges of rayon (city) people's courts and judges of oblast courts, the Frunze City Court and the Kirghiz SSR Supreme Court are elected by the Kirghiz SSR Supreme Soviet.

"People's assessors of rayon (city) people's courts are elected by assemblies of citizens at their places of residence or work by open ballot, while people's assessors of higher courts are elected by the corresponding soviets of people's deputies.

"Judges of all courts are elected for a term of 10 years. People's assessors of all courts are elected for a term of five years.

"Judges and people's assessors are responsible to the organs or voters electing them, they are accountable to them, and they may be recalled by them in accordance with the procedure established by law.

"**Article 152.** The Kirghiz SSR Supreme Court is the supreme judicial organ of the Kirghiz SSR, and it maintains surveillance over the judicial activities of Kirghiz SSR courts.

"The Kirghiz SSR Supreme Court consists of a chairman, a first deputy chairman, deputy chairmen, members and people's assessors."

"**Article 154.** Judges and people's assessors are independent, and they are subordinated only to the law.

"Judges and people's assessors are provided conditions allowing unhindered and effective exercise of their rights and obligations. Any interference in the activities of judges and people's assessors in administration of justice is impermissible and punishable by law.

"The inviolability of judges and people's assessors and other guarantees of their independence are established by the USSR Law on the Status of Judges in the USSR and other legislation of the USSR and the Kirghiz SSR."

II. In connection with the new wording of sections 9, 10 and 12 of the Kirghiz SSR Constitution, to introduce amendments and additions arising from them in the following articles of the Kirghiz SSR Constitution:

1. To use the following wording in Article 71:

"**Article 71.** Kirghiz is the state language of the Kirghiz Soviet Socialist Republic.

"The Kirghiz SSR promotes comprehensive development of the state language and its function in all spheres of the republic's state, social and cultural life.

"The Kirghiz SSR ensures free function of Russian within the territory of the republic as the language of international communication among peoples of the USSR.

"The Kirghiz SSR displays state concern for equal and free development of all languages used by the republic's population."

2. To use the following wording in Article 73:

"**Article 73.** The Kirghiz SSR participates in the resolution of issues within the jurisdiction of the USSR at the

USSR Congress of People's Deputies and in the USSR Supreme Soviet, the Presidium of the USSR Supreme Soviet, the government of the USSR and other organs of the USSR.

"The Kirghiz SSR ensures integrated economic and social development on its territory, promotes exercise of the powers of the USSR within this territory, and implements decisions of higher organs of state government and administration of the USSR.

"In matters within its jurisdiction, the Kirghiz SSR coordinates and monitors the activities of union-subordinated enterprises, institutions and organizations.

"The Kirghiz SSR is entitled to enter into relations with foreign states, sign treaties with them, exchange diplomatic and consulate representatives with them, and participate in the activities of international organizations."

3. To use the following wording in the third part of Article 92:

"In his activities a deputy guides himself by state interests, accounts for the interests of labor collectives and the population of the election okrug, and promotes implementation of the mandates of the voters and his election program."

4. To use the following wording in Article 93:

"**Article 93.** A deputy exercises his powers as a rule without deserting his production or administrative activities.

"During the time that the Kirghiz SSR Supreme Court or local soviets of people's deputies are in session, and in order to be able to exercise his powers as a deputy in other cases foreseen by law, a deputy is released from his production or administrative obligations, and his expenses associated with his activities as a deputy are compensated by the assets of correspondingly the republic or local budget."

5. To use the following wording in the first part of Article 94:

"A deputy is entitled to make enquiries of the appropriate state organs and officials, who are obligated to provide a reply to an enquiry during the session of the Kirghiz SSR Supreme Soviet or the local Soviet of People's Deputies."

6. To use the following wording in Article 96:

"**Article 96.** A deputy is obligated to report on his work, on fulfillment of his election program and on work of the Kirghiz SSR Supreme Soviet or the local Soviet of People's Deputies to voters, collectives and public organizations that nominated him as a deputy candidate.

"A deputy who fails to justify the trust of voters may be recalled at any time by decision of the majority of the voters in accordance with the procedure established by law."

7. To use the following wording in Article 117:

"Article 117. The Kirghiz SSR Council of Ministers is responsible to the Kirghiz SSR Supreme Soviet, and it is accountable to it.

"A newly formed Kirghiz SSR Council of Ministers submits the program of its forthcoming activities in its term of service.

"The Kirghiz SSR Council of Ministers reports on its work to the Kirghiz SSR Supreme Soviet not less than once a year."

8. To use the following wording in the first part of Article 118:

"The Kirghiz SSR Council of Ministers is empowered to resolve all matters of state administration within the jurisdiction of the Kirghiz SSR, to the extent that they are not within the competency of the Kirghiz SSR Supreme Soviet and its Presidium and the Chairman of the Kirghiz SSR Supreme Soviet, as determined by the Kirghiz SSR Constitution."

9. To use the following wording in Article 120:

"Article 120. The Kirghiz SSR Council of Ministers publishes decrees and orders on the basis and in execution of USSR laws and other decisions of the USSR Congress of People's Deputies and the USSR Supreme Soviet, laws of the Kirghiz SSR and other decisions of the Kirghiz SSR Supreme Soviet, and decrees and orders of the USSR Council of Ministers, and it verifies their execution. Decrees and orders of the Kirghiz SSR Council of Ministers are binding within the entire territory of the Kirghiz SSR."

10. To substitute the words "on the basis and in execution of laws of the USSR and the Kirghiz SSR and other decisions of the USSR Supreme Soviet and its Presidium, and of the Kirghiz SSR Supreme Soviet and its Presidium" in the fourth part of Article 122 by the words "on the basis and in execution of USSR laws and other decisions of the USSR Congress of People's Deputies and the USSR Supreme Soviet, laws of the Kirghiz SSR and other decisions of the Kirghiz SSR Supreme Soviet."

11. To supplement Article 24 with second and third parts of the following content:

"The work of oblast, rayon, city and city rayon soviets of people's deputies is organized by their presidiums, headed by soviet chairmen, and in city (rayon-subordinated city) settlement and village soviets, by the chairman of these soviets.

"The powers and procedures of the activities of presidiums and chairmen of local soviets of people's deputies are established by legislation on local soviets of people's deputies."

12. To delete the words "their executive committees" from the first part of Article 128.

13. To use the following wording in Article 172:

"Article 172. The Kirghiz SSR Constitution is amended by a decision of the Kirghiz SSR Supreme Soviet adopted by a majority of not less than two-thirds of the total number of Kirghiz SSR people's deputies."

Decree on Implementation of Changes in the Kirghiz SSR Constitution

*90US0107D Frunze SOVETSKAYA KIRGIZIYA
in Russian 29 Sep 89 p 3*

[“Decree of the Kirghiz SSR Supreme Soviet on the Procedure for Enacting the Kirghiz SSR Law ‘On Amendments and Additions to the Constitution (Basic Law) of the Kirghiz SSR,’” issued 23 September 1989]

[Text] In connection with adoption of the Kirghiz SSR law “On Amendments and Additions to the Constitution (Basic Law) of the Kirghiz SSR” on 23 September 1989, the Supreme Soviet of the Kirghiz Soviet Socialist Republic **resolves:**

Article 1. That the Kirghiz SSR Supreme Soviet retains its powers in accordance with the 1978 Constitution of the Kirghiz SSR until election of people's deputies of the Kirghiz SSR, and the Presidium of the Kirghiz SSR Supreme Soviet does so until formation of a new Presidium of the Kirghiz SSR Supreme Soviet.

To order the Presidium of the Supreme Soviet of the Kirghiz SSR to convene the first session of the Supreme Soviet of the Kirghiz SSR following elections of people's deputies of the Kirghiz SSR, and organize preparations for it; to also exercise, as necessary, other powers granted to the Presidium of the Kirghiz SSR Supreme Soviet by Article 106 of the Kirghiz SSR Constitution, in the version provided by the 23 September 1989 Kirghiz SSR law.

To establish that ukases which were adopted by the Presidium of the Kirghiz SSR Supreme Soviet, and which were not examined at the 11th Convocation of the Kirghiz SSR Supreme Soviet, are to be examined by the newly elected Kirghiz SSR Supreme Soviet.

Article 2. The five-year term of soviets of people's deputies established by Article 79 of the Kirghiz SSR Constitution applies to the republic's local soviets of people's deputies beginning with their next convocation.

Executive committees of local soviets of people's deputies of the Kirghiz SSR, 20th Convocation, retain their powers in accordance with Article 137 of the 1978

Kirghiz SSR Constitution until election of executive committees by soviets of people's deputies of the new convocation.

Article 3. State organs and officials accountable to the Kirghiz SSR Supreme Soviet retain their powers henceforth until formation or appointment of the corresponding organs and officials by the Kirghiz SSR Supreme Soviet.

Article 4. The provisions of articles 80 and 85 of the Kirghiz SSR Constitution, as provided for in the 23 September 1989 Kirghiz SSR law, establishing that a citizen of the Kirghiz SSR may not serve as a people's deputy simultaneously in more than two soviets of people's deputies, and which prohibits election, as people's deputies, of officials appointed or elected by the soviets and their serving more than two successive terms, are effective from the moment of election of soviets of people's deputies of the new convocation and from the moment of their appointment or election of officials.

Article 5. Judges and people's assessors of all courts of the Kirghiz SSR exercise their powers henceforth until election of the new membership of the courts in accordance with the procedure foreseen by Article 151 of the Kirghiz SSR Constitution in the version provided by the 23 September 1989 Kirghiz SSR law.

*Chairman of the Kirghiz SSR Supreme Soviet Presidium,
T. Akmatov*

*Secretary of the Kirghiz SSR Supreme Soviet Presidium,
A. Myrzaliyeva*

Latvian SSR

Latvian SSR Law on Changes to Republic Constitution

18001606A Riga SOVETSKAYA ROSSIYA in Russian
8 Aug 89 pp 1, 2

[“Law of the Latvian Soviet Socialist Republic on Changes and Additions to the Constitution (Fundamental Law) of the Latvian SSR”]

[Text] The Supreme Soviet of the Latvian Soviet Socialist Republic **resolves:**

To introduce into the Constitution (Fundamental Law) of the Latvian SSR the following changes and additions:

1. To set forth Articles 1 and 2 in the following wording:

“Article 1. The Latvian Soviet Socialist Republic is a sovereign socialist state, established for the purposes of realizing the rights of the Latvian nation to self-determination and of protecting the interests of all the citizens of the republic.

“The territory of the Latvian Soviet Socialist Republic is the inalienable and inviolable historical locus of the rise of the Latvian nation and state, the single place in the

world where the Latvian nation can in total measure realize its right to its own statehood and develop without hinderance the Latvian language, its national culture, and economy.

“Article 2. All authority within the Latvian Soviet Socialist Republic belongs to the people, comprising the totality of all citizens of the republic.

“The unlimited authority of the people extends to all spheres of state and social life. The will of the people is the basis of legislative, executive, and judicial authority within the Latvian SSR. The citizens of the Latvian SSR exercise the authority of the state directly or through representative organs.

“The political basis of the Latvian SSR are soviets of people's deputies, to which all other state organs are subordinate.

“The soviets of people's deputies personify the state sovereignty of the Latvian SSR. No one has the right to exercise the powers of state within the territory of the Latvian SSR in avoidance of or in parallel to them.”

2. To set forth Articles 10 and 11 in the following wording:

“Article 10. The basis of the economic system of the Latvian SSR is state property, which is comprised of republic property and the property of local soviets, as well as of cooperative property, the property of public organizations, and other forms of collective property, and the property of the citizens of the Latvian SSR.

“The Latvian SSR jointly with the other union republics is an owner of federal property.

“Within its own territory, the Latvian SSR recognizes federal and inter-republic property, the property of other union republics and of foreign states and international organizations, the property of juridical and physical persons, of other union republics and foreign states, and also the joint property the parties cited.

“The state guarantees and protects all these types of property.

“Article 11. The land, its mineral wealth, inland waters and territorial marine waters, the living and nonliving resources of the continental shelf and of the Latvian economic zone in the Baltic Sea, and other natural resources are exclusively the state property of the Latvian SSR. Industrial enterprises, transportation facilities and lines, and other national economic and cultural wealth are the property of the Latvian SSR. Disposition and procedures for utilization of objects enumerated in Part Three of Article 10 of the Latvian SSR Constitution are governed by agreement.

“The Latvian SSR exercises exclusive jurisdiction with regard to the air space above its land territory and to the inland waters and territorial marine waters of the republic.”

3. To amend article 13 following its first part with a new part in the following wording:

"Citizens of the Latvian SSR are afforded, free of charge and in perpetuity, land and other natural resources for purposes of carrying out peasant farming. The right to utilization of the land and other natural resources is transferred by inheritance."

Parts two and three are to be numbered parts three and four, respectively,

4. To set forth Article 68 in the following wording:

"**Article 68.** The Latvian Soviet Socialist Republic together with the Azerbaijan Soviet Socialist Republic, the Belorussian Soviet Socialist Republic, the Georgian Soviet Socialist Republic, the Kazakh Soviet Socialist Republic, the Kirghiz Soviet Socialist Republic, the Lithuanian Soviet Socialist Republic, the Moldavian Soviet Socialist Republic, the Russian Soviet Federated Socialist Republic, the Tajik Soviet Socialist Republic, the Turkmen Soviet Socialist Republic, the Uzbek Soviet Socialist Republic, the Ukrainian Soviet Socialist Republic, and the Estonian Soviet Socialist Republic form the Union of Soviet Socialist Republics—a federated multi-national state.

"The Latvian Soviet Socialist Republic exercises the full range of state authority within its own territory and defines the scope of state powers which are exercised independently or jointly with other union republics."

5. To set forth Articles 71 and 72 in the following wording:

"**Article 71.** The Constitution and laws of the USSR enter into force within the territory of the Latvian SSR from the moment of their ratification or passage of a decree on their entry into force by the supreme organ of state power within the Latvian SSR.

"In the case that the Constitution of the Latvian SSR or the law of the Latvian SSR conflict with the Constitution of the USSR or with law of the USSR that have been placed into effect within the territory of the Latvian SSR by decrees of the Supreme Soviet of the Latvian SSR, the Constitution of the USSR and the laws of the USSR, respectively, will be effective.

"**Article 72.** The Latvian SSR is a unitary state. Its territory is comprised of the ethnic lands of the Letts and Livs: Vidzeme, Zembale, Kurzeme, and Latgale.

"The borders of the Latvian SSR are fixed by international agreements.

"Decisions on changes to the borders between the Latvian SSR and other states are the exclusive right of the people of Latvia and are reached by way of referendum."

6. To set forth articles 79 and 81-83 in the following wording:

"**Article 79.** The term of office of soviets of people's deputies is five years.

"Elections of people's deputies of the Latvian SSR are set not later than four months and elections of people's deputies of local soviets not later than three months prior to the expiration of the terms of office of the corresponding organs of state authority."

"**Article 81.** Soviets of people's deputies establish organs of people's control comprising a single republic system of people's control which combines state control with public control by workers at enterprises and in institutions and organizations.

"The organs of people's control verify that requirements of the Constitution and laws and state programs and assignments being fulfilled; they combat violations of state discipline and social justice, including unjustified price rises, actions which represent a danger to the health of the population and cause damage to the environment, manifestations of localism and a departmental approach to affairs, as well as lack of economy and wastefulness, red tape and bureaucracy; they coordinate the activity of control organs; and they help to improve the structure and work of the state apparatus.

"**Article 82.** The soviets of people's deputies, both directly and through the organs established by them, direct all sectors of state, economic and sociocultural development, reach decisions, ensure they are carried out, and exercise supervision over the implementation of these decisions.

"The soviets of people's deputies ensure the economic and sociocultural development of the territory subordinate to them and the improved well-being of its population, independently direct the republic and local economy on the principles of self-management and full economic accountability.

"Economic and sociocultural activities which affect the interests of the entire population are carried out on the territory subordinate to a soviet of people's deputies only with its agreement. In cases when the local soviet of people's deputies refuses to agree to the implementation of plans which have a republic-wide significance, the question is resolved by the supreme organ of state power of the Latvian SSR.

"**Article 83.** The activities of soviets of people's deputies are organized on the basis of collective, free, businesslike discussion and scientifically-based resolution of questions, glasnost, and of the regular accountability of executive and administrative organs, and of other organs established by the soviets, to them and to the population, and the constant supervision of these organs, and on the broad recruitment of the population into the work of the soviets.

"The soviets of people's deputies and the organs created by them take public opinion into account and systematically inform the citizens about their work and the decisions they have reached. The soviets submit the most important questions of republic-wide and local significance to public discussion and to a republic or local referendum."

7. To set forth Chapter 10 in the following wording:

"Chapter 10. The Electoral System"

"Article 84. The election of people's deputies is accomplished by single-mandate or multiple-mandate election districts [okrug] based on the right of general, equal, and direct vote by secret ballot and with free expression of will.

"Article 85. Elections of people's deputies are general.

"Citizens of the Latvian SSR who have attained the age of 18 years have the right to nominate candidates for people's deputy of the Latvian SSR and for people's deputies to local soviets and the right to vote.

"Any citizen of the Latvian SSR who has attained the age of 21 years and who has resided permanently within the Latvian SSR for the previous ten years may be elected a people's deputy of the Latvian SSR.

"Any citizen of the Latvian SSR who has attained 18 years of age and who has resided permanently within the Latvian SSR for the previous five years may be elected a people's deputy to a local soviet.

"Military personnel serving within the territory of the Latvian SSR may vote and be elected within election districts established for the election of people's deputies representing military personnel, independently of whether they hold Latvian citizenship or of the length of their service within the territory of the republic. Members of the families of military personnel and other citizens living within areas where military units are stationed may vote in districts established for the election of people's deputies representing military personnel, independently of whether they possess citizenship within the Latvian SSR.

"A citizen of the Latvian SSR may not be simultaneously a people's deputy to more than two soviets of people's deputies.

"Citizens of the Latvian SSR having a permanent place of residence within the territory of foreign states may not vote or be elected.

"Persons who are members of the Latvian SSR Council of Ministers, executive committees of local soviets of people's deputies, with the exception of the chairmen of these organs, the chairman and members of the Latvian SSR Constitutional Court, deputy ministers and chairmen of Latvian SSR state committees, directors of departments, directors of departments and administrations of executive committees of local soviets and their

deputies may not be deputies to the corresponding soviet. Judges, procurators, deputy procurators and state arbiters may not be deputies to the same soviet which elected or designated them, or also of a soviet on the territory of which they carry out their official functions.

"Mentally ill persons, certified by a court to be incompetent, persons being held in places of confinement, and also persons sent by court decision to places of forced treatment will not participate in elections."

"Article 86. Elections of people's deputies are equal. Every elector has one vote; voters participate in elections on an equal basis."

"Article 87. Elections of people's deputy are direct: People's deputies are elected by citizens directly.

"Article 88. Balloting in elections of people's deputies is secret: Control of voters' expression of will is not permitted.

"Elections of people's deputies are free. Influence of the will of the voters by means of pressure, deceit, threat, bribery or other illegal means and breach of their expressed will shall entail penalties stipulated by law.

"Article 89. The right to nominate candidates for people's deputy belongs to labor collectives, collectives of pupils and students, social organizations, and meetings of voters by place of residence and of military personnel by military unit.

"The number of candidates for people's deputy is not restricted. Each participant in a meeting may propose any candidacies for discussion, including his own.

"Any number of candidates may be listed in an election ballot.

"Expenditures connected with the preparation and conduct of elections of people's deputies are covered at the expense of the state. Financing of election campaigns from other sources is prohibited.

"Article 90. Preparations for elections of people's deputies are carried out openly and publicly.

"The conduct of elections is provided for by election commissions which are comprised of representatives of labor collectives, pupils and students, public organizations, and meetings of electors by place of residence and of military personnel by military unit.

"Citizens, labor collectives, collectives of pupils and students and social organizations are guaranteed the possibility of free and comprehensive discussion of the political, professional and personal qualities of a candidate for people's deputy, of his ability to perform the responsibilities of deputy, of his program of future activity, and also the right to campaign for or against a candidate at meetings, in the press and on television and radio.

"Procedures for conducting elections of people's deputies are defined by the Latvian SSR Law on the Election

of People's Deputies of the Latvian SSR and the Latvian SSR Law on Elections of People's Deputies to Local Soviets in the Latvian SSR.

"The preparation and conduct of elections of people's deputies of the Latvian SSR and of people's deputies to local soviets throughout the territory of the republic is directed by the Central Electoral Commission of the Latvian SSR.

"Article 91. Electors give mandates to their deputies.

"Soviets of people's deputies examine all mandates and take approved mandates into consideration when developing plans of economic and social development, when compiling the budget, and in the preparation of decisions on other questions, and jointly with the deputy also organize the carrying out of mandates and advise the citizens about this.

"A deputy is obligated to do everything depending upon him to carry out the mandates of his electors."

8. To amend Article 92 following its second part with a new third part having the following content:

"A deputy may participate with the right of consultative voice in the work of lower-standing soviets in whose territory his election district is located."

To consider Part Three as Part Four.

9. To set forth parts three and four of Article 97 in the following wording:

"The following fall within the exclusive competence of the Latvian SSR Supreme Soviet:

1) adoption of the Constitution of the Latvian SSR, the introduction of changes to it, and adoption of the laws of the Latvian SSR;

2) ratification of agreements between the Latvian SSR and the USSR as a whole and between the Latvian SSR and the other union republics; ratification of the Constitution of the USSR and of laws of the USSR which concern the introduction of changes and additions to it;

3) the conduct of a referendum concerning succession of the republic from the USSR;

4) definition of the state borders of the Latvian SSR; the conduct of a referendum concerning changes in the borders between the Latvian SSR and other union republics based on their mutual agreement and the submission of these questions for approval by the USSR Congress of People's Deputies;

5) ensuring the uniformity of laws throughout the territory of the Latvian SSR; resolution of questions concerning introduction within the territory of the republic of the laws of the USSR as a whole, in part, or with stipulations; suspension of the implementation of acts of USSR state organs within the territory of the Latvian

SSR in the event that they do not correspond to the Constitution and laws of the Latvian SSR;

6) determination of the basic directions of the domestic and foreign policies of the Latvian SSR;

7) approval of state plans of economic and social development, of the Latvian SSR state budget and the most important programs, and also of reports on their fulfillment;

8) appointment of the chairman of the Latvian SSR Council of Ministers; approval, at his representation, of the composition of the Latvian SSR Council of Ministers and the introduction of changes to the composition of the Latvian SSR Council of Ministers;

9) the establishment and abolition, upon the proposal of the Latvian SSR Council of Ministers, of Latvian SSR ministries and the state committees;

10) election of the Constitutional Court of the Latvian SSR;

11) appointment of the Latvian SSR procurator;

12) appointment of the chairman of the Latvian SSR Supreme Court, of the Latvian SSR chief state arbiter, of the chairman of the Latvian SSR People's Control Committee, and the chairman of the Latvian SSR Committee for Environmental Protection;

13) selection of the Latvian SSR People's Control Committee, the Latvian SSR Committee for Environmental Protection, the Latvian SSR Supreme Court, of people's judges of rayon (city) people's courts, approval of the collegium of the Latvian SSR Procuracy, of the Latvian SSR Supreme Court Presidium, and of the collegium for disciplinary affairs of the Latvian SSR Supreme Court;

14) resolution of questions of Latvian SSR ethnic policy;

15) exercising supervision of the observance of the Constitution and laws by state and public organs, enterprises, institutions, and organizations, including military units, state security organs, organs and units of internal affairs, and also by defense industry enterprises located on the territory of the Latvian SSR;

16) abrogation of ukases and resolutions of the Latvian SSR Supreme Soviet Presidium and of resolutions and instructions of the Latvian SSR Council of Ministers;

17) abrogation of the decisions of rayon and city (cities of republic subordination) soviets of people's deputies in the Latvian SSR (with the exception of cases envisaged by Article 82 of the present Constitution) in case of their disparity with the law;

18) abrogation of acts of local soviets of people's deputies in cases stipulated by Part Three of Article 82 of the present Constitution;

19) designation of elections of people's deputies of the Latvian SSR and of people's deputies of local soviets in

the Latvian SSR, and also of people's assessors of Latvian SSR people's courts and approval of the composition of the Central Electoral Commission of the Latvian SSR;

20) hearing reports of organs formed or selected by the Latvian USSR Supreme Soviet, and also of officials appointed or selected by it, with the exception of judges and people's assessors;

21) the reaching of decisions with regard to questions of the administrative and territorial structure of the Latvian SSR;

22) the reaching of decisions with regard to questions of special economic zones and their legal regime;

23) the reaching of decisions in case of a need to establish ecologically dangerous objects and concerning the cessation of their activities;

24) determination of necessary measures with regard to ensuring state security and public order; resolution of the question of declaring a war or extraordinary situation for the republic as a whole or in individual localities and concerning the introduction of special forms of administration in such situations;

25) ratification and renunciation of the international agreements of the Latvian SSR, resolution of questions regarding the opening and closing of Latvian SSR diplomatic representations, consular institutions, trade representations and other organizations;

26) exercising control over the conclusion of agreements about loans and credits received from foreign sources;

27) exercising oversight over the foreign ties of the Latvian SSR and over the observance of treaty obligations in this area;

28) resolution of questions about the opening of permanent representations of the Latvian SSR assigned to the supreme organs of state power of the USSR and other union republics;

29) reaching decisions about holding a popular vote (referendum);

30) establishment of state awards of the Latvian SSR;

31) resolution of other questions pertaining to the Latvian SSR.

"The Supreme Soviet of the Latvian SSR approves the laws of the Latvian SSR and resolutions by a majority vote of the total number of Latvian SSR people's deputies and, in cases envisaged by points 1-5, 18, 23, and 29, by a two-thirds majority of the Latvian SSR people's deputies."

10. To amend Article 101, Part Three in the following wording:

"In cases of the submission to the Latvian SSR Supreme Soviet of draft laws or drafts of decisions which entail a violation of the sovereignty of the republic or violations of the right of the Lettish nation to self-determination, to determine under conditions of total freedom and without interference from outside its own domestic and foreign political status and to pursue at its own discretion its own political, economic, social and cultural development. A draft is subject to review only in cases when all deputies present at a session of the Latvian SSR Supreme Soviet vote in favor of its review."

11. To set forth Article 104 and 105 in the following wording:

"**Article 104.** A people's deputy of the Latvian SSR and a people's deputy of the USSR, elected in the Latvian SSR, has the right at sessions of the Latvian SSR Supreme Soviet to address an inquiry to the Chairman of the Latvian SSR Supreme Soviet Presidium, to the Latvian SSR Council of Ministers, to the directors of other organs which are established, elected, or approved by the Latvian SSR Supreme Soviet, and also to the directors of departments of the Latvian SSR which have been established by the Latvian SSR Council of Ministers and to the directors of enterprises, institutions and organs of all-union subordination. An organ or official to which an inquiry is addressed is obliged to give an oral or written answer at the given session of the Latvian SSR Supreme Soviet or, by decision of the deputies, at the following session.

"**Article 105.** A people's deputy of the Latvian SSR cannot be made subject to criminal prosecution, detained, arrested, or subjected to search or administrative investigative methods, imposed by a court, without the agreement of the Latvian SSR Supreme Soviet and, in the period between sessions, without the agreement of the Latvian SSR Supreme Soviet Presidium.

"In case a threat arises to the personal immunity of a people's deputy of the Latvian SSR, the members of his family, or his property, the state guarantees their security."

12. To set forth points 1, 5, 8-11, and 13 of Article 108 in the following wording:

"1) exercises full authority with regard to the preparation of elections afforded it by the Law on Elections of Latvian SSR People's Deputies and the Law on Elections of People's Deputies to Local Soviets in the Latvian SSR.";

"5) organizes the preparation and conduct of popular votes (referendums), and also of popular discussions of draft laws of the Latvian SSR and of other most important questions of state life;"

"8) determines the necessity of measures in cases of accidental calamities and natural catastrophes;

"9) introduces proposals concerning the removal of representatives of central administrative organs of the USSR within the Latvian SSR;

"10) confers the state awards of the Latvian SSR;

"11) resolves questions of the granting, renunciation, and deprivation of Latvian SSR citizenship; decides questions of the granting of asylum;"

"13) designates and recalls permanent representatives of the Latvian SSR to the supreme organs of state power of the USSR and the other union republics."

13. To amend Article 109, points 5 and 6, as follows:

"5) abrogates resolutions and instructions of the Latvian SSR Council of Ministers, decision of rayon and city (cities of republic subordination) soviets of people's deputies in case of their nonconformity with the law;

"6) determines necessary measures to ensure state security and public order; jointly with the Presidium of the USSR Supreme Soviet decides the question of declaring a military or an exceptional situation for the entire republic or in individual localities and about the introduction in these cases of special forms of administration."

14. To set forth Article 110 in the following wording:

"**Article 110.** The Latvian SSR Supreme Soviet Presidium passes ukases and resolutions by majority vote of the total number of members of the Presidium with the exception of cases envisaged by point 6 of Article 109, when a two-thirds majority vote of the entire number of Presidium members is required."

15. To set forth Article 128 in the following wording:

"**Article 128.** The work of soviets of people's deputies in rayons, cities, and rayons within cities is organized by their presidiums, headed by the chairmen of the soviets, and in city (cities of rayon subordination), village, and rural soviets—by the chairmen of these soviets.

"Sessions of local soviets of people's deputies are convened as necessary but no less frequently than two times a year.

"Sessions of rayon, city, and city-rayon soviets of people's deputies are convened by the presidiums of these soviets and sessions of city (cities of rayon subordination), village and rural soviets—by their chairmen."

16. To set forth Article 133 in the following wording:

"**Article 133.** The executive and administrative organs of local soviets of people's deputies are the executive committees elected by them.

"The executive committees report not less often than once a year to the soviets that have elected them as well as at meetings of labor collectives and at citizens' places of residence."

17. To set forth articles 152, 153, and 155 in the following wording:

"**Article 152.** All courts in the Latvian SSR are established on the principles of electivity of judges and people's assessors.

"Judges of the Latvian SSR Supreme Court and people's judges of rayon (city) people's courts are elected by the Latvian SSR Supreme Soviet.

"Elected judges, when undertaking their responsibilities, give an oath.

"People's assessors of the Latvian SSR Supreme Court and people's assessors of rayon (city) people's courts [give their oaths] at meetings of citizens at the place of their residence or work.

"Judges of all courts in the Latvian SSR are elected for a term of ten years, and people's assessors for a term of five years.

"Judges and people's assessors may be recalled by the organs or electors who elected them only in the case that they are found guilty of committing a crime, discredit themselves by immoral acts, and in case they cannot fulfill their obligations as a consequence of loss of competence or work ability.

"**Article 153.** The Supreme Court of the Latvian SSR is the supreme judicial organ of the Latvian SSR and accomplishes oversight of the judicial activities of the courts of the Latvian SSR.

"The Supreme Court of the Latvian SSR consists of a chairman, his deputies, members and people's assessors.

"The organization and procedures of the activities of the Latvian SSR Supreme Court and people's courts are defined by the Latvian SSR Law on the Judicial System."

"**Article 155.** Judges and people's assessors are independent and are subordinate only to the law.

"Judges and people's assessors are ensured conditions for the unhindered and effective realization of their rights and responsibilities. Any kind of interference in the activities of judges and people's assessors in a carrying out their legal duties is forbidden by law.

"The judges of all courts in the Latvian SSR and the people's assessors of the Latvian SSR Supreme Soviet may not be criminally prosecuted, detained, arrested, subjected to search or to measures of administrative investigation, imposed judicially, without the agreement of the Latvian SSR Supreme Soviet and, during the period between sessions, without agreement of the Latvian SSR Supreme Soviet Presidium.

"When fulfilling their responsibilities in court, the people's assessors of Latvian SSR people's courts may not be criminally prosecuted, arrested, or subjected to measures

of administrative investigation, judicially imposed, without the agreement of Latvian SSR Supreme Soviet Presidium."

18. To set forth Article 165 in the following wording:

"Article 165. The Latvian SSR Procurator is appointed and removed from his responsibilities by the supreme organ of state power in the Latvian SSR. Rayon and city procurators are appointed by the Latvian SSR Procurator taking into account the views of the rayon (city) soviet of people's deputies."

19. To recognize as no longer in effect the second part of Article 97 and the second part of Article 102 of the present Constitution.

*Chairman of the Latvian SSR Supreme Soviet Presidium,
A. Gorbunovs*

*Secretary of the Latvian SSR Supreme Soviet Presidium,
I. Daudiss*

Latvian SSR Draft Law on Changes to Republic Constitution

90UN0147A Riga SOVETSKAYA LATVIYA in Russian
17 Oct 89 p 2

["Extract from the Draft Law of the Latvian Soviet Socialist Republic on Amendments and Supplements to the Latvian SSR Constitution (Basic Law)"]

[Text] The Supreme Soviet of the Latvian Soviet Socialist Republic resolves:

1. To insert into the Latvian SSR Constitution the following amendments and supplements:

1.2. For section 12 to read as follows:

"Section 12. The Latvian SSR Supreme Soviet and the Latvian SSR president.

"Article 97. The highest organ of state power is the constantly functioning Latvian SSR Supreme Soviet.

"On the territory of the republic the Latvian SSR Supreme Soviet possesses absolute state power and is authorized to accept for its review and to decide any issue concerning the official and economic life of the republic.

"The following are under the exclusive jurisdiction of the Latvian SSR Supreme Soviet:

1) adoption of an Latvian SSR Constitution and the introduction of amendments to it; and passage and interpretation of Latvian SSR laws;

2) ratification of agreements between the Latvian SSR and the USSR, and between the Latvian SSR and other union republics; and ratification of the USSR Constitution and USSR laws concerning the introduction of amendments to it;

3) implementation of a referendum on the secession of the republic from the USSR;

4) ruling on the implementation of a referendum to recall the president of the republic;

5) definition of the Latvian SSR state border; and implementation of a referendum to change the borders between the Latvian SSR and the other union republics by their mutual agreement, and the introduction of these issues for ratification by the USSR Congress of People's Deputies;

6) guarantee of the unity of law on Latvian SSR territory; ruling on the implementation of USSR laws on Latvian SSR territory in whole, in part, or with reservations; and suspension of those laws of USSR organs of state government on Latvian SSR territory in the event that they are incompatible with the Latvian SSR Constitution and Latvian SSR laws;

7) determination of the basic directions of Latvian SSR domestic and foreign policy;

8) ratification of state plans and the most important programs of economic and social development, of the Latvian SSR state budget, and of accounts of their implementation;

9) election, from among the Latvian SSR people's deputies, of the chairman of the Latvian SSR Supreme Soviet, of his deputy, and of the secretary of the Latvian SSR Supreme Soviet;

10) appointment of the chairman of the Latvian SSR Council of Ministers; and approval, at his recommendation, of the composition of the Latvian SSR Council of Ministers, and the introduction of changes to the composition of the Latvian SSR Council of Ministers;

11) formation and dissolving, at a motion by the Latvian SSR Council of Ministers, of Latvian SSR ministries and Latvian SSR state committees;

12) election of the Latvian SSR Constitutional Court;

13) election of the Latvian SSR Committee of People's Control, of the Latvian SSR Committee for Environmental Protection, of the Latvian SSR Supreme Court, and of people's judges for rayon (city) people's courts; and ratification of collegiums for the Latvian SSR Procuracy and the Latvian SSR State Board of Arbitration, and of the Latvian SSR Supreme Court Presidium and the Latvian SSR Supreme Court Collegium for Disciplinary Matters;

14) election of the chairman of the Latvian SSR Supreme Court, and appointment of the Latvian SSR procurator, of the Latvian SSR chief state arbiter, and of the Latvian SSR state arbiters; and appointment, from among the membership of the Latvian SSR people's deputies, of the chairman of the Latvian SSR Committee of People's Control and the chairman of the Latvian SSR Committee for Environmental Protection;

15) dismissal of the president of the republic from his official duties;

16) ruling on Latvian SSR national policy;

17) establishment of a procedure for the organization and functioning of republic and local organs of state power and administration, as well as the establishment of a procedure for the creation of republic social organizations and for their legal status;

18) reversing the rulings of the Latvian SSR Supreme Soviet Presidium and of the rulings and decrees of the Latvian SSR Council of Ministers, as well as reversing the edicts of the president of the republic, where they are incompatible with the Latvian SSR Constitution or Latvian SSR laws;

19) reversing of the rulings of the Latvian SSR Soviets of People's Deputies of the rayons and of those cities under the jurisdiction of the republic, which are incompatible with the law;

20) reversing the rulings of the local Soviets of People's Deputies under the conditions stipulated in part 3, article 82 of the Latvian SSR Constitution;

21) ordering elections for president of the republic, for Latvian SSR people's deputies, and for people's deputies of the local Latvian SSR soviets, as well as for people's assessors for the Latvian SSR people's courts; and approval of the composition of the Latvian SSR Central Election Committee;

22) determination of a procedure for resolving issues of the administrative and territorial structure of the Latvian SSR;

23) ruling on special economic zones and their legal regime;

24) ruling in the event of a need to create ecologically dangerous establishments, and on the termination of their activities;

25) ratification and renunciation of international agreements, ruling on the opening and closing of diplomatic missions, consular agencies, and offices for trade organizations and other organizations of the Latvian SSR;

26) ruling on the opening of permanent Latvian SSR missions to the highest organs of state power of the other union republics;

27) establishment of Latvian SSR state awards;

28) promulgation of amnesty acts with regard to those convicted by Latvian SSR courts.

"The Latvian SSR Supreme Soviet exercises control over the observance of the Constitution and laws by state and public organs, enterprises, institutions, organizations, and military units stationed on the territory of the Latvian SSR; it hears the accounts of organs formed or elected by the Latvian SSR Supreme Soviet as well as of

officials appointed or elected by it, with the exception of judges and people's assessors; it exercises control over the conclusion of agreements on loans and credits received from foreign sources; it supervises foreign relations of the Latvian SSR and observance of treaty obligations in this area, and rules on the implementation of public voting (in a referendum); and it reviews other issues.

"The Latvian SSR Supreme Soviet adopts Latvian SSR laws and resolutions by a majority vote of the Latvian SSR people's deputies, and on the occasions specified in paragraphs 1-6, 15, 20, and 24 of the present article, by a two-thirds majority vote of the Latvian SSR people's deputies.

"The president of the republic signs Latvian SSR laws. Before signing, he has 10 days to return a law to the Latvian SSR Supreme Soviet for reconsideration, having stated in an edict his reasons for doing so. In the event that the Latvian SSR Supreme Soviet disagrees with the president's edict, the law is passed by a two-thirds majority vote of the deputies and the chairman of the Latvian SSR Supreme Soviet signs it.

"Article 99. The Latvian SSR Supreme Soviet is convened for its first session not later than 2 months after elections. The first session of the Latvian SSR Supreme Soviet after the elections is opened by the chairman of the Central Election Commission, who also declares the results of the elections for president of the republic.

"The newly elected president of the republic takes the following oath before the Latvian SSR people's deputies:

"I vow to devote my efforts to the good of the people of Latvia, to defend and strengthen the sovereignty of the republic, to observe and respect the Constitution and the laws, to execute my duties conscientiously, and to render justice to all. May the people of Latvia help me in this!"

"Subsequently the president of the republic conducts the session of the Supreme Soviet until the election of a chairman.

"Article 102. The Latvian SSR Supreme Soviet Presidium:

1) organizes preparations for the sessions of the Latvian SSR Supreme Soviet;

2) coordinates the activities of the standing commissions of the Latvian SSR Supreme Soviet;

3) exercises that authority specified by law concerning preparations for elections of Latvian SSR people's deputies and people's deputies of the local Latvian SSR soviets;

4) organizes preparations and implementation of popular voting (in referendums) as well as of public debates on Latvian SSR draft laws and on other very important issues of government activity;

5) exercises control over the observance of the Latvian SSR Constitution and Latvian SSR laws;

6) rules on the granting, renunciation, and termination of Latvian SSR citizenship, and on the granting of asylum;

7) determines necessary measures for the maintenance of state and public security between sessions of the Latvian SSR Supreme Soviet;

8) determines necessary measures in the event of spontaneous catastrophes and natural disasters;

9) renders systematic aid to the local Latvian SSR Soviets of People's Deputies;

10) publishes, in Latvian and Russian, Latvian SSR laws and other acts passed by the Latvian SSR Supreme Soviet, the Latvian SSR Supreme Soviet Presidium, and the president of the republic.

"The Latvian SSR Supreme Soviet Presidium adopts resolutions by a majority vote of the members of the Presidium.

"Article 103. The president of the republic is the highest official of the Latvian SSR and the head of state. He embodies the unity of the sovereign people of Latvia and represents the Latvian Soviet Socialist Republic inside the country and in international relations.

"A citizen of the Latvian SSR, born in Latvia and having had permanent residence for not less than 10 years on the territory of the Latvian SSR, 40 or more years of age, and speaking Latvian and Russian, may be elected president of republic.

"The president of the republic is elected for five years and not for more than two terms in succession on the basis of universal, equal, and direct suffrage by means of secret ballot and the free expression of one's will.

"The president of the republic may not simultaneously be an Latvian SSR people's deputy or a people's deputy of a local soviet, or hold another office. The president of the republic is empowered by law to participate, with the right to a deliberative vote, in the work of the Latvian SSR Supreme Soviet and the Latvian SSR Supreme Soviet Presidium, as well as to lead their sessions.

"The president may be dismissed from the execution of his duties by the Latvian SSR Supreme Soviet and recalled before the expiration of his term in the event of his deliberate violation of the Latvian SSR Constitution or Latvian SSR laws.

"In the event that the president of the republic is unable to carry out his duties for reasons beyond his control, the chairman of the Latvian SSR Supreme Soviet executes these duties temporarily. He possesses all the authority of the president of the republic, with the exception of the right to return a law to the Latvian SSR Supreme Soviet for reconsideration.

"In the event of the premature termination of the president's authority, new elections are held within six months.

"Article 104. The president of the republic:

1) convenes sessions of the Latvian SSR Supreme Soviet;

2) presents to the Latvian SSR Supreme Soviet reports on the state of the republic and on important issues of Latvian SSR foreign and domestic policy;

3) proposes to the Latvian SSR Supreme Soviet a candidate for election to the office of chairman of the Latvian SSR Supreme Soviet;

4) proposes to the Latvian SSR Supreme Soviet a candidate for appointment or election to the offices of chairman of the Latvian SSR Council of Ministers, chairman of the Latvian SSR Constitutional Court, chairman of the Latvian SSR Committee of People's Control, chairman of the Latvian SSR Committee for Environmental Protection, chairman of the Latvian SSR Supreme Court, Latvian SSR procurator, and Latvian SSR chief state arbiter;

5) conducts negotiation and signs intergovernmental treaties of the Latvian SSR;

6) accepts letters of credence or recall of diplomatic representatives of foreign states who are accredited with the Latvian SSR Supreme Soviet Presidium;

7) appoints and recalls diplomatic representatives of the Latvian SSR to foreign states and to international organizations;

8) appoints and recalls permanent representatives of the Latvian SSR to the highest organs of state power of the other union republics;

9) introduces proposals to relieve representatives of central organs of USSR government in the Latvian SSR;

10) presents Latvian SSR state awards;

11) grants pardons to those convicted by Latvian SSR courts;

12) proclaims martial law or a state of emergency for the whole republic or for individual districts and, in such cases, introduces special forms of administration, and also convenes a special session of the Latvian SSR Supreme Soviet on the question;

13) announces a public ballot (a referendum);

14) petitions the Latvian SSR Constitutional Court on any issue within his competency;

15) introduces for the review of the Latvian SSR Supreme Soviet proposals for the reversal of rulings of the local Soviets of People's Deputies under the conditions stipulated in part 3 of article 82 of the Latvian SSR Constitution.

"The president of the republic issues edicts.

"**Article 105.** The chairman of the Latvian SSR Supreme Soviet, with his deputy:

- 1) leads sessions of the Latvian SSR Supreme Soviet and the Latvian SSR Supreme Soviet Presidium;
- 2) signs the enactments of the Latvian SSR Supreme Soviet and the Latvian SSR Supreme Soviet Presidium;
- 3) proposes to the Latvian SSR Supreme Soviet candidates for election to the offices of deputy chairman of the Latvian SSR Supreme Soviet and secretary of the Latvian SSR Supreme Soviet.

"The secretary of the Latvian SSR Supreme Soviet:

- 1) exercises general leadership in the preparation of issues awaiting the review of the Latvian SSR Supreme Soviet;
- 2) renders assistance to Latvian SSR people's deputies and provides them with necessary information;
- 3) jointly with the chairman of the Latvian SSR Supreme Soviet, signs the rulings of the Latvian SSR Supreme Soviet and the Latvian SSR Supreme Soviet Presidium."

2. As a result of the new wording of sections 9, 10, and 12 of the Latvian SSR Constitution, to insert the ensuing amendments and supplements into the following articles of the Latvian SSR Constitution:

2.5. For article 117 to read as follows:

"**Article 117.** The Latvian SSR Council of Ministers is responsible and accountable to the Latvian SSR Supreme Soviet and the president of the republic.

"The newly formed Latvian SSR Council of Ministers submits for the review of the Latvian SSR Supreme Soviet a program of forthcoming activities for its term of office.

"The Latvian SSR Council of Ministers will render an account of its work to the Latvian SSR Supreme Soviet not less than once per year.

"The Latvian SSR Council of Ministers may address the Latvian SSR Supreme Soviet with a resignation.

"The Latvian SSR Supreme Soviet and the president of the republic have the right to give a vote of no confidence to the Latvian SSR Council of Ministers, or to one of its members, which entails dissolving the Latvian SSR Council of Ministers or the resignation of the appropriate member of the Latvian SSR Council of Ministers."

* * *

A draft law on elections for president of the Latvian SSR will be published without delay in upcoming issues of the newspaper.

Comparison of Latvian SSR Law on Changes to Republic Constitution

90540016A

[Editorial Report] Riga SOVETSKAYA LATVIYA in Russian on 26 Nov 89 carries on pp 1-2 the Latvian SSR Law on Changes in and Additions to the Latvian SSR Constitution (Basic Law). Comparison of the text of the law to excerpts from the draft Latvian SSR Law on Changes in and Additions to the Latvian SSR Constitution (Basic Law) as published in SOVETSKAYA LATVIYA 17 August 1989 pp 1-2 reveals the following additions to and changes in the excerpts to be found in the law as adopted:

Section 1.1, which is omitted from the excerpts, reads as follows in the law as adopted:

"1.1. To word Articles 78 and 80 of Chapter 9, 'The System and Operating Principles of the Soviets of People's Deputies,' as follows:

"**Article 78.** The soviets of people's deputies—the Latvian SSR Supreme Soviet and the local soviets of people's deputies (rayon, city, city rayon, settlement and rural)—constitute a single system of representative bodies of state authority.

"Key issues of republic and local importance are decided in sessions of the Latvian SSR Supreme Soviet and the local soviets of people's deputies or submitted to referendums.

"The Latvian SSR Supreme Soviet elects the chairman of the Latvian SSR Supreme Soviet, and the local soviets of people's deputies elect soviet chairmen. The Supreme Soviet and the rayon, city (for cities under republic jurisdiction) and city rayon soviets of people's deputies have their own presidiums.

"The soviets of people's deputies form standing commissions and establish executive and administrative agencies and other agencies accountable to them.

"Officials elected or appointed by soviets of people's deputies, with the exception of judges and state arbitrators, may not hold their offices for more than two consecutive terms.

"Any official may be removed from office early for violation of the Constitution and laws and unsuitable performance of his official duties."

Under Section 1.2:

In the title of Chapter 12 as amended, the words "and President of the Latvian SSR" are deleted.

In Article 97 as amended:

—in the first paragraph, the words "continuously operating" are deleted before the words "Latvian SSR Supreme Soviet";

—in the second paragraph: in the first sentence, the words “possesses full and complete state authority” are changed to: “exercises state authority”; the words “within the republic’s territory:” are changed to “throughout the republic’s entire territory”; before the words “is authorized,” the word “and” is deleted and the word “It” is inserted to begin a new sentence: “It is authorized....”; the words “state and economic life” are changed to “state and public life”;

—in point (1), following the words “adoption of Latvian SSR laws,” the words “and their interpretation” are deleted;

—point (4) is deleted, causing points (5)-(12) to be renumbered as points (4)-(11);

—point (14) is moved to become point (12) of the law as adopted, and reworded as follows:

“(12) election of the chairman of the Latvian SSR Supreme Court, and appointment of the chairman of the Latvian SSR People’s Control Committee, chairman of the Latvian SSR Environmental Protection Committee, Latvian SSR procurator, Latvian SSR chief state arbitrator, and Latvian SSR state arbitrators;”

—at the end of point (13), following the words “Presidium of the Latvian SSR Supreme Court,” the words “and the Latvian SSR Supreme Court’s collegium for disciplinary affairs” are deleted;

—point (15) of the draft is deleted, which, along with the moving of point (14) to become point (12), causes points (16)-(28) to be renumbered as points (14)-(26);

—point (18) (renumbered as point 16) is reworded as follows:

“(16) repealing of ukases and decrees of the Presidium of the Latvian SSR Supreme Soviet, orders of the chairman of the Latvian SSR Supreme Soviet, and decrees and orders of the Latvian SSR Council of Ministers;”

—in point (24 (renumbered as point 22), the words “designation of environmentally hazardous facilities” are changed to: “designation of potentially environmentally hazardous facilities”;

—in point (25) (renumbered as point 23), following the words “international treaties,” the words “of the Latvian SSR” are added;

—new points (27) and (28) are added, as follows:

“(27) the adoption of decisions to hold public votes (referendums);

“(28) determination of the procedures for the organization and serving by Latvian SSR citizens of an alternative to compulsory military service;”

—in the first unnumbered paragraph following point (28): following the words “enterprises, institutions and organizations,” and before the words “and military

units,” the words “state-security agencies” are inserted; following the words “contractual commitments in this area” and before the words “and considers other questions,” the words “makes decisions to hold public votes (referendums)” are deleted, and the following words are inserted: “decides the question of declaring martial law or a state of emergency throughout the republic as a whole or in individual localities, and of instituting special forms of administration in such cases”;

—in the second unnumbered paragraph following point (28): after the words “adopts Latvian SSR laws,” and before the words “by a majority” the words “and decrees” are deleted; the words “points 1-6, 15, 20 and 24” are changed to “points 1-5, 18, 22 and 27”; the following sentence is added at the end of the paragraph: “The Latvian SSR Supreme Soviet adopts decrees by a majority of the votes of the Latvian SSR present.”

Article 98 as amended, which is omitted from the excerpts, is included, as follows:

“**Article 98.** The Latvian SSR Supreme Soviet consists of people’s deputies who are elected in election okrugs, which are formed taking into account the republic’s administrative-territorial division according to the following norms of representation: one deputy for every 10,000 voters, but no fewer than three deputies from each rayon, city under republic jurisdiction, and city rayon.”

In Article 99 as amended:

—following the words “no later than two months after elections” of the first paragraph, a new paragraph is inserted, as follows:

“Upon the representation of the credentials commission elected by it, the Latvian SSR Supreme Soviet makes a decision to recognize deputies’ credentials, and in the event that legislation governing elections has been violated—to deem the elections of individual deputies invalid.”

—the second sentence of the first paragraph, “The first session of the Latvian SSR Supreme Soviet after elections....,” now begins a new, third paragraph of the article; at the end of this sentence, the clause “who announces the results of the elections of president of the republic” is deleted; after this sentence, the following two sentences are added to the new paragraph: “He also directs elections of chairman of the Latvian SSR Supreme Soviet. After that, the Supreme Soviet session is conducted by the chairman of the Latvian SSR Supreme Soviet.”

—the last three paragraphs of the draft are deleted (these paragraphs all pertain to the office of president of the republic, to which all reference has been deleted in the law as adopted).

Article 100 and 101, which are omitted from the excerpts of the draft, are included, as follows:

"Article 100. The Latvian SSR Supreme Soviet is convened annually by the Presidium of the Latvian SSR Supreme Soviet for regular- -spring and fall—sessions. The length of the sessions is determined by the Latvian SSR Supreme Soviet.

"Special sessions are convened by the Presidium of the Latvian SSR Supreme Soviet at its initiative or in accordance with a proposal by the chairman of the Latvian SSR Supreme Soviet or by no less than two-thirds of the Latvian SSR people's deputies, or one-third of the Latvian SSR rayon and city (for cities under republic jurisdiction) soviets of people's deputies, within a month after such proposal has been received.

"Sessions of the Latvian SSR Supreme Soviet consist of plenary meetings of the Latvian SSR Supreme Soviet, as well as meetings of the standing commissions of the Latvian SSR Supreme Soviet held in the period between the plenary meetings. Plenary meetings are official if at least two-thirds of the total number of deputies take part in them.

"Article 101. The Presidium of the Latvian SSR Supreme Soviet is a body accountable to the Latvian SSR Supreme Soviet that provides for the organization of the work of the Latvian SSR Supreme Soviet and exercises other powers within limits stipulated by the Latvian SSR Constitution and Latvian SSR laws.

"The Presidium of the Latvian SSR Supreme Soviet includes, ex officio, the chairman of the Latvian SSR Supreme Soviet, the first deputy and deputy chairman and secretary of the Latvian SSR Supreme Soviet, and the chairmen of standing commissions of the Latvian SSR Supreme Soviet.

"The Presidium of the Latvian SSR Supreme Soviet is headed by the chairman of the Latvian SSR Supreme Soviet."

In Article 102 as amended:

—a new point (1) is added, as follows:

"(1) convenes sessions of the Latvian SSR Supreme Soviet;"

—accordingly, points (1)-(3) of the draft are renumbered as points (2)-(4);

—point (4) of the draft is moved to a position following point (5) and renumbered as point (6);

—a new point (7) is added, as follows:

"(7) awards Latvian SSR state awards;"

—point (6) of the draft is renumbered as point (8); in this point, the words "Latvian SSR" are inserted after the word "admission" and before the word "citizenship;

—new points (9)-(12) are added, as follows:

"(9) grants pardons to persons convicted by Latvian SSR courts;

"(10) appoints and recalls permanent representatives of the Latvian SSR to the supreme bodies of state authority of other republics;

"(11) submits proposals concerning the dismissal of representatives of USSR central administrative agencies in the Latvian SSR;

"(12) appoints and recalls diplomatic representatives of the Latvian SSR in foreign states and to international organizations;"

—point (7) of the draft is renumbered as point (13) of the law as adopted; the following words are added to the end of this point: "considers the question of declaring martial law or a state of emergency throughout the republic as a whole or in individual localities, and of instituting special forms of administration, in such cases and convenes a special session of the Latvian SSR Supreme Soviet regarding this matter;"

—point (8) of the draft is renumbered as point (14);

—point (9) of the draft is deleted;

—a new point (15) is added, as follows:

"(15) provides interpretations of Latvian SSR laws;"

—point (10) of the draft is renumbered as point (16); in this point, the words "president of the republic" are changed to: "chairman of the Latvian SSR Supreme Soviet;"

—in the last paragraph of the article, after the word "adopts" and before the word "decrees," the word "ukases" is inserted; after the words "total number of Presidium members," the following words are added: "and in cases stipulated in point 13 of this article, by a majority of two-thirds of the votes of the total number of Presidium members."

Articles 103 and 104, as amended, in the draft are reworded as follows:

"Article 103. The chairman of the Latvian SSR Supreme Soviet is the highest official of the Latvian SSR and represents the Latvian SSR within the country and in international relations. The chairman of the Latvian SSR Supreme Soviet is elected by the Latvian SSR Supreme Soviet from among several candidates by secret ballot for the term of office of the Supreme Soviet and for no more than two consecutive terms. He may be recalled early by the Latvian SSR Supreme Soviet by secret ballot on the basis of a proposal by the Latvian SSR Constitutional Court or a proposal by no less than one-third of the Latvian SSR people's deputies.

"The chairman of the Latvian SSR Supreme Soviet reports to the Latvian SSR Supreme Soviet.

"Article 104. The chairman of the Latvian SSR Supreme Soviet:

"(1) carries out the general direction of the preparation of questions subject to consideration by the Latvian SSR Supreme Soviet; directs meetings of the Latvian SSR Supreme Soviet and the Presidium of the Latvian SSR Supreme Soviet; signs laws of the Latvian SSR and other acts adopted by the Latvian SSR Supreme Soviet and Presidium of the Latvian SSR Supreme Soviet;

"(2) presents the Latvian SSR Supreme Soviet reports on the state of the republic and on important questions of the Latvian SSR's domestic and foreign policy;

"(3) in cases stipulated in Article 82, Part 3, of the Latvian SSR Constitution, submits to the Latvian SSR Supreme Soviet proposals concerning the revocation of decisions of local soviets of people's deputies ;

"(4) presents to the Latvian SSR Supreme Soviet candidates for election to the offices of first deputy and deputy chairman and secretary of the Latvian SSR Supreme Soviet;

"(5) presents to the Latvian SSR Supreme Soviet candidates for appointment or election to the offices of chairman of the Latvian SSR Council of Ministers, chairman of the Latvian SSR Constitutional Court, chairman of the Latvian SSR People's Control Committee, chairman of the Latvian SSR Environmental Protection Committee, chairman of the Latvian SSR Supreme Court, Latvian SSR procurator, and Latvian SSR chief state arbitrator;

"(6) accepts the credentials or letters of recall of diplomatic representatives of foreign states accredited to the Presidium of the Latvian SSR Supreme Soviet;

"(7) conducts negotiations and signs international treaties of the Latvian SSR.

"The chairman of the Latvian SSR Supreme Soviet promulgates orders.

"The first deputy chairman of the Latvian SSR Supreme Soviet and deputy chairman of the Latvian SSR Supreme Soviet perform, with the authorization of the chairman of the Latvian SSR Supreme Soviet, certain of his functions, and they replace the chairman in the event of his absence or the impossibility of his performing his duties."

Article 105, as amended, in the draft (the points pertaining to the chairman of the Latvian SSR Supreme Soviet) is deleted down to the new paragraph that begins "The secretary of the Latvian SSR Supreme Soviet"; in the remaining part of the article (pertaining to the secretary's powers):

—in point (1), following the words "subject to consideration by the" and before the words "Latvian SSR Supreme Soviet," the words "Presidium of the" are inserted;

—a new point (3) is added, as follows: "organizes the provision of assistance with regard to methods to Latvian SSR local soviets of people's deputies;"

—point (3) in the draft is renumbered as point (4); in this point, following the word "signs," the remaining words, "decrees of the Latvian SSR Supreme Soviet and Presidium of the Latvian SSR Supreme Soviet," are changed to: "Latvian SSR laws and other acts adopted by the Latvian SSR Supreme Soviet and Presidium of the Latvian SSR Supreme Soviet."

Articles 106-114, as amended, which are omitted from the excerpts of the draft, read as follows in the law as adopted:

"Article 106. The Latvian SSR Supreme Soviet elects, from among the Latvian SSR people's deputies, a Constitutional Legislation Commission and standing commissions of the Supreme Soviet for carrying out draft legislative work and the preliminary consideration and preparation of questions lying within the jurisdiction of the Latvian SSR Supreme Soviet, and for fostering the implementation of Latvian SSR laws and other decisions adopted by the Latvian SSR Supreme Soviet, and monitoring the activities of state agencies and organizations; it also creates special commissions on any issue.

"A public Consultative Council of Nationalities is formed under the Latvian SSR Supreme Soviet.

"Article 107. The right of legislative initiative in the Latvian SSR Supreme Soviet belongs to the Presidium of the Latvian SSR Supreme Soviet, chairman of the Latvian SSR Supreme Soviet, standing commissions of the Latvian SSR Supreme Soviet, the public Consultative Council of Nationalities, USSR people's deputies elected in the Latvian SSR, Latvian SSR people's deputies, the Latvian SSR Constitutional Court, the Latvian SSR People's Control Committee, the Latvian SSR Environmental Protection Committee, the Latvian SSR Supreme Court, the Latvian SSR procurator, the Latvian SSR chief state arbitrator, and local soviets of people's deputies, as well as to public organizations in the person of their republic agencies.

"In the event of the submission to the Latvian SSR Supreme Soviet of draft laws or draft decisions entailing a violation of the republic's sovereignty or a violation of the Latvian nation's right to self-determination—under the conditions of complete freedom to determine its domestic and foreign political status without interference from without, and to carry out, at its discretion, its political, economic, social and cultural development—a draft is subject to consideration only in the event that all deputies present at the session of the Latvian SSR Supreme Soviet vote for it.

"Article 108. Latvian SSR laws and decrees of the Latvian SSR Supreme Soviet are adopted after preliminary discussion of the drafts by the appropriate standing commissions of the Latvian SSR Supreme Soviet.

"Draft laws and the other most important questions of state life may, by a decision of the Latvian SSR Supreme Soviet or its Presidium, be submitted for public discussion.

"The appointment and election of officials to serve on the Latvian SSR Council of Ministers, the Latvian SSR People's Control Committee, the Latvian SSR Environmental Protection Committee, the Latvian SSR Supreme Court and the Latvian SSR State Arbitration Service; the election of people's judges of Latvian SSR rayon (city) people's courts; and also the confirmation of the Presidium of the Latvian SSR Supreme Soviet and the collegiums of the Latvian SSR Procuracy and Latvian SSR State Arbitration Service are carried out in a situation in which conclusions have been provided by appropriate standing commissions of the Latvian SSR Supreme Soviet.

"All state and public agencies, organizations and officials are required to honor the demands of commissions of the Latvian SSR Supreme Soviet and to present them with the necessary materials and documents.

"The commissions' recommendations are subject to mandatory consideration by state and public agencies, institutions and organizations. The commissions must be informed of the results of such consideration and of the measures taken within a period established by them.

"**Article 109.** In sessions of the Latvian SSR Supreme Soviet, Latvian SSR people's deputies have the right to address an inquiry to the chairman of the Latvian SSR Supreme Soviet, the Latvian SSR Council of Ministers, the executives of other agencies formed, elected or confirmed by the Latvian SSR Supreme Soviet, and the executives of Latvian SSR departments formed by the USSR Council of Ministers, as well as to the executives of enterprises, institutions and organizations under union administration that are located within the territory of the Latvian SSR. An agency or official to which an inquiry is directed is required to provide an oral or written answer in the given session of the Latvian SSR Supreme Soviet within no more than three days.

"The same right of inquiry also belongs to USSR people's deputies elected in the Latvian SSR.

"Latvian SSR people's deputies may be relieved from the performance of office or production duties for their entire term of office in the Latvian SSR Supreme Soviet, with the retention of their former job (or office), or the offer of an equivalent job (or office) upon the expiration of their term of office.

"A Latvian SSR people's deputy may not have criminal charges brought against him or be detained, arrested or subjected to search or administrative penalties imposed through judicial proceedings without the consent of the Latvian SSR Supreme Soviet or, in the period between sessions, without the consent of the Presidium of the Latvian SSR Supreme Soviet.

"In the event that a threat arises to the inviolability of person of a Latvian SSR people's deputy or the members of his family, or to the inviolability of his property, the state ensures their security.

"**Article 110.** The Latvian SSR Constitutional Court is elected for a term of 10 years from among specialists in the area of law and consists of a chairman, a deputy chairman and five court members.

"Persons elected to the Latvian SSR Constitutional Court may not simultaneously serve on agencies whose acts are subject to oversight by the Constitutional Court.

"Persons elected to the Latvian SSR Constitutional Court take an oath.

"**Article 111.** The Latvian SSR Constitutional Court considers cases:

"(1) concerning the conformity of Latvian SSR laws to the Latvian SSR Constitution, and the conformity of other acts of the Latvian SSR Supreme Soviet to the Latvian SSR Constitution and Latvian SSR laws;

"(2) concerning the conformity of USSR laws to the Latvian SSR Constitution, and of acts of bodies of USSR state administration to the Latvian SSR Constitution and Latvian SSR laws;

"(3) concerning the conformity of the normative acts of other Latvian SSR state agencies and the republic agencies of public organizations to the Latvian SSR Constitution and Latvian SSR laws;

"(4) concerning the conformity of the charters, programs and activities of public organizations to the Latvian SSR Constitution and Latvian SSR laws;

"(5) concerning the violation by higher officials of the Latvian SSR Constitution and Latvian SSR laws.

"The Constitutional Court considers cases on the basis of a proposal by the Latvian SSR Supreme Soviet or no less than one-third of Latvian SSR deputies, a proposal by the Latvian SSR Council of Ministers, or a proposal by the Latvian SSR procurator, and at its own initiative, as well as on the basis of a citizens' petition in cases stipulated by law.

"When a contradiction is established between a Latvian SSR law or a decree of the Latvian SSR Supreme Soviet and the Latvian SSR Constitution or a Latvian SSR law, the Latvian SSR Constitutional Court sends its decision to the Latvian SSR Supreme Soviet. The sending of the decision suspends the relevant Latvian SSR law or decree of the Latvian SSR Supreme Soviet until the consideration of the Latvian SSR Constitutional Court's decision by the Latvian SSR Supreme Soviet.

"When a contradiction is established between some other normative act of the Latvian SSR and the Latvian

SSR Constitution or a Latvian SSR law, the Latvian SSR Constitutional Court makes a decision to deem that act invalid.

"When a discrepancy is established between a public organization's charter, program or activities and the Latvian SSR Constitution and Latvian SSR laws, the Constitutional Court sends its decision to the relevant organization. The sending of such a decision suspends the charter, program or other acts of the public organization until they are revoked or appropriate changes are made.

"A decision by Constitutional Court's concerning the violation by higher officials of the Constitution and laws is grounds for considering the question of dismissing such officials from their offices or bringing charges against those persons.

"**Article 112.** Persons serving on the Latvian SSR Constitutional Court may be relieved from the performance of their duties prior to the expiration of their term at their personal request, as well as in the event of their conviction for the commission of a crime, or of the impossibility of their performing their functions because of a loss of competence or of ability to work. A decision to remove the chairman or deputy chairman, or a member of the Latvian SSR Constitutional Court prior to the expiration of his term is made by the Latvian SSR Supreme Soviet on the basis of a proposal by the Latvian SSR Constitutional Court.

"A member of the Constitutional Court may not have criminal charges brought against him or be detained, arrested or subjected to a search or to administrative penalties imposed through judicial proceedings without the consent of the Constitutional Court adopted by two-thirds of the votes of all court members.

"The organization and operating procedures of the Latvian SSR Constitutional Court are determined by the Law on Constitutional Oversight in the Latvian SSR.

"**Article 113.** The Latvian SSR Supreme Soviet carries out oversight over the activities of all state agencies accountable to it.

"The Latvian SSR Supreme Soviet determines the organizational and operating procedures of the people's control agencies and the Latvian SSR Environmental Control Committee.

"**Article 114.** The operating procedures of the Latvian SSR Supreme Soviet and its agencies are determined by the Regulations of the Latvian SSR Supreme Soviet, which are adopted on the basis of the Latvian SSR Constitution."

Sections 2.2-2.4, which are omitted from the excerpts of the draft, read as follows in the law as adopted:

"2.1. To add the words 'in the Congress of USSR People's Deputies' to Article 70, Part 1, following the words 'to the jurisdiction of the USSR.'

"2.2. To word Article 93 as follows:

"**Article 93.** A deputy exercises his powers, as a rule, without taking leave from his production or office activities.

"For the duration of sessions of the Latvian SSR Supreme Soviet or local soviets of people's deputies, as well as for the exercise of a deputy's powers in other cases provided by law, a deputy is relieved of the performance of production of office duties, and his expenses connected with his activities as a deputy are reimbursed out of the moneys of republic or local budgets."

"2.3. To word Article 94, Part 1, as follows:

"A deputy has the right of inquiry to the appropriate state agencies and officials, who are required to provide a reply to the inquiry in the given session of the Latvian SSR Supreme Soviet within no later than three days, in the same or the next session of the local soviet of people's deputies."

"2.4. To word Article 96 as follows:

"**Article 96.** A deputy must report on his work and the work of the Latvian SSR Supreme Soviet or the local soviet of people's deputies to his constituents and to the collectives and public organizations that have nominated him as candidate for deputy.

"A deputy who fails to perform his duties as deputy or fails to cope with them, as well as one who evades the implementation of his preelection program and of constituents' directives, may be recalled by decision of the majority of voters in the relevant election okrug according to procedures established by law."

Under Section 2.5, in the first paragraph of Article 117, as amended, following the words "Latvian SSR Supreme Soviet," the words "and president of the republic" are deleted; the words "and report to them" are changed to "and report to him."

Sections 2.6-2.7, 3 and 4, which are omitted from the excerpts of the draft law, read as follows in the law as adopted:

"2.6. To word Article 118, Part 1, as follows:

"The Latvian SSR Council of Ministers is empowered to decide all questions of state administration lying within the jurisdiction of the Latvian SSR, insofar as they do not, according to the Latvian SSR Constitution, belong to the jurisdiction of the Latvian SSR Supreme Soviet and its Presidium, the chairman of the Latvian SSR Supreme Soviet, or Latvian SSR soviets of people's deputies."

"2.7. To word Chapter 120 as follows:

"**Article 120.** The Latvian SSR Council of Ministers, on the basis of and by way of implementation of the Constitution and laws, as well as other decisions of the

Latvian SSR Supreme Soviet, promulgates decrees and orders and organizes and checks up on their execution. Decrees and orders of the Latvian SSR Council of Ministers are binding throughout the entire territory of the Latvian SSR.'

"3. In Article 85 of the Latvian SSR Constitution:

"—to delete Part 5;

"—to number Parts 6, 7, 8 and 9 as Parts 5, 6, 7 and 8, respectively.

"4. To word Article 79, Part 2, of the Latvian SSR Constitution as follows: 'Elections of people's deputies are set no later than three months before the expiration of the term of office of the relevant bodies of state authority.'"

The law as adopted is signed by A. Gorbunovs, chairman of the Presidium of the Latvian SSR Supreme Soviet, and I. Daudiss, secretary of the Presidium of the Latvian SSR Supreme Soviet, and dated Riga, 11 November 1989.

RSFSR

RSFSR Draft Law on Changes to Republic Constitution

18001645A Moscow SOVETSKAYA ROSSIYA
in Russian 11 Aug 89 Second Edition pp 1-2

["Draft Law of the Russian Soviet Federated Socialist Republic on Changes and Additions to the Constitution (the Basic Law) of the RSFSR"]

[Text] For the purposes of the development of socialist democracy, the people's self-government and the improvement of the election system and the structure and activities of the soviets of people's deputies and the justice organs and in conformity with the USSR Law of 1 December, 1988, on Changes and Additions to the USSR Constitution (the Basic Law), the Supreme Soviet of the Russian Soviet Federated Socialist Republic decrees that:

I. The following changes and additions be inserted into the RSFSR Constitution:

1. Section 10 shall be worded as follows:

"Section 10. The System and Principles of the Activities of the Soviets of People's Deputies

"Article 85. The soviets of people's deputies—the RSFSR Congress of People's Deputies, the RSFSR Supreme Soviet, the supreme soviets of the autonomous republics and the local soviets of people's deputies—the kray, oblast, autonomous oblast, autonomous okrug, rayon, city, city rayon, settlement, and rural soviets—shall constitute a unified system of representative organs of the RSFSR's state power.

"Article 86. The term of office of the RSFSR Soviet of People's Deputies shall be five years.

"The elections of RSFSR People's Deputies and the people's deputies of the supreme soviets of the autonomous republics shall be scheduled no later than four months, and of people's deputies of the local soviets of people's deputies—no later than three months prior to the expiration of the term of office of the corresponding organs of state power.

"Article 87. The most important questions of republic and local significance shall be settled at sittings of the RSFSR Congress of People's Deputies and sessions of the RSFSR Supreme Soviet, sessions of the supreme soviets of the autonomous republics and of the local soviets of people's deputies or shall be put to referendums by them.

"The RSFSR Congress of People's Deputies shall elect the RSFSR Supreme Soviet and the Chairman of the RSFSR Supreme Soviet. The supreme soviets of the autonomous republics and the local soviets of people's deputies shall elect the chairmen of the soviets. The RSFSR Supreme Soviet, the supreme soviets of the autonomous republics and the local soviets of people's deputies, with the exception of the city (cities of rayon subordination), settlement and rural soviets, shall have their own presidiums.

"The soviets of people's deputies shall form permanent commissions and establish executive and administrative organs, as well as other organs accountable to them.

"Officials, elected or appointed by the soviets of people's deputies, may not hold their own positions for more than two terms in succession.

"Any official may be relieved early from a position held in the event of the improper performance by him of his own official duties.

"Article 88. The soviets of people's deputies shall form organs of people's control which combine state control with public control of the workers at enterprises and in institutions and organizations.

"The organs of people's control, within the limits of their own jurisdiction, shall check on the fulfillment of the requirements of legislation and state programs and tasks; they shall carry on a struggle against violations of state discipline, manifestations of parochialism and the departmental approach to matters, against mismanagement and wastefulness, red tape and bureaucratism; they shall coordinate the work of other control organs; and they shall facilitate the improvement of the structure and work of the state apparatus.

"Article 89. The soviets of people's deputies, directly and through the organs established by them, shall direct in their own territories all sectors of state, economic, social and cultural construction, shall make decisions and ensure their execution and shall exercise control over the realization of the decisions.

"Article 90. The activities of the soviets of people's deputies shall be built on the foundation of collective, free and responsible discussion and settling of questions, of glasnost, of the regular accounting of the executive, administrative and other organs established by the soviets to them, to the labor collectives and to the populace, and of the widespread involvement of the citizenry in participation in their work.

"The soviets of people's deputies and the organs established by them shall take into consideration public opinion, shall submit for discussion by the citizenry the most important questions of republic and local significance and shall systematically inform the citizenry about their own work and adopted decisions."

2. Section 11 shall be worded as follows:

"Section 11. The Electoral System

"Article 91. The elections of people's deputies shall be conducted for single-mandate or multiple-mandate electoral districts on the basis of universal, equal and direct suffrage with a secret ballot.

"Article 92. The elections of people's deputies shall be universal: citizens of the RSFSR who have attained the age of 18 shall have the right to vote and to be elected.

"A citizen of the RSFSR may not be simultaneously a deputy in more than two soviets of people's deputies.

"Persons who are members of the RSFSR Council of Ministers, of the councils of ministers of the autonomous republics and of executive committees of local soviets of people's deputies, the administrators of departments [vedomstvo], departments [otdel] and administrations of executive committees of local soviets, judges and state arbitrators, with the exception of the chairmen of the councils and executive committees, may not be deputies in the soviet by which they are appointed or elected.

"Mentally ill citizens, judged incompetent by a court, and incarcerated persons, as well as those in compulsory treatment centers by decree of a court, shall not participate in the elections.

"Article 93. The elections of people's deputies shall be equal: a voter in each electoral district shall have one vote; the voters shall participate in the elections on equal grounds.

"Article 94. The elections of people's deputies shall be direct: the people's deputies shall be elected directly by the citizenry.

"Article 95. The balloting in the elections of people's deputies shall be secret: monitoring of the expression of will of those voting shall not be permitted.

"Article 96. The right to nominate candidates for people's deputies shall belong to the labor collectives, public organizations, the collectives of students of secondary specialized and higher education institutions and assemblies of voters by place of residence and of military personnel by military units.

"The number of candidates for people's deputies shall not be limited. Each participant in an election assembly may submit for discussion any candidacies, including his own.

"Candidates for people's deputies, from the moment of their nomination, shall participate in the election campaign on equal grounds.

"Any number of candidate may be included on the election ballots.

"During the elections of people's deputies, district election assemblies may be conducted for discussion of the candidates for deputies nominated for the district and for the adoption of decisions regarding the presentation of the candidates for registration to the corresponding election commission.

"Expenditures associated with the preparations for and the conducting of the elections of people's deputies shall be charged only to the state.

"Article 97. The preparations for the elections of people's deputies shall be conducted openly and publicly.

"The election commissions, which shall be formed from representatives of the labor collectives, public organizations and assemblies of voters by place of residence and of military personnel by military units, shall ensure the conducting of the elections.

"The citizenry of the RSFSR, the labor collectives and public organizations shall be guaranteed an opportunity for the free and comprehensive discussion of the political, businesslike and personal qualities of the candidates for people's deputies, as well as the right to campaign for or against a candidate at assemblies, in the press and on television and radio.

"The procedure for the conducting of the elections of people's deputies shall be determined by the laws of the RSFSR and the autonomous republics.

"Article 98. The voters shall give mandates to their own deputies.

"The corresponding soviets of people's deputies shall examine the mandates, shall take them into consideration during the working out of the plans for economic and social development and the drawing up of the budget, as well as during the preparations for decisions on other questions, shall organize the fulfillment of the mandates and shall inform the citizenry about their realization."

3. Section 13 shall be worded as follows:

"Section 13. The RSFSR Congress of People's Deputies and the RSFSR Supreme Soviet

"Article 104. The RSFSR Congress of People's Deputies shall be the highest organ of RSFSR state power.

"The RSFSR Congress of People's Deputies shall be competent to accept for its own examination and to decide any question relating to the authority of the RSFSR.

"The RSFSR Congress of People's Deputies shall have exclusive authority over:

- 1) the adoption of the RSFSR Constitution and the insertion of changes into it;
- 2) the determination of the domestic and foreign policies of the RSFSR in conformity with the basic directions of the domestic and foreign policies of the USSR;
- 3) the adoption of decisions on questions of the national state structure relating to the authority of the RSFSR;
- 4) the determination of the procedure for deciding questions of the administrative and territorial structure of the RSFSR;
- 5) the submission for the confirmation of the USSR Congress of People's Deputies of changes of the borders between the RSFSR and other union republics, as well as the formation of new autonomous republics and autonomous oblasts within the RSFSR;
- 6) the confirmation of prospective state plans and the most important republic programs for the economic and social development of the RSFSR;
- 7) the election of the RSFSR Supreme Soviet;
- 8) the election of the Chairman of the RSFSR Supreme Soviet;
- 9) the election of the First Deputy Chairman and the Deputy Chairmen of the RSFSR Supreme Soviet;
- 10) the confirmation of the Chairman of the RSFSR Council of Ministers;
- 11) the confirmation of the Chairman of the RSFSR Committee of People's Control, the Chairman of the RSFSR Supreme Court and the RSFSR Chief State Arbitrator;
- 12) the election of the RSFSR Committee for Constitutional Supervision;
- 13) the adoption of decision regarding the conducting of a republic-wide public vote (a referendum).

"The RSFSR Congress of People's Deputies shall have the right to annul acts adopted by the RSFSR Supreme Soviet.

"The RSFSR Congress of People's Deputies shall adopt RSFSR laws and decrees by a majority vote of the overall number of RSFSR People's Deputies.

"Article 105. The RSFSR Congress of People's Deputies shall consist of 1,068 deputies:

"Nine hundred deputies from the territorial electoral districts;

"One hundred sixty eight deputies from the national territorial electoral districts according to quotas: four deputies from each autonomous republic, two deputies from each autonomous oblast, one deputy from each autonomous okrug and 84 deputies from the krais and oblasts (excluding autonomous formations) and the cities of Moscow and Leningrad.

"The territorial and national territorial electoral districts shall be formed basically with an equal number of voters respectively—the territorial ones in the entire territory of the RSFSR and the national territorial ones within the boundaries of an autonomous republic, a kray, an oblast, the cities of Moscow and Leningrad, an autonomous oblast and an autonomous okrug.

"Article 106. The RSFSR Congress of People's Deputies shall be convened for the first sitting no later than two months after the elections.

"On the recommendation of the credentials committee elected by it, the RSFSR Congress of People's Deputies shall adopt a decision regarding the recognition of the authority of the deputies and, in the event of a violation of the legislation on elections, regarding the declaration of the elections of individual deputies invalid.

"The RSFSR Congress of People's Deputies shall be convened by the RSFSR Supreme Soviet.

"Routine sittings of the RSFSR Congress of People's Deputies shall be conducted once a year. Extraordinary sittings shall be convened on the initiative of the RSFSR Supreme Soviet, at the suggestion of one of the houses of the RSFSR Supreme Soviet, the Presidium of the RSFSR Supreme Soviet, the Chairman of the RSFSR Supreme Soviet, no less than one-fifth of the RSFSR People's Deputies or on the initiative of an autonomous republic represented by its highest organ of state power, and of a kray, oblast, autonomous oblast and autonomous okrug represented by a soviet of people's deputies.

"The first post-election sitting of the RSFSR Congress of People's Deputies shall be opened by the Chairman of the Central Election Commission for the Elections of RSFSR People's Deputies. The subsequent procedure for conducting sittings shall be determined by the RSFSR Congress of People's Deputies.

"Article 107. The RSFSR Supreme Soviet shall be the permanently operating legislative, administrative and control organ of RSFSR state power.

"The RSFSR Supreme Soviet shall be elected by a secret ballot from among the RSFSR People's Deputies by the RSFSR Congress of People's Deputies and shall be accountable to it.

"The RSFSR Supreme Soviet shall consist of two houses: the Soviet of the Republic and the Soviet of Nationalities, equal in their numerical composition. The houses of the RSFSR Supreme Soviet shall have equal rights.

"The Soviet of the Republic shall be elected from among the RSFSR People's Deputies from the territorial electoral districts, taking into account the number of voters in a region. The Soviet of Nationalities shall be elected from among the RSFSR People's Deputies from the national territorial districts according to quotas: three deputies from each autonomous republic, one deputy from each autonomous oblast and from each autonomous okrug and 63 deputies from the krays, oblasts and the cities of Moscow and Leningrad.

"The RSFSR Congress of People's Deputies shall replace annually part of the members of the Soviet of the Republic and the Soviet of Nationalities according to the quota established by it.

"Each house of the RSFSR Supreme Soviet shall elect a chairman of the house and his deputy. The chairmen of the Soviet of the Republic and the Soviet of Nationalities shall preside over the sittings of the corresponding houses and shall be in charge of their internal procedure.

"The Chairman of the RSFSR Supreme Soviet, his deputies or, by turns, the chairmen of the Soviet of the Republic and the Soviet of Nationalities shall preside over joint sittings of the houses.

"**Article 108.** The RSFSR Supreme Soviet shall be convened annually by the Presidium of the RSFSR Supreme Soviet for routine sessions, which shall be conducted twice a year.

"Extraordinary sessions shall be convened by the Presidium of the RSFSR Supreme Soviet on its initiative or at the suggestion of the Chairman of the RSFSR Supreme Soviet, an autonomous republic as represented by its highest organ of state power, a kray, an oblast, an autonomous oblast or an autonomous okrug as represented by a soviet of people's deputies or no less than a third of the membership of one of the houses of the RSFSR Supreme Soviet.

"An RSFSR Supreme Soviet session shall consist of separate and joint sitting of the houses, as well as sittings conducted in the interim period by the houses' permanent commissions and RSFSR Supreme Soviet committees. A session shall be opened and closed at separate or joint sittings of the houses.

"Upon the expiration of the term of office of the RSFSR Congress of People's Deputies, the RSFSR Supreme Soviet shall retain its own authority right up until the

formation of the new membership of the RSFSR Supreme Soviet by the newly elected RSFSR Congress of People's Deputies.

"**Article 109.** The RSFSR Supreme Soviet shall:

1) schedule the elections of RSFSR People's Deputies and the people's deputies of the local soviets of people's deputies;

2) confirm the membership of the Central Election Commission for the Elections of RSFSR People's Deputies;

3) appoint the Chairman of the RSFSR Council of Ministers, confirm, on his recommendation, the membership of the RSFSR Council of Ministers and introduce changes to it; at the suggestion of the RSFSR Council of Ministers, form or abolish the RSFSR ministries and the RSFSR state committees;

4) elect the RSFSR Committee of People's Control and the RSFSR Supreme Court, appoint the RSFSR Chief State Arbitrator and confirm the staff of the RSFSR State Board of Arbitration; elect the judges of the kray, oblast and Moscow and Leningrad city courts;

5) listen regularly to the reports of the organs formed or elected by it, as well as of officials appointed or elected by it; decide questions regarding a vote of confidence in the RSFSR Government and its members;

6) ensure the uniformity of legislative regulation throughout all the territory of the RSFSR; exercise within the limits of the RSFSR's jurisdiction legislative regulation of the relations of property and the organization of management of the economy and social and cultural construction, of the budgetary and financial system, of the pay for work and pricing, of taxation, of environmental protection and the use of natural resources, and of the procedure for the exercise of the constitutional rights, freedoms and obligations of the RSFSR citizenry, as well as of other relations; and adopt codes;

7) give the interpretation of the laws of the RSFSR;

8) establish the procedure for the organization and activities of republic and local organs of state power and management;

9) define the legal status of republic-wide public organizations;

10) direct the activities of the local soviets of people's deputies;

11) submit for the consideration of the RSFSR Congress of People's Deputies proposals regarding the formation of new autonomous republics, krays, oblasts, cities of republic subordination, autonomous oblasts, and autonomous okrugs;

12) present for the approval of the RSFSR Congress of People's Deputies drafts of prospective state plans and

the most important republic programs for the economic and social development of the RSFSR; approve the state plans for the economic and social development of the RSFSR, the RSFSR state budget, exercise control over the course of the fulfillment of the plan and the budget and approve the reports about their fulfillment; when necessary, insert changes into the plan and the budget;

13) ratify or nullify international treaties of the RSFSR;

14) participate in the working out of basic measures in the area of defense and the assurance of the country's state security;

15) institute the state prizes of the RSFSR; establish the honorary titles of the RSFSR;

16) have the right to repeal ukazes and decrees of the Presidium of the RSFSR Supreme Soviet, to revoke orders of the Chairman of the RSFSR Supreme Soviet and likewise the decrees and instructions of the RSFSR Council of Ministers;

17) repeal decrees and revoke orders of the councils of ministers of the autonomous republics and the decisions of kray, oblast and city (cities of republic subordination) soviets of people's deputies, and of the soviets of people's deputies of the autonomous oblasts and the autonomous okrugs in the event of their incompatibility with the USSR Constitution, the RSFSR Constitutions and the laws of the USSR and the RSFSR;

18) suspend the acts of union and union-republic ministries and departments [vedmostvo] of the USSR in the event they contradict the laws of the USSR and the RSFSR;

19) decide other questions relating to the authority of the RSFSR, except for those which relate to the exclusive authority of the RSFSR Congress of People's Deputies.

"The RSFSR Supreme Soviet shall adopt the laws of the RSFSR and decrees.

"Laws and decrees adopted by the RSFSR Supreme Soviet may not contradict the laws and other acts adopted by the RSFSR Congress of People's Deputies.

"Article 110. The right of legislative initiative in the RSFSR Congress of People's Deputies and the RSFSR Supreme Soviet shall belong to the RSFSR People's Deputies, the Soviet of the Republic, the Soviet of Nationalities, the Presidium of the RSFSR Supreme Soviet, the Chairman of the RSFSR Supreme Soviet, the RSFSR Committee for Constitutional Supervision, the RSFSR Council of Ministers, the autonomous republics as represented by their highest organs of state power, the krays, oblasts, autonomous oblasts and autonomous okrugs as represented by a soviet of people's deputies, the permanent commissions of the houses of the RSFSR Supreme Soviet, the committees of the RSFSR Supreme Soviet, the RSFSR Committee of People's Control, the RSFSR Supreme Court, the RSFSR Office of the Procurator, and the RSFSR Chief State Arbitrator.

"Public organizations, as represented by their republic organs or, in the event of their absence, by the all-union organs, shall also have the right of legislative initiative.

"Article 111. The drafts of laws submitted for the consideration of the RSFSR Supreme Soviet shall be discussed by the houses at their separate or joint sittings.

"An RSFSR law shall be considered adopted, if, in each of the houses of the RSFSR Supreme Soviet, a majority of the house members have voted for it.

"Draft laws and other most important questions of state affairs by decision of the RSFSR Supreme Soviet, adopted on its initiative or on the proposal of an autonomous republic as represented by its highest organ of state power, of a kray, oblast, autonomous oblast or autonomous okrug as represented by the soviets of people's deputies, may be submitted for public discussion.

"Article 112. Each house of the RSFSR Supreme Soviet shall have the right to consider any questions relating to the authority of the RSFSR Supreme Soviet.

"Subject to consideration first of all in the Soviet of the Republic shall be questions of social and economic development and state construction which are of general significance for the entire republic; of the rights, freedoms and obligations of the RSFSR's citizenry.

"Subject to consideration first of all in the Soviet of Nationalities shall be questions of ensuring ethnic equality, the interests of the nations, peoples and ethnic groups in combination with the general interests and requirements of a Soviet multi-ethnic state; and of the improvement of RSFSR legislation which regulates interethnic relations.

"On questions within its own jurisdiction, each of the houses shall adopt decrees.

"A decree adopted by one of the houses, when necessary, shall be sent to the other house and, upon approval by it, shall acquire the effectiveness of a decree of the RSFSR Supreme Soviet.

"In the event of a disagreement between the Soviet of the Republic and the Soviet of Nationalities, the question shall be sent for settlement to a conciliation commission formed by both houses on an equal basis, after which, the question shall be considered a second time by the Soviet of the Republic and the Soviet of Nationalities at a joint sitting. If, in this instance as well, an agreement is not reached, the question shall be sent for the consideration of the RSFSR Congress of People's Deputies.

"Article 113. The Presidium of the RSFSR Supreme Soviet shall be accountable to the RSFSR Supreme Soviet as the organ which ensures the organization of the work of the RSFSR Congress of People's Deputies and the RSFSR Supreme Soviet and which exercises other powers as provided for by the RSFSR Constitution and RSFSR laws.

"The membership of the Presidium of the RSFSR Supreme Soviet shall include by position: the Chairman of the RSFSR Supreme Soviet, the First Deputy Chairman of the RSFSR Supreme Soviet, the deputy chairmen of the RSFSR Supreme Soviet, the chairmen of the Soviet of the Republic and the Soviet of Nationalities, the Chairman of the RSFSR Committee of People's Control, and the chairmen of the permanent commissions and committees of the RSFSR Supreme Soviet.

"The Chairman of the RSFSR Supreme Soviet shall head up the Presidium of the RSFSR Supreme Soviet.

"Article 114. The Presidium of the RSFSR Supreme Soviet shall:

- 1) convene sessions of the RSFSR Supreme Soviet;
- 2) organize the preparations for sittings of the RSFSR Congress of People's Deputies and sessions of the RSFSR Supreme Soviet;
- 3) coordinate the activities of the permanent commissions of the houses of the RSFSR Supreme Soviet and of the committees of the RSFSR Supreme Soviet;
- 4) render assistance to RSFSR People's Deputies in the exercise by them of their own powers and provide them with necessary information;
- 5) organize the preparations for and the conducting of public votes (referendums), as well as of public discussions of RSFSR draft laws and other most important questions of state affairs;
- 6) award RSFSR state prizes; confer RSFSR honorary titles;
- 7) grant RSFSR citizenship; decide the question of granting asylum;
- 8) grant pardons to citizens convicted by RSFSR courts;
- 9) appoint and recall RSFSR diplomatic representatives to foreign states and international organizations;
- 10) accept the credentials and letters of recall of the diplomatic representatives of foreign states who are accredited to it;
- 11) publish the RSFSR laws and other acts adopted by the RSFSR Congress of People's Deputies, the RSFSR Supreme Soviet, the Presidium of the RSFSR Supreme Soviet and the Chairman of the RSFSR Supreme Soviet;
- 12) exercise other powers as provided for by RSFSR laws.

"The Presidium of the RSFSR Supreme Soviet shall issue ukazes and adopt decrees.

"Article 115. The Chairman of the RSFSR Supreme Soviet shall be the highest official of the Russian Soviet Federated Socialist Republic and shall represent it within the country and in international relations.

"The Chairman of the RSFSR Supreme Soviet shall be elected by the RSFSR Congress of People's Deputies from among the RSFSR People's Deputies by secret ballot for a term of five years and for no more than two terms in succession. He may be recalled at any time by a secret ballot by the RSFSR Congress of People's Deputies.

"The Chairman of the RSFSR Supreme Soviet shall be accountable to the RSFSR Congress of People's Deputies and the RSFSR Supreme Soviet.

"The Chairman of the RSFSR Supreme Soviet shall;

1) exercise the overall supervision of the preparation of questions subject to consideration by the RSFSR Congress of People's Deputies and the RSFSR Supreme Soviet; sign the RSFSR laws and other acts adopted by the RSFSR Congress of People's Deputies, the RSFSR Supreme Soviet and the Presidium of the RSFSR Supreme Soviet;

2) present to the RSFSR Congress of People's Deputies and the RSFSR Supreme Soviet reports on the state of the republic and on important questions of the domestic and foreign policies of the RSFSR; and about participation in the assurance of the defense capability and security of the RSFSR;

3) present to the RSFSR Congress of People's Deputies nominees for election to the positions of First Deputy Chairman and the deputy chairmen of the RSFSR Supreme Soviet, as well as proposals regarding the personnel for the RSFSR Committee for Constitutional Supervision;

4) present to the RSFSR Supreme Soviet nominees for appointment or election to the positions of Chairman of the RSFSR Council of Ministers, Chairman of the RSFSR Committee of People's Control, Chairman of the RSFSR Supreme Court, and RSFSR Chief State Arbitrator, and later present these officials to the RSFSR Congress of People's Deputies for confirmation;

5) conduct negotiations and sign international treaties for the RSFSR.

"The Chairman of the RSFSR Supreme Soviet shall issue orders.

"The First Deputy Chairman of the RSFSR Supreme Soviet and the deputy chairmen of the RSFSR Supreme Soviet shall perform upon authorization of the Chairman of the RSFSR Supreme Soviet his individual functions and shall substitute for the chairman in the event of his absence or inability to exercise his own obligations.

"Article 116. The Soviet of the Republic and the Soviet of Nationalities shall elect from among the members of the RSFSR Supreme Soviet and other RSFSR People's Deputies the permanent commissions of the houses for the conducting of legislative drafting work, the preliminary examination and preparation of questions relating

to the authority of the RSFSR Supreme Soviet, as well as for assisting in the implementation of RSFSR laws and other decisions adopted by the RSFSR Congress of People's Deputies and the RSFSR Supreme Soviet and for controlling the activities of state organs and organizations.

"For these same purposes, the houses of the RSFSR Supreme Soviet may establish on an equal basis committees of the RSFSR Supreme Soviet.

"The RSFSR Supreme Soviet and each of its houses shall establish, when they consider it necessary, investigatory, auditing and other commissions for any question.

"The permanent commissions of the houses of the RSFSR Supreme Soviet and the committees of the RSFSR Supreme Soviet shall be replaced annually according to the quotas established by the RSFSR Supreme Soviet.

"**Article 117.** The laws and other decisions of the RSFSR Congress of People's Deputies and the RSFSR Supreme Soviet and the decrees of its houses shall be adopted, as a rule, after preliminary discussion of the drafts by the appropriate permanent commissions of the houses of the RSFSR Supreme Soviet or committees of the RSFSR Supreme Soviet.

"The appointment and election of officials to the membership of the RSFSR Council of Ministers, the RSFSR Committee of People's Control, the RSFSR Supreme Court, as well as the staff of the RSFSR State Board of Arbitration shall be done on the resolution of the appropriate permanent commissions of the houses of the RSFSR Supreme Soviet or of the committees of the RSFSR Supreme Soviet.

"All state and public organs, organizations and officials shall be obligated to fulfill the requirements of the commissions of the houses of the RSFSR Supreme Soviet and of the commissions and committees of the RSFSR Supreme Soviet and to give them the necessary materials and documents.

"The recommendations of the commissions and committees shall be subject to obligatory examination by state and public organs, institutions and organizations. The results of the examination and adopted measures should be reported to the commissions and committees within the time frame established by them.

"**Article 118.** An RSFSR People's Deputy, at sittings of the RSFSR Congress of People's Deputies and sessions of the RSFSR Supreme Soviet, shall have the right to address an inquiry to the Chairman of the RSFSR Supreme Soviet, to the RSFSR Council of Ministers and to the heads of other organs formed or elected by the RSFSR Congress of People's Deputies and the RSFSR Supreme Soviet. The organ or the official to whom the inquiry has been addressed shall be obligated to give either an oral or a written answer at the given sitting of

the congress or at the given session of the RSFSR Supreme Soviet no later than within a three-day period.

"RSFSR People's Deputies shall be relieved from the performance of office or production duties for the specified period of time necessary for carrying out deputy activities in the RSFSR Congress of People's Deputies, in the RSFSR Supreme Soviet, its houses, commissions and committees, as well as among the populace. RSFSR People's Deputies elected to membership in the RSFSR Supreme Soviet may be relieved from the performance of office or production duties for the entire period of their own terms of office in the RSFSR Supreme Soviet.

"An RSFSR People's Deputy may not have criminal proceeding instituted against him, be arrested or subjected to administrative punishment measures imposed in a judicial proceeding without the consent of the RSFSR Supreme Soviet or, in the period between its sessions, without the consent of the Presidium of the RSFSR Supreme Soviet.

"**Article 119.** The RSFSR Committee for Constitutional Supervision shall be elected by the RSFSR Congress of People's Deputies for a term of 10 years from among specialists in the field of politics and law and shall be made up of a chairman, a deputy chairman and 13 committee members.

"Persons elected to the RSFSR Committee for Constitutional Supervision may not be simultaneously members of the organs, the acts of which are supervised by the committee.

"Persons elected to the RSFSR Committee for Constitutional Supervision, during the performance of their own obligations, shall be independent and subordinate only to the RSFSR Constitution.

"The RSFSR Committee for Constitutional Supervision shall:

- 1) on its own initiative or on instructions from the RSFSR Congress of People's Deputies, present to the congress conclusions regarding the conformity with the RSFSR Constitution of the drafts of RSFSR laws subject to consideration by the congress;

- 2) on its own initiative, on instructions from the RSFSR Congress of People's Deputies or at the suggestion of the RSFSR Supreme Soviet or the highest organs of state power of the autonomous republics, present to the RSFSR Supreme Soviet conclusions regarding the conformity of acts of the RSFSR Supreme Soviet and its houses, as well as of drafts of acts of this organ, with the RSFSR Constitution and RSFSR laws adopted by the RSFSR Congress of People's Deputies;

- 3) exercise supervision of the conformity to the RSFSR Constitution and RSFSR laws of the constitutions and laws of the autonomous republics, of the decrees and orders of the RSFSR Council of Ministers and the councils of ministers of the autonomous republics, and of the decisions of kray, oblast and city (cities of republic

subordination) soviets of people's deputies and the soviets of people's deputies of the autonomous republics;

4) on its own initiative or on instructions from the RSFSR Congress of People's Deputies, at the suggestion of the RSFSR Supreme Soviet, its houses, the Presidium of the RSFSR Supreme Soviet, the Chairman of the RSFSR Supreme Soviet, the permanent commissions of the houses of the RSFSR Supreme Soviet and the committees of the RSFSR Supreme Soviet, the RSFSR Council of Ministers, or the highest organs of state power of the autonomous republics, shall give conclusions regarding the conformity to the RSFSR Constitution and RSFSR laws of the acts of other state organs and public organizations.

"When an act or its individual clauses contradict the RSFSR Constitution or RSFSR laws, the RSFSR Committee for Constitutional Supervision shall send to the organ which promulgated the act its own conclusion for the elimination of the violation committed. The adoption by the committee of such a conclusion shall suspend the implementation of the act or its individual clauses which contradict the RSFSR Constitution or RSFSR law.

"The RSFSR Committee for Constitutional Supervision shall have the right to come with a recommendation to the RSFSR Congress of People's Deputies, the RSFSR Supreme Soviet or the RSFSR Council of Ministers regarding repeal of the acts of the organs or officials accountable to them, which contradict the RSFSR Constitution or RSFSR law.

"The organization of and procedure for the activities of the RSFSR Committee for Constitutional Supervision shall be determined by the USSR Law on Constitutional Supervision and the RSFSR Law on the RSFSR Committee for Constitutional Supervision.

"**Article 120.** The RSFSR Congress of People's Deputies and the RSFSR Supreme Soviet shall exercise control over the activities of all state organs accountable to them.

"The RSFSR Supreme Soviet shall direct the activities of the RSFSR Committee of People's Control, which heads up the system of people's control organs.

"The organization of and the procedure for the activities of the people's control organs shall be determined by the Law on People's Control in the USSR.

"**Article 121.** The procedure for the activities of the RSFSR Congress of People's Deputies, the RSFSR Supreme Soviet and their organs shall be determined by the Regulations of the RSFSR Congress of People's Deputies and the RSFSR Supreme Soviet and other RSFSR laws promulgated on the basis of the RSFSR Constitution."

4. Articles 164, 165 and 167 of Section 21, "The Court and Arbitration," shall be worded as follows:

"**Article 164.** All RSFSR courts shall be formed on the basis of the electivity of the judges and the people's assessors.

"The people's judges of the rayon (city) people's courts shall be elected by the corresponding supreme soviets of the autonomous republics and the kray, oblast, Moscow and Leningrad city, and okrug soviets of people's deputies.

"The judges of the kray, oblast and Moscow and Leningrad city courts shall be elected by the RSFSR Supreme Soviet.

"The judges of the RSFSR Supreme Court, the supreme courts of the autonomous republics and the courts of the autonomous oblasts and okrugs shall be elected by the RSFSR Supreme Soviet, the supreme soviets of the autonomous republics and the soviets of people's deputies of the autonomous oblasts and autonomous okrugs, respectively.

"The people's assessors of the rayon (city) people's courts shall be elected at assemblies of citizens by their place of residence or work by an open vote, while the people's assessors of the higher courts shall be elected by the corresponding soviets of people's deputies.

"The judges of all the courts shall be elected for a term of 10 years. The people's assessors of all the courts shall be elected for a term of five years.

"The judges and people's assessors shall be answerable to the organs which elected them or to the voters, shall make an accounting to them and may be recalled by them using the procedure established by law.

"**Article 165.** The RSFSR Supreme Court shall be the highest judicial organ of the RSFSR and shall exercise supervision over the judicial activities of the RSFSR courts.

"The RSFSR Supreme Court shall consist of a chairman, his deputies, the members and the people's assessors."

"**Article 167.** The judges and people's assessors shall be independent and subordinate only to the law.

"The judges and people's assessors shall be provided with the conditions for the unhindered and effective exercise of their rights and duties. Any kind of interference in the activities of the courts and the people's assessors in the dispensing of justice shall be impermissible and shall entail accountability according to the law.

"The immunity of the judges and people's assessors, as well as other guarantees of their independence, shall be established by the Law on the Status of Judges in the USSR and other legislative acts of the USSR and the RSFSR."

II. In connection with the new wording of Sections 10, 11 and 13 of the RSFSR Constitution, changes and additions ensuing from them shall be inserted into the following articles of the RSFSR Constitution:

1. The words "at the USSR Congress of People's Deputies" shall be added to the first part of Article 74, after the words "to the authority of the USSR."

2. The third part of Article 99 shall be worded as follows:

"In his own activities, a deputy shall be guided by state interests, shall take into consideration the inquiries of the populace of the electoral district and shall strive for the realization of the voters' mandates."

3. Article 100 shall be worded as follows:

"**Article 100.** A deputy shall exercise his own powers, as a rule, without deserting production or office duties."

"During sittings of the RSFSR Congress of People's Deputies, sessions of the RSFSR Supreme Soviet and the supreme soviets of the autonomous republics or the local soviets of people's deputies, as well as for the exercising of deputy powers in other instances, a deputy shall be relieved from the performance of production or office duties, with reimbursement to him for expenditures associated with deputy activities being charged to the funds of the appropriate republic or local budget."

4. The first part of Article 101 shall be worded as follows:

"A deputy shall have the right to make inquiries to the appropriate state organs and officials, who shall be obligated to give an answer to an inquiry at the Congress of People's Deputies, or at a session of the supreme soviet or local soviet of people's deputies."

5. Articles 103, 123 and 124 shall be worded as follows:

"**Article 103.** A deputy shall be obligated to give an accounting of his own work and that of the RSFSR Congress of People's Deputies, the supreme soviet or the local soviet of people's deputies to the voters, collectives and public organizations, who nominated him as a candidate for deputy."

"A deputy who has not justified the trust of the voters may be recalled at any time by a decision of the majority of the voters using the procedure established by law."

"**Article 123.** The RSFSR Council of Ministers shall be formed by the RSFSR Supreme Soviet at a joint sitting of the Soviet of the Republic and the Soviet of Nationalities, made up of the Chairman of the RSFSR Council of Ministers, the first deputy chairmen and the deputy chairmen, the RSFSR ministers and the chairmen of the RSFSR state committees."

"The chairmen of the councils of ministers of the autonomous republics, by virtue of their positions, shall be members of the RSFSR Council of Ministers."

"On the recommendation of the Chairman of the RSFSR Council of Ministers, the RSFSR Supreme Soviet may include as members of the RSFSR Government the heads of other RSFSR organs and organizations."

"The RSFSR Council of Ministers shall relinquish its own authority to a newly elected RSFSR Supreme Soviet at its first session."

"**Article 124.** The RSFSR Council of Ministers shall be answerable to the RSFSR Congress of People's Deputies and the RSFSR Supreme Soviet and accountable to them."

"The newly formed RSFSR Council of Ministers shall present for the consideration of the RSFSR Supreme Soviet a program of upcoming activities for its term of office."

"At least once a year, the RSFSR Council of Ministers shall give an account of its own work to the RSFSR Supreme Soviet."

6. The first part of Article 125 shall be worded as follows:

"The RSFSR Council of Ministers shall be authorized to decide all questions of state management relating to the authority of the RSFSR, insofar as they do not, according to the RSFSR Constitution, come under the jurisdiction of the RSFSR Congress of People's Deputies, the RSFSR Supreme Soviet and its presidium and the Chairman of the RSFSR Supreme Soviet."

7. Article 127 shall be worded as follows:

"**Article 127.** The RSFSR Council of Ministers, on the basis of and in the execution of the laws of the USSR and the RSFSR and other decisions of the USSR Congress of People's Deputies and the USSR Supreme Soviet, of the RSFSR Congress of People's Deputies and the RSFSR Supreme Soviet, and of the decrees and orders of the USSR Council of Ministers, shall issue decrees and orders and shall verify their execution. The decrees and orders of the RSFSR Council of Ministers shall be binding for execution throughout the entire territory of the RSFSR."

8. In the fourth part of Article 129, the words "on the basis of and in the execution of the laws of the USSR and the RSFSR and other decisions of the USSR Supreme Soviet and its presidium and of the RSFSR Supreme Soviet and its presidium" shall be replaced by the words "on the basis of and in the execution of the laws of the USSR and the RSFSR and other decisions of the USSR Congress of People's Deputies and the USSR Supreme Soviet and of the RSFSR Congress of People's Deputies and the RSFSR Supreme Soviet."

9. Articles 131 and 132 shall be worded as follows:

"**Article 131.** The Supreme Soviet of an autonomous republic shall be the highest organ of state power of the autonomous republic."

"Article 132. The Supreme Soviet of an autonomous republic shall be the permanently operating legislative, administrative and control organ of state power of the autonomous republic.

"The Chairman of the Supreme Soviet of an autonomous republic shall be accountable to the Supreme Soviet of the autonomous republic.

"The powers of the Supreme Soviet of an autonomous republic, of its presidium and of the Chairman of the Supreme Soviet of an autonomous republic shall be defined by the Constitution of the autonomous republic."

10. The second part of Article 133 shall be deleted.

11. Article 134 shall be worded as follows:

"Article 134. The Council of Ministers of an autonomous republic, on the basis of and in the execution of the laws of the USSR, the RSFSR and the autonomous republic and of other decisions of the USSR Congress of People's Deputies and the USSR Supreme Soviet, of the RSFSR Congress of People's Deputies and the RSFSR Supreme Soviet and of the Supreme Soviet of the autonomous republic, and of the decrees and orders of the USSR Council of Ministers and the RSFSR Council of Ministers, shall issue decrees and orders and verify their execution. The decrees and orders of the Council of Ministers of an autonomous republic shall be binding for execution throughout the entire territory of the autonomous republic."

12. The first and second parts of Article 141 shall be worded as follows:

"Sessions of the kray and oblast soviets of people's deputies, of the soviets of people's deputies of the autonomous oblasts and autonomous okrugs, and of the rayon, city (except for cities of rayon subordination) and city rayon soviets of people's deputies shall be convened by their presidiums no less than four times a year."

13. Article 145 shall be inserted into Section 17 and shall be worded as follows:

"Article 145. The work of the kray, oblast, autonomous oblast, autonomous okrug, rayon, city, and city rayon soviets of people's deputies shall be organized by their presidiums, headed up by the chairmen of the soviets, and, in city (cities of rayon subordination), settlement and rural soviets, it shall be organized by the chairmen of these soviets."

14. Articles 146, 151 and 185 shall be worded as follows:

"Article 146. The executive committees elected by the local soviets of people's deputies shall be their executive and administrative organs.

"The executive committees, no less than once a year, shall give an accounting to the soviets which elected them, as well as at assemblies of labor collectives and of citizens by their place of residence.

"The executive committees of the local soviets shall be accountable directly both to the soviet which elected them and also to the superior executive and administrative organ."

"Article 151. The departments [otdel] and administrations of the executive committees shall be formed by the kray and oblast soviets of people's deputies, the soviets of people's deputies of the autonomous oblasts and the autonomous okrugs, and the rayon, city and city rayon soviets of people's deputies, and shall be subordinate in their own activities both to the soviets and executive committees and also to the appropriate superior organs of state management."

"Article 185. A change to the RSFSR Constitution shall be made by a decision of the RSFSR Congress of People's Deputies, adopted by a majority of no less than two-thirds of the total number of RSFSR People's Deputies."

Comparison of RSFSR Law on Changes to Republic Constitution

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[Editorial Report] Moscow SOVETSKAYA ROSSIYA in Russian on 1 Nov 89 carries on pp 1-2 the RSFSR Law on Changes in and Additions to the RSFSR Constitution (Basic Law). Comparison of the text of the law to the text of the draft RSFSR Law on Changes in and Additions to the RSFSR Constitution (Basic Law) as published in SOVETSKAYA ROSSIYA 11 August 1989 pp 1-2 reveals the following changes in the draft to have been incorporated in the law as adopted:

Under Section I, part 1, (regarding the wording of Chapter 10):

In Article 85 as amended: the words "Congresses of People's Deputies" are inserted after the words "RSFSR Supreme Soviet" and before the words "autonomous-republic Supreme Soviets."

In Article 86 as amended: in the second paragraph, the words "people's deputies of the autonomous-republic Supreme Soviets" are replaced by the words: "people's deputies of RSFSR local soviets of people's deputies"; following the words "no later than four months," and before the words "prior to the expiration," the words "and elections of peoples deputies of local soviets of people's deputies—no later than three months" are deleted; a third paragraph is added, as follows:

"The deadlines and procedures for the setting of elections of people's deputies of autonomous republics and of autonomous-republic local soviets of people's deputies are determined by the autonomous-republic constitutions and laws."

In Article 87 as amended:

In the first paragraph following the words "sessions of the RSFSR Supreme Soviet" and before the words "sessions of autonomous-republic Supreme Soviets," the words "meetings of the autonomous-republic Congresses of People's Deputies and" are added.

In the second paragraph, after the first sentence, a new sentence is inserted, as follows: "The RSFSR Supreme Soviet forms a Presidium."; in the second sentence of the draft, which becomes the third sentence in the law as adopted, the words "Autonomous-republic supreme soviets and local soviets of people's deputies elect chairmen" are changed to: "RSFSR local soviets of people's deputies elect chairmen"; the subject of the third and last sentence of the paragraph in the draft, "The RSFSR Supreme Soviet, the autonomous-republic Supreme Soviets and the local soviets of people's deputies" is deleted, and its predicate is linked to the previous sentence by the word "and" (thus making its subject "RSFSR local soviets..."); in this predicate, the phrase "have their own presidiums" is changed to "form presidiums."

A new third paragraph is added, as follows:

"Autonomous-republic Supreme Soviets are elected by Congresses of People's Deputies, and in republics where autonomous-republic constitutions make no provisions for the establishment of Congresses—directly by the voters. Presidiums of autonomous-republic Supreme Soviets and local soviets of people's deputies are formed and soviet chairmen are elected in accordance with the autonomous-republic constitutions."

In the third paragraph of the amended article in the draft, which becomes the fourth paragraph in the law as adopted, following the words "other agencies accountable to them," the words "and elect, appoint or confirm their executives" are added.

In the fourth paragraph of the draft (the fifth in the law as adopted), following the words "or appointed by soviets of people's deputies," and before the words "may not hold their offices," the words "with the exception of judges" are inserted.

The paragraphing before the fifth paragraph in the draft is eliminated, making it the final sentence of the fifth paragraph in the law as adopted.

In Article 88 as amended: An additional, third paragraph is added, as follows:

"The system, jurisdiction and operating procedures of people's control agencies are determined by the USSR Law on People's Control in the USSR."

Under Section I, part 2 (regarding the wording of Chapter 11):

In Article 92 as amended: in the fourth paragraph, after the words "persons who are being held" and before the

words "in places of deprivation of freedom," the words "by decision of a court or with a procurator's sanction" are inserted.

In Article 96 as amended: the phrase "collectives of students of secondary specialized and higher educational institutions" is changed to: "collectives of secondary specialized and higher educational institutions"; the fifth paragraph, "In elections of people's deputies...to the appropriate election commission," is deleted; in the last paragraph, the words "paid for only by the state" are changed to: "paid for only out of state funds allocated for the holding of elections."

In Article 97 as amended: in the second and third paragraphs, following the words "public organizations," the words "(and) collectives of secondary specialized and higher educational institutions" are inserted.

Under Section I, part 3 (regarding the wording of Chapter 13):

In Article 104 as amended: in part (1), the words "and the amending of it" are changed to: "and the making of changes in and additions to it"; part (5) is deleted and replaced by a new part (5), which reads as follows: "(5) the resolution of questions regarding the changing of the RSFSR's borders with other union republics and the submission of them for ratification by the Congress of USSR People's Deputies; the consideration of questions regarding changes in the USSR's state borders in cases entailing changes in the RSFSR's territory"; the addition of a new paragraph designated as part (14), as follows: "(14) the exercise of legislative initiative in the Congress of USSR People's Deputies and the USSR Supreme Soviet."

In Article 106 as amended: in the fifth paragraph, first sentence, the words "is opened by the chairman of the Central Election Commission" are changed to: "is opened and conducted by the chairman of the Central Election Commission"; the last sentence of this paragraph, "Further procedures...Congress of RSFSR People's Deputies," is deleted and replaced by a clause added to the preceding sentence, as follows: "and after the election of a chairman of the RSFSR Supreme Soviet and his deputies, meetings of the Congress of RSFSR People's Deputies are conducted by the chairman of the RSFSR Supreme Soviet or his deputy."

In Article 109 as amended:

In Part (4), after the words "elects the RSFSR People's Control Committee and the RSFSR Supreme Court," the words "and the judges of kray and oblast courts and the Moscow and Leningrad city courts" are added; accordingly, at the end of Part (4), the words "and elects the judges of kray and oblast courts and the Moscow and Leningrad city courts" are deleted.

In Part (5), the words "members of the government" are changed to "members of the RSFSR government."

In Part (6), following the words "utilization of natural resources," the words "procedures for the realization of RSFSR citizens' constitutional rights, liberties and duties" are deleted.

Following Part (6), a new Part (7) is added, as follows:

"(7) decides questions related to ensuring RSFSR citizens' constitutional rights, liberties and duties, and the equality of USSR citizens of all nationalities within the territory of the RSFSR;"

With the insertion of the new Part (7), parts (7)-(12) of the draft are renumbered as parts (8)-(13), respectively; following them, a new Part (14) is inserted, as follows:

"(14) establishes in accordance with USSR legislation the revenues that go for the formation of the RSFSR state budget;"

With the insertion of the new Part (14), parts (13)-(15) of the draft are renumbered as parts (15)-(17), respectively; following them, a new Part (18) is added, as follows:

"(18) promulgates republic acts pardoning citizens convicted by RSFSR courts;"

With the insertion of the new Part (18), parts (16)-(18) are renumbered as parts (19)-(21), respectively.

In Part (17) of the draft (renumbered as Part 20), the parenthetical phrase "(for cities under republic jurisdiction)" is changed to: "(for cities under republic (RSFSR) jurisdiction)."

The wording of Part (18) of the draft (renumbered as Part 21) is replaced by the following wording:

"(21) protests and suspends decrees and orders of the USSR Council of Ministers within its territory if they violate the constitutional rights of the RSFSR, and also suspends acts of USSR ministries, state committees and departments in the event that they are contrary to USSR and RSFSR laws;"

Following this renumbered and reworded Part (18) of the draft, a new Part (22) is inserted, as follows:

"(22) submits to the USSR Constitutional Oversight Committee proposals that findings be issued concerning the conformity of acts of the USSR Supreme Soviet and its chambers and draft acts of those bodies to the USSR Constitution and USSR laws adopted by the Congress of USSR People's Deputies;"

With the insertion of the new Part (22), Part (19) is renumbered as Part (23).

In Article 112 as amended:

In the second paragraph, the phrase "questions of socioeconomic development and state construction" is inverted to read: "questions of state construction and socioeconomic development."

In the third paragraph, following the words "general interests and requirements of the Soviet multinational state" and preceding the words "questions of improving RSFSR legislation," the following words are inserted: "questions of general state development and socioeconomic development that are of importance for an autonomous republic, autonomous oblast or autonomous okrug."

In Article 114 as amended:

Following Part (4), a new Part (5) is inserted, as follows:

"(5) exercises oversight over the observance of the RSFSR Constitution and ensures the conformity of the autonomous-republic constitutions and laws to the RSFSR Constitution and RSFSR laws;"

With the insertion of the new Part (5), parts (5)-(6) of the draft are renumbered as parts (6)-(7), respectively; following them, a new Part (8) is inserted, as follows:

"(8) establishes RSFSR commemorative and important dates;"

With the insertion of the new Part (8), parts (7)-(12) of the draft are renumbered as parts (9)-(14), respectively.

In Article 118 as amended, in the first paragraph, following the words "agencies formed or elected by the Congress of RSFSR People's Deputies and the RSFSR Supreme Soviet," the following words are inserted: "as well as to the executives of USSR ministries, state committees and departments, and of enterprises, institutions and organizations under union administration located within the territory of the RSFSR on matters within the jurisdiction of the RSFSR."

In Article 119 as amended:

In Part (3), the parenthetical phrase "(for cities under republic jurisdiction)" is changed to "(for cities under republic (RSFSR) jurisdiction)."

In Part (4), following the words "autonomous republics' supreme bodies of state authority" and before the word "provides," the words "and autonomous-oblast and autonomous-okrug soviets of people's deputies" are inserted.

In the last paragraph, the words "USSR Law on Constitutional Oversight in the USSR and RSFSR Law on the RSFSR Constitutional Oversight Committee" are changed to: "USSR and RSFSR legislation on constitutional oversight."

Under Section I, Part 4 (regarding the wording of 164, 165 and 167 of Chapter 21):

In Article 164 as amended: in the second paragraph, following the words "Moscow and Leningrad city soviets," the words "and okrug soviets of people's deputies" are changed to: "and autonomous-oblast and autonomous-okrug soviets of people's deputies."

In Article 165 as amended: the division of the article into two paragraphs is eliminated, making it a single paragraph.

Under Section II:

Part 2, pertaining to Article 99, Part 3, of the Constitution, is deleted, causing parts 3-11 to be renumbered as parts 2-10, respectively.

Under Section II, Part 9 (renumbered as Part 8):

Article 131 as amended is reworded in its entirety, as follows:

"Article 131. The autonomous republics' supreme bodies of state authority are their Congresses of People's Deputies and, in autonomous republics where Congresses of People's Deputies are not established, the autonomous republics' Supreme Soviets."

Article 132 as amended is reworded in its entirety, as follows:

"Article 132. The powers, structure and operating procedures of the autonomous republics' Congresses of People's Deputies and Supreme Soviets are determined by the autonomous republics' Constitutions and laws."

Under Section II, Part 11 (renumbered as Part 10):

The initial wording, "To word Article 134 as follows," is changed to: "To word Articles 134, 137 and 141 as follows."

After Article 134, as amended, Articles 137 and 141 as amended, are inserted, as follows:

"Article 137. The bodies of state authority in krays, oblasts, autonomous oblasts, autonomous okrugs, rayons, cities, city rayons, settlements, rural communities and other administrative-territorial entities formed in accordance with the laws of the RSFSR and the autonomous republics are the corresponding soviets of people's deputies."

"Article 141. Sessions of territory and oblast soviets of people's deputies and of autonomous-oblast, autonomous-okrug, rayon, city (except for cities under rayon jurisdiction) and city rayon soviets of people's deputies are convened by their presidiums at least three times a year."

"Sessions of city (for cities under rayon jurisdiction), settlement and rural soviets of people's deputies are convened by their chairmen at least four times a year."

"The range of issues resolved exclusively at sessions is established by RSFSR laws on local soviets of people's deputies."

Section III, Part 12 is deleted, causing Parts 13 and 14 to be renumbered as Parts 11 and 12, respectively.

Under Section III, Part 14 (renumbered as Part 12):

The initial wording, "To word Articles 146, 151 and 185 as follows," is changed to: "To word Articles 146, 147, 151 and 185 as follows."

After Article 146, as amended, Article 147, as amended, is inserted, as follows:

"Article 147. The executive committees of local soviets of people's deputies direct state, economic, social and cultural development within the territories of their corresponding soviets on the basis of the decisions of the soviets that have elected them and of higher bodies of state authority and administration.

"The jurisdiction of the executive committees of local soviets of people's deputies and their operating procedures are determined by legislation of the USSR, RSFSR and autonomous republics."

The law as adopted is signed by V. Vorotnikov, chairman of the presidium of the RSFSR Supreme Soviet, and S. Chistoplyasov, secretary of the presidium of the RSFSR Supreme Soviet, and dated Moscow, the Kremlin, 27 October 1989.

Tajik SSR

Tajik SSR Draft Law on Changes to Republic Constitution

18300825A Dushanbe KOMMUNIST
TADZHIKISTAN Ain Russian 16 Aug 89 pp 1,2

["Draft Law of the Tajik Soviet Socialist Republic on Amendments and Additions to the Constitution (Fundamental Law) of the Tajik SSR," issued 14 August 1989]

[Text] For the purposes of developing socialist democracy, people's self-government, improving the electoral system and the structure and activities of soviets of people's deputies and organs of justice, the Tajik Soviet Socialist Republic Supreme Soviet **resolves:**

I. To introduce to the Tajik SSR Constitution the following amendments and additions:

1. To set forth Sections 9, 10 and 12 in the following wording:

"Section 9. The System and Principles of the Activity of Soviets of People's Deputies

"Article 80. Soviets of People's Deputies—the Tajik SSR Supreme Soviet, Oblast Soviets of People's Deputies, the Soviet of People's Deputies of the Gorno-Badakhshan Autonomous Oblast; rayon, city, urban rayon, settlement and kishlak Soviets of People's Deputies—comprise the unified system of representative organs of state power.

"Article 81. The term of office for Soviets of People's Deputies shall be five years.

"Elections of people's deputies shall be called no later than four months prior to expiration of the term of office of the Tajik SSR Supreme Soviet, and no later than three months prior to expiration of the term of office of local Soviets of people's deputies.

"Article 82. The most important questions of republic and local significance are resolved at sessions of the Tajik SSR Supreme Soviet and the local Soviets of People's Deputies, or are put to referenda by them.

"The Tajik SSR Supreme Soviet elects the chairman of the Tajik SSR Supreme Soviet. Local Soviets of People's Deputies shall elect the chairmen of the Soviets. The Tajik SSR Supreme Soviet and local Soviets of People's Deputies, with the exception of city (cities of rayon subordination), settlement and kishlak soviets, shall have their own presidium.

"Soviets of People's Deputies shall form permanent commissions, and shall establish executive and management committees as well as other organs subordinate to them.

"Responsible officials elected or appointed by Soviets of People's Deputies shall not hold office more than two terms in a row. They may be relieved of their positions ahead of time in case of improper execution of their official responsibilities.

"Article 83. Soviets of People's Deputies shall form organs of people's control, which combine state control with social control of the working people at enterprises, institutions and organizations.

"Organs of people's control shall verify carrying out the requirements of the law, state programs and assignments; wage the struggle with violations of state discipline, manifestations of regionalism, departmental approaches to business, mismanagement and waste, red tape and bureaucratism; coordinate the work of the control organs of ministries, state committees, and departments; and, promote improvements in the structure and work of the state apparatus.

"Article 84. Soviets of People's Deputies shall, directly and through organs formed by them, direct all branches of state, economic and socio-cultural construction; make decisions and ensure they are carried out; and implement controls over putting the decisions into effect.

"Article 85. The activity of Soviets of People's Deputies shall be structured on the basis of collective, free and businesslike discussion and resolution of questions; on glasnost and regular accountability by the executive and managerial organs, and other organs formed by the Soviets, to them and the public; and, they shall invite broad citizen participation in their work.

"Soviets of People's Deputies and the organs they form shall take public opinion into consideration; bring up the most important questions of general state and local significance for discussion by the citizens; and, they shall

systematically inform the citizens of their own work and of the decisions they have taken.

"Section 10. The Electoral System

"Article 86. Elections of People's Deputies shall be conducted by single-mandate electoral districts on the bases of universal, equal and direct suffrage, with secret balloting.

"In order to guarantee the representation of social organizations at the highest organ of state power, in one-third of the electoral districts, and on an alternative basis with other candidates for people's deputies: candidates from social organizations—the Tajik Communist Party, trade unions, cooperative organizations, the Tajik Komsomol, women's associations, veterans of war and labor, scientific workers, creative societies, and other organizations created in accordance with procedure established by law and which have republic organs—shall be elected as people's deputies.

"Article 87. Elections for People's Deputies shall be general; every citizen of the Tajik Republic who has reached age 18 shall have the right to vote.

"A citizen of the Tajik SSR who has reached age 18 may be elected a people's deputy; for election as People's Deputy of the Tajik SSR, 21 years of age.

"A citizen of the Tajik SSR shall not be a people's deputy in more than two Soviets of People's Deputies at the same time.

"Persons who have become members of the Tajik SSR Council of Ministers or executive committees of Soviets of People's Deputies, with the exception of the chairmen of these organs, or heads of departments, sections or administrations of executive committees of local Soviets, judges, chief state arbitrators and state arbitrators, shall not be deputies of the Soviet to which they have been appointed or elected.

"The deputy minister, chairman of a state committee and chief of a department of the Tajik SSR shall not be at the same time a people's deputy of the Tajik SSR.

"Citizens who are mentally ill or declared incompetent by a court, or people held in a place of incarceration, as well as those sent for mandatory treatment facilities by court order, shall not take part in elections.

"Article 88. Elections for people's deputies shall be equal; a voter in every electoral district shall have one vote; and voters shall take part in election on an equal basis.

"Article 89. Election of people's deputies shall be direct; people's deputies shall be elected directly by the citizens.

"Article 90. Voting at elections for people's deputies shall be secret; monitoring of the expression of the people's will shall not be permitted.

"Article 91. The right to nominate candidates for people's deputies for electoral districts shall belong to the working collectives, social organizations, voters' meetings at their place or residence; to collectives of pupils and students at vocational-technical schools and secondary specialized academic institutions; and to military servicemen at their military units.

"Nomination of candidates for people's deputies from social organizations shall be conducted at their congresses, conferences, or plenums of their republic organs, which take into consideration the proposals for candidate deputies received from local organs, lower collectives, and members of these organs.

"The number of candidates for people's deputy shall not be limited. Everyone taking part at the pre-election meeting may propose any candidature for discussion, including his own.

"Any number of candidates may be included on the ballots.

"District pre-election meetings may be held in conjunction with elections for people's deputies, in order to discuss the candidate deputies nominated, by district, and to make decisions on representing candidates for registration at the appropriate electoral commission.

"Expenses connected with preparations for and conduct of elections for people's deputies shall be charged to the state.

"Article 92. Electoral commissions shall ensure that elections are held. These commissions shall be formed of representatives of working collectives, social organizations, voters' meetings at their place of residence, collectives of students and pupils at vocational-technical institutions, secondary specialized and higher educational institutions, and by military servicemen at their military units.

"Citizens of the Tajik SSR, working collectives and social organizations shall be guaranteed the opportunity to freely and thoroughly discuss the political, business-like and personal characteristics of candidates for people's deputy, and also the right to agitate for or against candidates at meetings, in the press, and on radio and television.

"The procedure for holding elections of people's deputies shall be defined by the law of the Tajik SSR.

"Article 93. The voters shall give their mandate to their deputies.

"The appropriate Soviets of People's Deputies shall examine the mandates and take them into consideration when drawing up plans for economic and social development, and drawing up the budget, as well as when they are preparing to make decisions on other questions; and they shall organize fulfillment of the mandates and shall inform the citizens of their realization."

"Section 12. The Tajik SSR Supreme Soviet

"Article 99. The Tajik SSR Supreme Soviet is the highest organ of state power in the Tajik SSR.

"The Tajik SSR Supreme Soviet is the legislative, supervisory and controlling organ of state power of the Tajik SSR. It is authorized to take under its scrutiny and resolve any question falling under the jurisdiction of the Tajik SSR.

"Under the jurisdiction of the Tajik SSR Supreme Soviet are:

- 1) Adopting the Constitution of the Tajik SSR and introducing amendments to it;
- 2) Issuing decrees on questions of national-state structure pertaining to the jurisdiction of the Tajik SSR;
- 3) Changes to the border of the Tajik SSR, with the consent of the union republics concerned, and subsequent to submission to the USSR Congress of People's Deputies for approval;
- 4) Approval of long-range state plans and the most important republic programs for the economic and social development of the Tajik SSR; approval of state plans for economic and social development of the Tajik SSR and the Tajik SSR State Budget; assumption of control over the course of execution of the plan and the budget; approval of reports on their fulfillment; and, if required, introducing changes to the plan and the budget;
- 5) Electing the chairman of the Tajik SSR Supreme Soviet;
- 6) Electing deputy chairmen of the Tajik SSR Supreme Soviet;
- 7) Appointing the chairman of the Tajik SSR Council of Ministers, and upon his representation, approving the make-up of the Tajik SSR Council of Ministers and introducing changes to it;
- 8) Upon proposal of the Tajik SSR Council of Ministers, the formation and abolishment of ministries and state committees of the Tajik SSR;
- 9) Electing the Tajik SSR People's Control Commission;
- 10) Electing the Tajik SSR Supreme Court, oblast courts, the Dushanbe city court; people's judges of rayon and city people's courts (for rayons and cities of republic subordination);
- 11) Appointing the chief state arbitrator of the Tajik SSR.
- 12) Giving regular hearings to reports by the organs formed by or elected by it, as well as to responsible officials appointed or elected by it;
- 13) Electing the Tajik SSR Constitutional Oversight Committee;

14) Repealing of acts issued by the Tajik SSR Supreme Soviet Presidium, directions of the Tajik SSR Supreme Soviet chairman, and decrees and instructions of the Tajik SSR Council of Ministers;

15) Issuing decrees on holding popular elections (referenda);

16) Ensuring the uniformity of legislative regulation on the territory of the Tajik SSR, and adoption of codices and laws;

17) Formation and abolition of oblasts, rayons and cities; and settlement and kishlak Soviets of People's Deputies;

18) Declaration of elections for people's deputies of the Tajik SSR and local Soviets of People's Deputies, and the formation of the Central Electoral Commission for election of people's deputies of the Tajik SSR and approval of their membership;

19) Implementing within the competence of the Tajik SSR, legislative regulation of property relationships; organization of the administration of the national economy and socio-cultural construction, the budget and finance system, wages and price formation and taxation; environmental protection and use of natural resources; the procedure for realization of the constitutional rights, liberties and obligations of the citizens; and other relationships;

20) Interpreting the laws of the Tajik SSR;

21) Establishing the procedure for the organization and activity of republic and local organs of state power and administration, and supervising their activity; defining the legal status of republic social organizations and organs of popular social initiative;

22) Examining questions of national and inter-ethnic relationships, and ensuring the equality of interests of the nations, people's and national groups;

23) Ratification and denunciation of the international treaties of the Tajik SSR;

24) Taking decisions on granting loans and economic and other assistance to foreign states, and also on concluding agreements on state loans and credits received from foreign sources;

25) Instituting state awards of the Tajik SSR and establishing honorary titles of the Tajik SSR;

26) Resolving questions of the administrative-territorial structure of the Tajik SSR;

27) Issuing republic acts on amnesty;

28) Repealing decisions of oblast Soviets of People's Deputies, the Soviet of People's Deputies of the Gorno-Badakhshan Autonomous Oblast, rayon and city Soviets of People's Deputies of rayons and cities of republic

subordination—in case of incompatibility with the Constitution and the Laws of the Tajik SSR; and,

29) Resolving other questions pertaining to the jurisdiction of the Tajik SSR.

"Article 100. The Tajik SSR Supreme Soviet shall consist of 175 people's deputies.

"Article 101. The newly-elected Tajik SSR Supreme Soviet shall convene at the first session of the Tajik SSR Supreme Soviet Presidium, not later than two months after the elections.

"Upon representation of the Mandate Commission, the Tajik SSR Supreme Soviet shall issue a decree on the recognition of the authority of the deputies—and in cases of violation of the election laws, on declaring the election of certain deputies invalid.

"The first post-election session of the Tajik SSR Supreme Soviet shall be conducted by the chairman of the Central Electoral Commission for election of people's deputies of the Tajik SSR, and subsequently—by the chairman of the Tajik SSR Supreme Soviet or his deputy.

"The Tajik SSR Supreme Soviet shall be convened by the Tajik SSR Supreme Soviet Presidium no less than twice a year. The length of the session depends on the amount of questions to be examined by it.

"Extraordinary sessions shall be convened by the Tajik SSR Supreme Soviet Presidium upon its initiative, or upon the proposition of the Tajik SSR Supreme Soviet chairman, or by not less than one-third or the membership of the Tajik SSR Supreme Soviet, or upon the initiative of the Soviet of People's Deputies of the Gorno-Badakhshan Autonomous Oblast.

"Article 102. A session of the Tajik SSR Supreme Soviet shall consist of its meeting, as well as the meetings of the standing committees conducted in the in-between periods. The session shall be opened and closed at sessions of the Tajik SSR Supreme Soviet [sic].

"Article 103. The Tajik SSR Supreme Soviet shall pass the laws and resolutions of the Tajik SSR by majority vote of the Tajik SSR people's deputies present.

"Laws and resolutions adopted by the Tajik SSR Supreme Soviet shall not contradict the laws and other acts adopted by the USSR Congress of People's Deputies, the USSR Supreme Soviet, the USSR Constitution, or the Tajik SSR Constitution.

"Article 104. The right of legislative initiative in the Tajik SSR Supreme Soviet belongs to the People's Deputies of the USSR from the Tajik SSR and to People's Deputies of the Tajik SSR, the Tajik SSR Supreme Soviet Presidium, the chairman of the Tajik SSR Supreme Soviet, the Tajik SSR Council of Ministers,

oblast Soviets of People's Deputies, the Gorno-Badakhshan Autonomous Oblast Soviet of People's Deputies, the Dushanbe City Soviet of People's Deputies, the Tajik SSR People's Control Committee, the Tajik SSR Supreme Court, the Tajik SSR Procurator, and the Chief State Arbitrator of the Tajik SSR.

"Republic organs of social organizations and the Tajik SSR Academy of Sciences shall also enjoy the right of legislative initiative.

"**Article 105.** Draft laws, introduced for the examination of the Tajik SSR Supreme Soviet, shall be examined at its sessions.

"Draft laws of the Tajik SSR and other important questions of the state life of the republic by resolution of the Tajik SSR Supreme Soviet and adopted by its initiative, may be brought up for public examination.

"**Article 106.** The Chairman of the Tajik SSR Supreme Soviet or his deputy shall lead the session of the Tajik SSR Supreme Soviet Presidium.

"**Article 107.** The Tajik SSR Supreme Soviet Presidium shall be an accountable organ of the Tajik SSR Supreme Soviet, which ensures organization of the work of the Tajik SSR Supreme Soviet and exercises other authority within the bounds stipulated by the Constitution and Laws of the Tajik SSR.

"The Tajik SSR Supreme Soviet Presidium shall consist of the following, by position: the chairman of the Tajik SSR Supreme Soviet, the first deputy chairman of the Tajik SSR Supreme Soviet, and deputy chairman of the Tajik SSR Supreme Soviet—chairman of the Gorno-Badakhshan Autonomous Oblast Soviet of People's Deputies, the chairman of the Tajik SSR People's Control Committee, and chairmen of the standing commissions of the Tajik SSR Supreme Soviet.

"The Tajik SSR Supreme Soviet Presidium shall be headed by the chairman of the Tajik SSR Supreme Soviet.

"Upon expiration of the term of office of the Tajik SSR Supreme Soviet, the Tajik SSR Supreme Soviet Presidium shall retain its authority right down to the formation of the newly-elected Tajik SSR Supreme Soviet and the new membership of the Tajik SSR Supreme Soviet Presidium.

"**Article 108.** The Tajik SSR Supreme Soviet Presidium shall:

1) Implement control over the observance of the Tajik SSR Constitution and ensure that the resolutions and instructions of the Tajik SSR Council of Ministers and the decisions of local Soviets of People's Deputies correspond with the Constitution and the laws of the Tajik SSR.

2) Convene sessions of the Tajik SSR Supreme Soviet, and on a timely basis, bring to the attention of the

people's deputies and the public the time and place they are to be held, and the questions to be brought up for their examination;

3) Organize the preparations for sessions of the Tajik SSR Supreme Soviet;

4) Coordinate the activity of the standing commissions of the Tajik SSR Supreme Soviet;

5) Render assistance to the people's deputies of the Tajik SSR in the execution of their authority and provide them the necessary information;

6) Organize preparations for and conduct of popular elections (referenda), and also popular discussion of draft laws of the Tajik SSR and other important questions of state life;

7) Award state awards and honorary titles of the Tajik SSR;

8) Accept people as citizens of the Tajik SSR and resolve questions of offering asylum;

9) Approve the membership of the Tajik SSR State Arbitration board and appoint state arbitrators;

10) Grant pardons to citizens sentenced by Tajik SSR courts;

11) Appoint and recall diplomatic representatives of the Tajik SSR to foreign states and to international organizations;

12) Receive the bona fides and letters of recall from diplomatic representatives of foreign states accredited to them;

13) In the interests of defense and the safety of the citizens of the Tajik SSR, examine questions of declaring a state of emergency, or imposing a curfew on the territory of the entire republic, as well as in certain localities; and,

14) Publish in the Tajik, Russian and Uzbek languages, the laws of the Tajik SSR and other acts adopted by the Tajik SSR Supreme Soviet, the Tajik SSR Supreme Soviet Presidium, the chairman of the Tajik SSR Supreme Soviet, or the standing committees of the Tajik SSR Supreme Soviet.

"Sessions of the Tajik SSR Supreme Soviet Presidium shall be convened by the chairman of the Tajik SSR Supreme Soviet when necessary.

"The Tajik SSR Supreme Soviet Presidium shall issue ukases and adopt resolutions.

"**Article 109.** The chairman of the Tajik SSR Supreme Soviet is the highest responsible official in the Tajik SSR and represents the Tajik Soviet Socialist Republic within the republic, in relations with the Union of Soviet Socialist Republics, with other members of the Soviet federation, and in international relations.

"The Tajik SSR Supreme Soviet chairman shall be elected by the Tajik SSR Supreme Soviet on an alternative basis from the membership of the Tajik SSR people's deputies, by secret ballot, for a five-year term, and shall not serve more than two terms in succession. He may be recalled by the Tajik SSR Supreme Soviet at any time by secret ballot.

"The Tajik SSR Supreme Soviet chairman is accountable to the Tajik SSR Supreme Soviet.

"Article 110. The Tajik SSR Supreme Soviet chairman shall:

1) Implement general supervision over the preparation of questions subject to examination by the Tajik SSR Supreme Soviet, sign the laws of the Tajik SSR and other acts adopted by the Tajik SSR Supreme Soviet and by the Tajik SSR Supreme Soviet Presidium;

2) Present reports to the Tajik SSR Supreme Soviet on the state of affairs in the republic and on other important questions;

3) Present to the Tajik SSR Supreme Soviet candidatures for election to the post of first deputy and deputy chairman of the Tajik SSR Supreme Soviet, and also proposals on the personnel who comprise the Tajik SSR Committee on Constitutional Oversight;

4) Presents to the Tajik SSR Supreme Soviet candidatures for appointment or election to the posts of chairman of the Tajik SSR Council of Ministers, chairman of the Tajik SSR People's Control Committee, chairman of the Tajik SSR Supreme Court, and Tajik SSR Chief Arbitrator; and,

5) Carry on negotiations and sign international agreements for the Tajik SSR.

"The chairman of the Tajik SSR Supreme Soviet shall issue decrees.

"The first deputy chairman of the Tajik SSR Supreme Soviet and the deputy chairman carry out, by authority of the chairman of the Tajik SSR Supreme Soviet, certain of his functions, and substitute for the chairman in case of his absence or when it is not possible for him to carry out his duties.

"Article 111. The Tajik SSR Supreme Soviet elects from among the people's deputies of the Tajik SSR Supreme Soviet, standing committees of the Tajik SSR Supreme Soviet for drafting laws, for preliminary examination and preparation of questions pertaining to the jurisdiction of the Tajik SSR Supreme Soviet, and also to assist putting into effect the laws of the Tajik SSR and other resolutions adopted by the Tajik SSR Supreme Soviet, and for control over the activities of state organs and organizations.

"When it is deemed necessary, the Tajik SSR Supreme Soviet shall form investigative, inspection, and other commissions on any question.

"Article 112. Laws and resolutions of the Tajik SSR Supreme Soviet are as a rule adopted after preliminary examination of the drafts by the corresponding standing committees of the Tajik SSR Supreme Soviet.

"Appointment and election of responsible officials to the Tajik SSR Council of Ministers, the Tajik SSR Committee of People's Control, the Tajik SSR Supreme Court, as well as to the Tajik SSR State Arbitration board, are accomplished in accordance with the conclusions of the standing committees of the Tajik SSR Supreme Soviet.

"All state and social organs, organizations and responsible officials are obliged to carry out the requirements of the committees of the Tajik SSR Supreme Soviet, and to furnish them the necessary materials and documents.

"The committees' recommendations are subject to mandatory examination by state and social organs, institutions and organizations. The results of the discussion and the measures taken must be reported to the committees within the deadlines established by them.

"Article 113. A people's deputy of the Tajik SSR has the right, at sessions of the Tajik SSR Supreme Soviet, to address a request to the chairman of the Tajik SSR Supreme Soviet, the Tajik SSR Council of Ministers, and to the leaders of other organs formed or elected by the Tajik SSR Supreme Soviet.

"The organ or responsible official to whom the request was directed is required to furnish an oral or written response at a given session of the Tajik SSR Supreme Soviet, within a three-day period.

"People's deputies of the Tajik SSR shall be freed from the responsibility of performing their official or production obligations for a definite period, necessary to carry out their deputy activities at the Tajik SSR Supreme Soviet and its committees, and among the public as well. People's deputies of the Tajik SSR elected to membership on the standing committees of the Tajik SSR Supreme Soviet, shall be freed from responsibility for performing their official or production obligations for the entire period of their term in office on these committees.

"A people's deputy of the Tajik SSR cannot be brought to criminal liability, arrested or subjected to measures of administrative punishment imposed by judicial procedure, without the consent of the Tajik SSR Supreme Soviet—nor in the period between its sessions—without the consent of the Tajik SSR Supreme Soviet Presidium.

"Article 114. The Tajik SSR Constitutional Oversight Committee shall be elected by the Tajik SSR Supreme Soviet for a period of ten years, from among the specialists in the area of politics and rights; the Committee shall consist of a chairman, deputy chairman and seven members, including a representative from the Gorno-Badakhshan Autonomous Oblast.

"Persons elected to the Tajik SSR Constitutional Oversight Committee shall not at the same time be members of organs, the acts of which are under the oversight of the Committee.

"Persons elected to the Tajik SSR Constitutional Oversight Committee shall be independent in the execution of their duties, and shall be subordinate only to the Tajik SSR Constitution.

"The Tajik SSR Constitutional Oversight Committee shall:

1) Upon its own initiative, or by instruction of the Tajik SSR Supreme Soviet, present to the Tajik SSR Supreme Soviet its conclusions on the constitutionality and legality of the acts, and draft acts, of the Tajik SSR Supreme Soviet;

2) Maintain surveillance over the constitutionality and legality of the resolutions and instructions of the Tajik SSR Council of Ministers, the resolutions of oblast Soviets of People's Deputies and the Soviet of People's Deputies of the Gorno-Badakhshan Autonomous Oblast;

3) Upon its own initiative or by instruction of the Tajik SSR Supreme Soviet and upon proposals from the Tajik SSR Supreme Soviet Presidium, standing committees of the Tajik SSR Supreme Soviet, and the Tajik SSR Council of Ministers, provide conclusions on the constitutionality and legality of acts of other state organs and social organizations of the Tajik SSR.

"When it has been disclosed that an act or its individual clauses is in conflict with the Tajik SSR Constitution or the Laws of the Tajik SSR, the Tajik SSR Constitutional Oversight Committee shall send its conclusions to the organ which published the act, in order to eliminate the violation which occurred. Such conclusions adopted by the Committee shall block the execution of the act in conflict with the Constitution or the law of the Tajik SSR, or its individual clauses.

"The Tajik SSR Constitutional Oversight Committee shall have the right to present a representation to the Tajik SSR Supreme Soviet or to the Tajik SSR Council of Ministers on abolishing acts which conflict with the Tajik SSR Constitution or laws of the Tajik SSR, to the organs answerable to them or to their responsible officials.

"The organization and operational procedure of the Tajik SSR Constitutional Oversight Committee shall be defined by the Law on Constitutional Oversight in the Tajik SSR.

"Article 115. The Tajik SSR Supreme Soviet shall implement control over the activities of all state organs which report to it.

"The Tajik SSR Supreme Soviet shall direct the activities of the Tajik SSR People's Control Committee, which heads the system of the people's control organs of the Tajik SSR.

"The organization and operational procedures of the people's control organs shall be defined in the Law on People's Control in the USSR.

"Article 116. The operational procedure for the Tajik SSR Supreme Soviet and its organs shall be defined by the Regulations of the Tajik SSR Supreme Soviet, and by other laws of the Tajik SSR issued on the basis of the Tajik SSR Constitution."

2. Articles 153, 154 and 156 of Section 18, "The Court and Arbitration," shall be set forth in the following wording:

"Article 153. All courts in the Tajik SSR shall be organized on the basis of elected judges and people's assessors.

"People's judges of rayon (city) people's courts, judges of oblast courts and the Dushanbe city court shall be elected by the corresponding higher Soviets of People's Deputies.

"Judges of the Tajik SSR Supreme Court and the judge of the Gorno-Badakhshan Autonomous Oblast shall be chosen, respectively, by the Tajik SSR Supreme Soviet and the Soviet of People's Deputies of the Gorno-Badakhshan Autonomous Oblast.

"People's Assessors of rayon (city) people's courts shall be elected at citizens' meetings at their place or residence or work by open ballot, and people's assessors of higher courts, by the corresponding Soviets of People's Deputies.

"Judges of all courts shall be elected to a ten-year term. People's assessors of all courts shall be elected for a five-year term.

"Judges and people's assessors are responsible to the organs which elected them or to the voters, report to them, and may be recalled by them in accordance with procedure established by law.

"Article 154. The Tajik SSR Supreme Court is the highest judicial organ in the Tajik SSR, and maintains oversight over the judicial activity of the courts of the Tajik SSR within the bounds established by law.

"The Tajik SSR Supreme court shall consist of a chairman, his deputies, members and people's assessors.

"The organization and operational procedure of the Tajik SSR Supreme Court is defined by the Tajik SSR Law, 'On Jurisprudence in the Tajik SSR.'"

"Article 156. Judges and people's assessors shall be independent and shall be subordinate only to the law.

"Judges and people's assessors shall be provided conditions for unimpeded and effective exercise of their rights and responsibilities. Any interference whatever in the activity of judges and people's assessors in the administration of justice is impermissible and entails liability before the law.

"The inviolability of judges and people's assessors and other guarantees of their independence are established by the Law on the Status of Judges in the USSR and other legislative acts of the USSR and the Tajik SSR."

II. In connection with the new edition of Sections 9, 10 and 12 of the Constitution of the Tajik SSR, the following amendments and additions which proceed from them shall be entered in the following articles of the Constitution of the Tajik SSR:

1. The first part of Article 72, after the words, "to the jurisdiction of the Union of Soviet Socialist Republics," the words, "at the Congress of People's Deputies of the USSR," shall be added.

2. Article 95 shall be worded in the following manner:

"Article 95. A deputy shall carry out his official powers, as a rule, without interrupting his production or official activity.

"For the period of sessions of the Tajik SSR Supreme Soviet or local Soviets of People's Deputies, and also for accomplishing his duties as a deputy in other instances stipulated by law, a deputy shall be relieved of his responsibility of his production or official responsibilities, and expenses connected with his deputy activities shall be reimbursed to him at the expense of the corresponding state or local budget."

3. Article 119 shall be worded as follows:

"Article 119. The Tajik SSR Council of Ministers shall be responsible to the Tajik SSR Supreme Soviet and shall report to it.

"A newly-formed Tajik SSR Council of Ministers shall present for the examination of the Tajik SSR Supreme Soviet the program of its forthcoming activities for the term of its office.

"The Tajik SSR Council of Ministers shall report on its work to the Tajik SSR Supreme Soviet no less than once a year."

4. The first part of Article 120 shall be worded as follows:

"The Tajik SSR Council of Ministers is authorized to resolve all questions of state administration pertaining to the jurisdiction of the Tajik SSR, to the extent that they do not fall under the competence of the Tajik SSR Supreme Soviet and its Presidium, or the Chairman of the Tajik SSR Supreme Soviet, as provided by the Constitution of the Tajik SSR."

5. Article 122 shall be worded as follows:

"Article 122. The Tajik SSR Council of Ministers, on the basis of and in execution of the laws of the USSR and other resolutions of the USSR Congress of People's Deputies and the USSR Supreme Soviet, the resolutions and instructions of the USSR Council of Ministers, and the laws of the Tajik SSR and other resolutions of the

Tajik SSR Supreme Soviet, shall issue resolutions and instructions and monitor their execution. The resolutions and instructions of the Tajik SSR Council of Ministers shall be binding on the entire territory of the Tajik SSR."

6. The fourth part of Article 124 shall be worded as follows:

"Ministries and State Committees of the Tajik SSR shall bear responsibility for the status and the development of the spheres of administration entrusted to them, and within the bounds of their competence shall issue acts on the basis of and in execution of the laws of the USSR and other resolutions of the USSR Congress of People's Deputies and the USSR Supreme Soviet, the laws of the Tajik SSR and other resolutions of the Tajik SSR Supreme Soviet, the resolutions and instructions of the USSR Council of Ministers, the resolutions and instructions of the Tajik SSR Council of Ministers, and the acts of the corresponding ministries and state committees of the USSR, and shall organize and monitor their execution."

7. Articles 134 and 135 shall be worded as follows:

"Article 134. The work of oblast Soviets of People's Deputies, the Soviet of People's Deputies of the Gorno-Badakhshan Autonomous Oblast and rayon, city, and urban rayon Soviets of People's Deputies, shall be organized by their presidium, headed by the chairmen of the Soviets, and in city (cities of rayon subordination), settlement and kishlak Soviets, by the chairmen of these Soviets.

"Article 135. The executive and managerial organs of local Soviets of People's Deputies shall be elected by their executive committees.

"Executive committees shall report to the Soviets which organized them, and also to meetings at working collectives and at the citizens' place of residence, no less than once a year.

"Executive committees of local Soviets are directly subordinate both to the Soviet which elected them, and to the higher executive and managerial organ."

8. Article 174 shall be worded as follows:

"Article 174. Amendment of the Constitution of the Tajik SSR shall be accomplished by decision of the Tajik SSR Supreme Soviet, and shall be adopted by a majority of not less than two-thirds of the total number of people's deputies of the Tajik SSR."

Decree of the Tajik SSR Supreme Soviet Presidium on the Draft Law of the Tajik SSR, "On Amendments and Additions to the Constitution (Fundamental Law) of the Tajik SSR," the Law of the Tajik SSR, "On Election of People's Deputies of the Tajik SSR," and the Law of Tajik SSR, "On Election of People's Deputies to Local Soviets of People's Deputies of the Tajik SSR."

The presidium of the Tajik SSR Supreme Soviet resolves:

1. The Draft Laws of the Tajik SSR, "On Amendments and Additions to the Constitution (Fundamental Law) of the Tajik SSR," the Law of the Tajik SSR, "On Election of People's Deputies of the Tajik SSR," and the Law of the Tajik SSR, "On Election of People's Deputies to Local Soviets of People's Deputies of the Tajik SSR," which have been prepared by the corresponding commissions, shall be introduced for public discussion.

2. The Draft Law of the Tajik SSR, "On Amendments and Additions to the Constitution (Fundamental Law) of the Tajik SSR, the Law of the Tajik SSR, "On Election of People's Deputies of the Tajik SSR," and the Tajik SSR Law, "On Election of People's Deputies to Local Soviets of People's Deputies of the Tajik SSR," shall be published in the newspapers *TODZHIKISTONI SOVETI, KOMMUNIST TADZHIKISTANA* and *SOVET TOZHIKISTONI*; and, the aforementioned drafts shall be published in oblast newspapers as well.

3. Executive committees of oblast, rayon, and city Soviets of People's Deputies shall organize discussions in the oblasts, rayons and cities, and shall summarize proposals and remarks pertaining to the draft laws submitted by citizens, working collectives and social organizations, as well as those received from the mass information media.

4. A summary of the proposals, remarks and additions to the aforementioned draft laws shall be presented to the Tajik SSR Supreme Soviet Presidium in the seven days prior to 17 September 1989.

5. The Commission on Legislative Proposals of the Tajik SSR Supreme Soviet is instructed to examine the remarks and proposals received in the course of popular discussion of the aforementioned drafts, and shall introduce the corresponding proposals to the Tajik SSR Supreme Soviet Presidium.

Chairman of the Tajik SSR Supreme Soviet Presidium G. Pallayev

Secretary of the Tajik SSR Supreme Soviet Presidium A. Kasymova

In the Presidium of the Tajik SSR Supreme Soviet

A session of the Tajik SSR Supreme Soviet Presidium was convened on 14 August under the chairmanship of G.P. Pallayev.

Examined at the session of the Presidium were questions of the draft Law of the Tajik SSR, "On Amendments and Additions to the Constitution (Fundamental Law) of the Tajik SSR," the Tajik SSR Law, "On Election of People's Deputies of the Tajik SSR," and the Tajik SSR Law, "On Election of People's Deputies to Local Soviets of People's Deputies of the Tajik SSR."

Providing information on these questions in the name of the Tajik CP Central Committee and the Tajik SSR Supreme Soviet Presidium Commission on preparing drafts of the Tajik SSR Law on Amendments and Additions to the Constitution (Fundamental Law) of the Tajik SSR and the Laws on Election of People's Deputies of the Tajik SSR and Local Soviets in the republic were R.N. Nurov and A.A. Kakharov, department heads of the republic's Supreme Soviet Presidium.

A resolution was adopted on the questions discussed, and is to be published in the press.

Also discussed at the session were questions on introducing changes to the Tajik SSR Criminal Code, on implementing the resolution of the USSR Supreme Soviet, "On Decisively Intensifying the Struggle Against Crime," on the creation of deputy groups of the Tajik SSR Supreme Soviet on resolving the conflict in Ganchinskiy Rayon, and certain other questions.

Resolutions were adopted on these questions, and are to be published.

Taking part in the work of the session was First Deputy Chairman of the Tajik SSR Council of Ministers G.V. Koshlakov.

Comparison of Tajik SSR Law on Changes to Republic Constitution

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[Editorial Report] Dushanbe *KOMMUNIST TADZHIKISTANA* in Russian on 1 Nov 89 carries on pp 1-3 the Tajik SSR Law on Changes in and Additions to the Tajik SSR Constitution (Basic Law). Comparison of the text of the law to the text of the draft Tajik SSR Law on Changes in and Additions to the Tajik SSR Constitution (Basic Law) as published in *KOMMUNIST TADZHIKISTANA* 18 August 1989 pp 1-2 reveals the following changes in the draft to have been incorporated in the law as adopted:

Under Section I, Part 1:

In Article 80 as amended: Following the words "Tajik SSR Supreme Soviet," the words "local soviets of people's deputies" are inserted.

In Article 82 as amended:

—in the second paragraph: the first sentence, "The Tajik SSR Supreme Soviet elects the chairman of the Tajik SSR Supreme Soviet," is deleted, and the second sentence, "Local soviets of people's deputies elect soviet chairmen," is moved to the end of the paragraph;

—in the fourth paragraph, a new paragraph is begun before the second sentence; in this sentence, the words "They may be recalled" are changed to "Any official may be recalled," and accordingly, the words "their unsuitable performance of their official duties" are changed to "his unsuitable performance of his official duties"; at the end of this sentence, the following

words are added: "as well as the commission of deeds incompatible with his continuation in office."

In Article 83 as amended: in the second paragraph, the words "the monitoring agencies of the ministries, state committees and departments" are changed to "other monitoring agencies."

In Article 87 as amended:

- in the first paragraph, following the words "right to vote," the words "and to be elected" are inserted;
- the second paragraph is deleted, and the third paragraph, which begins, "A citizen of the Tajik SSR...." becomes the second paragraph and is reworded to read as follows:

"A citizen of the Tajik SSR may be a people's deputy of only one Tajik SSR soviet of people's deputies, with the exception of the chairman of the Gorno-Badakhshan Autonomous Oblast Soviet of People's Deputies";

- in the fourth paragraph (which becomes the third): the words "chairman of those agencies" are changed to "chairman of settlement and kishlak soviets"; following the word "judges" and preceding the words "and state arbitrators," the words "chief state arbitrator" are deleted.

In Article 91 as amended:

- in the first paragraph, the words "meetings of voters by place of residence" are moved from their position following the words "public organizations" to a position following the words "secondary specialized and higher educational institutions" and preceding the words "and military personnel by military units";
 - the second paragraph, which begins with the words "The nomination of candidates," is deleted;
 - following the third paragraph in the draft, which becomes the second paragraph of the article in the law as adopted, a new third paragraph is inserted, as follows:
- "Candidates for people's deputy take part in the election campaign on equal grounds from the moment of their nomination";
- the fifth paragraph in the draft, which begins with the words "In elections of people's deputies," is deleted;
 - At the end of the last paragraph of the article in the draft, the following sentence is inserted: "The use of the funds of enterprises, institutions and organizations, including public organizations, and of individual citizens is prohibited."

In Article 92 as amended: in the second paragraph, the words "meetings of voters by place of residence" are moved from their position following the words "public

organizations" to a position following the words "secondary specialized and higher educational institutions" and preceding the words "and military personnel by military units."

In Article 99 as amended:

- in the first paragraph, following the words "Tajik SSR Supreme Soviet," the following clause is added: "which exercises legislative, executive and administrative functions in its activities";
 - the first sentence of the second paragraph, "The Tajik SSR Supreme Soviet is...body of Tajik SSR state authority," is deleted; in the second sentence, the word "it" (the subject) is replaced by the words "the Tajik SSR Supreme Soviet."
 - following part (1), a new part (2) is inserted, as follows:
- "(2) the determination of the guidelines for the domestic-policy and foreign-policy activities of the Tajik SSR in accordance with the basic guidelines of the USSR's domestic and foreign policy";
- parts (2)-(4) in the draft are renumbered as parts (3)-(5);
 - part (5) in the draft is deleted;
 - in part (6), after the words "election of" and before the words "deputy chairmen," the words "the first deputy and" are inserted;
 - in part (10), after the words "Tajik SSR Supreme Court" and before the words "oblast courts," the words "judges of" are inserted;
 - the numbering of part (11) is deleted, and it is added to the end of part (10); the following words are added to the consolidated part (10): "confirmation of the Presidium of the Tajik SSR Supreme Soviet and the collegium of the Tajik SSR State Arbitration Service";
 - parts (12)-(15) are renumbered as parts (11)-(14), respectively;
 - the following words are added to the end of part (12) (renumbered as part 11): "in the event it is necessary, the resolution by at least a two-thirds majority of the people's deputies, voting by secret ballot, of the question of confidence in the republic government or in individual member of the government";
 - a new part (15) is added, as follows:
- "(15) determination of the procedures for resolving questions pertaining to the administrative-territorial structure of the Tajik SSR";
- part (18) in the draft is renumbered as part (16) and after the initial words, "the setting of elections of Tajik SSR people's deputies," the remainder of the part is reworded as follows: "and confirmation of the membership of the republic election commission for the

election of Tajik SSR people's deputies; the setting of elections of deputies to local soviets, as well as of the people's assessors of rayon and city people's courts";

—part (16) in the draft is renumbered as part (17); the numbering of part (19) in the draft is deleted, and the entire content of this part is added to the end of the part that has been renumbered as (17);

—part (20) in the draft is renumbered as part (18);

—a new part (19) is added, as follows:

"(19) ensuring the equality of all nationalities residing within the Tajik SSR, in combination with the general interests and requirements of the multinational state";

—part (21) in the draft is broken down into parts (20)-(22) and partially reworded as follows: the initial words "establishes procedures" are changed to "the establishment of procedures"; following the words "agencies of state authority and administration," a new paragraph is started and the number (21) inserted, and the words "directs their activities" are changed to "direction of the activities of local soviets of people's deputies"; following these words, a new paragraph is started and the number (22) inserted, and the words "determines the legal status" are changed to "determination of the legal status";

—part (24) is deleted and new parts (24) and (25) are added, as follows:

"(24) participation in the development of basic measures in the area of the country's defense and state security;

"(25) the determination of necessary measures to ensure public order";

—part (25) is renumbered as part (26), and the words "establishes state awards" are changed to "the establishment of state awards";

—part (26) is deleted;

—in part (27), the words "promulgates republic acts granting pardons" are changed to "the promulgation of republic acts granting pardons"; after these words the words "to persons who have been convicted by Tajik SSR courts" are inserted;

—in part (28), the word "revokes" is replaced by the words "the revocation of";

—new parts (29) and (30) are added, as follows:

"(29) the raising of the question of revoking a union law if it exceeds the bounds of the authority of the USSR or violates the sovereign rights of the Tajik SSR;

"(30) the suspension of the acts of USSR agencies of state administration within the Tajik SSR if they violate the constitutional rights of the Tajik SSR";

—part (29) is renumbered as part (31).

In Article 100 as amended: the number 175 is changed to 230.

In Article 101 as amended:

—in the third paragraph, the words "and subsequently—by the chairman of the Tajik SSR Supreme Soviet or his deputy" are deleted and replaced by the following words: "Further procedures for conducting the session are determined by the Tajik SSR Supreme Soviet";

—in the fifth paragraph, after the words "or at least two-thirds," the remainder of the sentence is deleted and replaced by the following words: "of the total number of Tajik SSR people's deputies, or by the Gorno-Badakhshan Autonomous Oblast Soviet of People's Deputies."

In Article 102 as amended:

—the words "standing commissions of the Tajik SSR Supreme Soviet" and changed to "standing commissions and other commissions of the Tajik SSR Supreme Soviet"; the last sentence of the article in the draft is deleted, and a new paragraph is added to end of the article, as follows:

"The Tajik SSR Supreme Soviet is empowered if at least two-thirds of the total number of Tajik SSR people's deputies take part in its meetings."

In Article 103 as amended:

—in the first paragraph, after the words "majority of the votes," the remainder of the sentence is deleted and replaced by the words: "of the total number of Tajik SSR people's deputies";

—in the second paragraph, following the word "contradict," the remainder of the sentence is deleted and replaced by the words: "the USSR Constitution, USSR laws and the Tajik SSR Constitution."

In Article 105 as amended: following the words "decision of the Tajik SSR Supreme Soviet," the words "taken at its initiative" are inserted.

Article 106 as amended is deleted, and the first three paragraphs of Article 107 are renumbered as Article 106. In this article: in the second paragraph, the words "first deputy chairman of the Tajik SSR Supreme Soviet" are changed to "first deputy and deputy chairmen of the Tajik SSR Supreme Soviet";

The fourth and last paragraph of Article 107, as amended, in the draft is retained as Article 107 in the law as adopted.

In Article 108 as amended:

—part (1) is deleted, causing parts (2)-(8) to be renumbered as parts (1)-(7), respectively;

—in part (2) (renumbered as part 1), following the words “convenes sessions of the Tajik SSR Supreme Soviet,” the remainder of the part is deleted;

—part (9) is deleted, causing parts (10)-(14) to be renumbered as parts (8)-(12), respectively;

—in part (14) (renumbered as part (12), the words “in the Tajik, Russian and Uzbek languages” are changed to “in the Tajik language and in authentic translation into the Russian and Uzbek languages”;

—a new part (13) (which deals with the same subject as the deleted part (9) of the draft) is added, as follows:

“(13) appoints and dismisses state arbitrators of the Tajik SSR State Arbitration Service, and confirms the Collegium for Disciplinary Cases of the Tajik SSR Supreme Soviet”;

—a new part (14) is inserted, as follows:

“(14) exercises other powers provided by Tajik SSR laws”;

—following part (14) in the draft (renumbered as part 12) the unnumbered paragraph that begins, “Meetings of the Presidium....” is deleted;

—the final unnumbered paragraph of the article in the draft is retained as the final paragraph in the law as adopted.

In Article 109 as amended:

—in the first paragraph, following the words “within the republic,” the words “in relations with the USSR and other members of the Soviet federation” are deleted and replaced by the words “and the country”;

—the second and third paragraphs are deleted.

In Article 110 as amended: in part (2), following the words “other important questions,” the words “of state life” are inserted.

In Article 111 as amended:

—in the first paragraph, the words “elect from among people’s deputies of the Tajik SSR Supreme Soviet” are changed to “elect from among Tajik SSR people’s deputies”;

—after the first paragraph, an additional paragraph is inserted, as follows:

“Standing commissions of the Tajik SSR Supreme Soviet have one-fifth of their membership replaced annually.”

In Article 112 as amended: in the second paragraph, after the words “Tajik SSR Supreme Court” and before the words “the collegium of the Tajik SSR State Arbitration Service,” the words “and also” are deleted and the following words are inserted: “including its Presidium, the judges of oblast courts and the Dushanbe

City Court, people’s judges of rayon (city) people’s courts (for rayons and cities under republic jurisdiction) and”; after the words “the collegium of the Tajik SSR State Arbitration Service” and before the words “are carried out,” the following words are inserted: “and also the approval of prepared government plans, the most important republic programs for the republic’s economic and social development, and the Tajik SSR state budget”;

In Article 113 as amended:

—in the first paragraph, following the words “formed or elected by the Tajik SSR Supreme Soviet,” the following words are added: “and also to the executives of associations, enterprises and organizations under union administration and located within the Tajik SSR, on questions pertaining to the jurisdiction of the Tajik SSR”;

—in the second paragraph, following the word “duties for” and preceding the word “period,” the word “certain” is deleted and the article “a” changed to “the”; the words “among the public” are replaced by the words “in their election okrugs”; after the words “elected to serve on standing commissions of the Tajik SSR Supreme Soviet,” the words “are relieved” are changed to “may be relieved.”

In Article 114 as amended:

—in the fourth paragraph, in part (1), after the words “findings regarding the conformity of,” the words “acts of the Tajik SSR Supreme Soviet and also draft acts of the Tajik SSR Supreme Soviet” are changed to: “draft Tajik SSR laws”; following the words “to the Tajik SSR Constitution,” the words “and Tajik SSR laws” are deleted; in part (2), the words “decisions of oblast soviets of people’s deputies and the Gorno-Badakhshan Autonomous Oblast Soviet of People’s Deputies” are changed to “decisions of the republic’s local soviets of people’s deputies”;

—in the last paragraph of the article, following the words “are determined by,” the words “the Law on Constitutional Oversight in the Tajik SSR” are changed to “the Law on Constitutional Oversight in the USSR and the Law on the Tajik SSR Constitutional Oversight Committee.”

In Article 115 as amended: in the second paragraph, following the words “Law on People’s Control in the USSR,” the words “and Tajik SSR legislation” are added.

Under Section I, Part 2:

In Article 153 as amended:

—in the second paragraph, following the words “rayon (city) people’s courts” and before the words “are elected,” the words “and the judges of oblast courts and the Dushanbe City Court” are deleted;

—in the third paragraph, following the words “judges of the Tajik SSR Supreme Court” and preceding the words “are elected,” the words “and of the Gorno-Badakhshan Autonomous Oblast Court” are changed to: “oblast courts and the Dushanbe City Court, and the people’s judges of rayon (city) people’s courts (for rayons and cities under republic jurisdiction)”; following the words “are elected,” the word “respectively” is deleted; following the words “Tajik SSR Supreme Soviet,” the words “and the Gorno-Badakhshan Autonomous Oblast Soviet of People’s Deputies” are deleted; at the end of the paragraph, the following sentence is added: “Judges of the Gorno-Badakhshan Autonomous Oblast Court are elected by the Gorno-Badakhshan Autonomous Oblast Soviet of People’s Deputies.”

Under Section II, Part 4: Following the words “Chairman of the Tajik SSR Supreme Soviet,” the following sentence is added: “In the event of a natural disaster, it has the right to make changes in the state plan for economic and social development and state budget of the Tajik SSR, to be subsequently presented for approval by the Tajik SSR Supreme Soviet.”

The law as adopted is signed by G. Pallayev, chairman of the Presidium of the Tajik SSR Supreme Soviet, and A. Kasymova, secretary of the Presidium of the Tajik SSR Supreme Soviet, and dated Dushanbe, 22 September 1989.

Turkmen SSR

Turkmen SSR Draft Law on Changes to Republic Constitution

18300822A Ashkhabad TURKMENSKAYA ISKRA
in Russian 24 Aug 89 pp 1, 2

[“Draft Law of the Turkmen Soviet Socialist Republic on Amendments and Additions to the Constitution (Fundamental Law) of the Turkmen SSR”]

[Text] In order to develop socialist democracy and the people’s self-government and perfect the electoral system, structure, and activities of the Soviets of People’s Deputies and organs of justice, the Supreme Soviet of the Turkmen Soviet Socialist Republic decrees:

I. That the following amendments and additions be made to the Constitution of the Turkmen SSR:

1. Section 9 to be formulated as follows:

“Section 9. System and principles of activities of Soviets of People’s Deputies.

“Article 78. The Soviets of People’s Deputies—the Supreme Soviet of the Turkmen SSR, and local Soviets of People’s Deputies, oblast, rayon, city, city rayon, settlement, and village bodies—shall constitute a unified system of representative organs of state authority.

“Article 79. The term of office of the Soviets of People’s Deputies shall be five years.

“Elections of People’s Deputies shall be scheduled not later than two and one-half months prior to the expiration of office of the relevant organs of state authority.

“Article 80. The most important questions of republic and local significance shall be dealt with at sessions of the Supreme Soviet and the local Soviets of People’s Deputies of the Turkmen SSR, respectively, or placed by them on referendums.

“The Supreme Soviet and the local Soviets of People’s Deputies shall elect chairmen of the Soviets from among the deputies.

“The Supreme Soviet and the local Soviets of People’s Deputies shall have their own presidiums, with the exception of city (cities of rayon jurisdiction), settlement, and village soviets.

“Soviets of People’s Deputies shall form committees and commissions, executive and administrative organs, and other bodies accountable to them.

“Officials to be elected or appointed by the Soviets of People’s Deputies may not hold office for more than two terms consecutively.

“Any official may be dismissed from his position prior to expiration of his term in the event of improper performance of his official duties.

“Article 81. Soviets of People’s Deputies shall form organs of people’s control to coordinate state control, with social control exercised by workers in enterprises, institutions, and organizations.

“Organs of people’s control shall monitor fulfillment of the requirements of legislation, state programs, and targets; combat violations of state discipline, manifestations of narrow localism and parochialism in the work, mismanagement and waste, red tape and bureaucratism; coordinate the work of other control organs; and promote improvement of the structure and work of the state apparatus.

“Article 82. The Soviets of People’s Deputies shall, directly or through the organs they create, oversee state, economic, and social-cultural development, make decisions, ensure their execution, and monitor their implementation.

“Article 83. The activities of the Soviets of People’s Deputies shall be based on collective, free, businesslike discussion and decision-making, glasnost, regular reports by executive and administrative organs and other organs created by the Soviets accountable to them and the public, getting citizens broadly involved in participation in their work.

"Soviets of People's Deputies and the organs they set up shall take account of public opinion, submit vital questions of republic and local significance to citizens for discussion, and regularly inform citizens about their work and decisions."

2. Section 10 to be formulated as follows:

"Section 10. The Electoral System"

"Article 84. The election of People's Deputies shall be held by single-mandate or multiple-mandate election districts on the basis of universal, equal, and direct franchise, with secret balloting.

"Article 85. The election of People's Deputies shall be universal: the right to vote shall be held by citizens of the Turkmen SSR who have attained the age of 18.

"Any citizen of the Turkmen SSR who has attained the age of 18 may be elected a Turkmen SSR People's Deputy or a deputy to a local soviet in the Turkmen SSR.

"A citizen of the Turkmen SSR may not serve as a People's Deputy simultaneously in more than two Soviets of People's Deputies.

"Persons who are members of the Council of Ministers of the Turkmen SSR, executive committees of local Soviets of People's Deputies (with the exception of chairmen of these organs), heads of departments, sections, and administrations of executive committees of local soviets, and judges and state arbiters may not serve as deputies in the soviet by which they are appointed or elected.

"Elections may not be participated in by citizens who are mentally ill or have been judged incompetent by the courts, persons in prison, or persons undergoing compulsory treatment by court decision.

"Article 86. The election of of People's Deputies shall be on the basis of equality: a voter shall have one vote in each election district; voters as well as candidates shall participate in elections on an equal footing.

"Article 87. The election of People's Deputies shall be direct: People's Deputies shall be elected directly by citizens.

"Article 88. Voting in the election of People's Deputies shall be secret: no monitoring of the voters' expression of their will shall be permitted.

"Article 89. The right to nominate candidates for People's Deputy in election districts shall inhere in labor collectives, collectives of educational institutions, social organizations, assemblies of voters in places of residence, and servicemen in military units.

"The number of candidates for People's Deputy shall not be limited. Any participant in a pre-election meeting may submit any candidates for discussion, including his own candidacy.

"Any number of candidates may be included on election ballots.

"In connection with the election of People's Deputies, district pre-election meetings may be held to discuss the candidates nominated from the district and to make decisions concerning candidates' submission for registration to the appropriate election commission.

"Expenses relating to the preparation and holding of elections of People's Deputies shall be undertaken by the state.

"Article 90. Preparations for the election of People's Deputies shall be conducted openly and publicly.

"Elections shall be conducted by election commissions which shall be made up of representatives of labor collectives, social organizations, meetings of electors in places of residence, and servicemen in military units.

"Citizens of the Turkmen SSR, labor collectives, and social organizations shall be guaranteed the opportunity to hold free and comprehensive discussions of the political, practical, and personal qualities of the candidates for People's Deputies, and also the right to campaign for or against a candidate at meetings, in the press, and on television and radio.

"Procedures for conducting elections of People's Deputies shall be stipulated by the laws of the USSR and the Turkmen SSR.

"Article 91. Constituents shall give mandates to their deputies.

"The appropriate Soviets of People's Deputies shall examine the mandates and take them into account when drafting plans of economic and social development and compiling budgets, also when preparing decisions with regard to other matters, and shall organize implementation of the mandates and inform citizens of their implementation."

3. Section 12 to be formulated as follows:

"Section 12. The Supreme Soviet of the Turkmen SSR"

"Article 97. The Supreme Soviet of the Turkmen SSR shall constitute the permanent supreme organ of state authority of the Turkmen SSR.

"The Supreme Soviet of the Turkmen SSR shall be empowered to take under advisement and decide any issue subject to the jurisdiction of the Turkmen SSR.

"The Supreme Soviet of the Turkmen SSR shall exercise exclusive jurisdiction regarding:

1) adoption of the Constitution of the Turkmen SSR and the introduction of amendments to it;

2) the scheduling of elections of People's Deputies of the Turkmen SSR and local Soviets of People's Deputies,

confirmation of the composition of the Republic Election Commission for elections of People's Deputies of the Turkmen SSR;

3) decisions on matters of the national-state structure pertaining to the jurisdiction of the Turkmen SSR;

4) determination of the domestic and foreign policies of the Turkmen SSR in accordance with the main directions of the domestic and foreign policies of the USSR;

5) changes in the borders of the Turkmen SSR with other union republics on the basis of mutual consent and the submission of proposals regarding these matters for examination by the Congress of People's Deputies of the USSR;

6) approval of long-range state plans and vital republic integrated programs of economic and social development of the Turkmen SSR, the state plan of economic and social development of the Turkmen SSR, and the state budget of the Turkmen SSR; monitoring of the implementation of the plan and budget; confirmation of the report of their implementation; where necessary, introduction of changes to the plan and budget;

7) election of the chairman of the Supreme Soviet of the Turkmen SSR;

8) election of the first deputy and deputy chairmen of the Supreme Soviet of the Turkmen SSR;

9) appointment of the Chairman of the Council of Ministers of the Turkmen SSR, approval of the composition of the Council of Ministers of the Turkmen SSR on his recommendation, and introduction of changes in it; formation and abolition, on recommendation of the Council of Ministers of the Turkmen SSR, of ministries of the Turkmen SSR and state committees of the Turkmen SSR;

10) election of the People's Control Committee of the Turkmen SSR, the Supreme Court of the Turkmen SSR, judges of oblast, Ashkhabad City, rayon, and city people's courts (rayons and cities under republic jurisdiction), appointment of the chief state arbiter of the Turkmen SSR, and approval of the collegium of the State Arbitration of the Turkmen SSR;

11) election of the Constitutional Oversight Committee of the Turkmen SSR;

12) regular hearing of reports by organs formed or elected by it and by officials appointed or elected by it;

13) implementation, within the limits of the competence of the Turkmen SSR, of legislative regulation of property relations, organization of administration of the national economy and social-cultural development, labor remuneration and price-formation, levying of taxes, environmental protection and utilization of natural resources, procedures for citizens' exercise of their constitutional rights, freedoms, and duties, and other relations;

14) stipulation of procedures for deciding questions of the administrative-territorial structure of the Turkmen SSR, establishing and changing borders and rayon divisions of oblasts; formation of rayons, cities, and city rayons; establishment of the jurisdictional status of cities; renaming of rayons, cities, city rayons, workers' settlements, and other population centers;

15) stipulation of procedures for the organization and activities of republic and local organs of state authority and administration; determination of the legal status of social organizations of the Turkmen SSR;

16) supervision of the activities of local Soviets of People's Deputies of the Turkmen SSR, promotion of the development and strengthening of local self-government;

17) ratification and abrogation of international treaties of the Turkmen SSR;

18) establishment of the Certificate of Honor of the Supreme Soviet of the Turkmen SSR; establishment of titles of honor of the Turkmen SSR;

19) passing of republic acts of amnesty for citizens sentenced by the courts of the Turkmen SSR;

20) the right to repeal ukases and decrees of the Presidium of the Supreme Soviet of the Turkmen SSR, directives of the Chairman of the Supreme Soviet of the Turkmen SSR, and decrees and directives of the Council of Ministers of the Turkmen SSR;

21) decisions concerning the holding of a people's ballot (referendum).

"The Supreme Soviet of the Turkmen SSR shall pass the laws of the Turkmen SSR, decrees, declarations, and appeals by a majority of votes of the total number of People's Deputies of the Turkmen SSR.

"The laws, decrees, and other acts passed by the Supreme Soviet of the Turkmen SSR may not be in conflict with the USSR Constitution or the laws, decrees and other acts passed by the USSR Congress of People's Deputies and the USSR Supreme Soviet.

"Article 98. The Supreme Soviet of the Turkmen SSR shall consist of 175 People's Deputies.

"Article 99. The Supreme Soviet of the Turkmen SSR shall be convened for the first session not later than two months after the elections.

"On recommendations of the Mandate Commission elected by it, the Supreme Soviet of the Turkmen SSR shall decide to recognize the credentials of the deputies or, in the event of any violation of the election laws, to declare the election of particular deputies to be invalid.

"The Supreme Soviet of the Turkmen SSR shall be convened by the Presidium of the Supreme Soviet of the Turkmen SSR.

"The Supreme Soviet of the Turkmen SSR shall hold sessions not less than two times per year. Sessions shall be convened at the initiative of the Presidium of the Supreme Soviet of the Turkmen SSR, the Chairman of the Supreme Soviet of the Turkmen SSR, or by not less than one fifth of the People's Deputies of the Turkmen SSR.

"The first sitting [zasedaniye] of the Supreme Soviet of the Turkmen SSR after the elections shall be conducted by the chairman of the Republic Election Commission on elections of the People's Deputies of the Turkmen SSR, and, subsequently, by the Chairman of the Supreme Soviet of the Turkmen SSR or his deputy.

"A session of the Supreme Soviet of the Turkmen SSR shall consist of its sittings as well as meetings of the committees and commissions of the Supreme Soviet of the Turkmen SSR held between them. A session shall be opened and closed at sittings of the Supreme Soviet of the Turkmen SSR.

"**Article 100.** The right of legislative initiative in the Supreme Soviet of the Turkmen SSR shall pertain to the People's Deputies of the Turkmen SSR, the Presidium of the Supreme Soviet of the Turkmen SSR, the Chairman of the Supreme Soviet of the Turkmen SSR, the Constitutional Oversight Committee of the Turkmen SSR, the Council of Ministers of the Turkmen SSR, committees and commissions of the Supreme Soviet of the Turkmen SSR, the People's Control Committee of the Turkmen SSR, the Supreme Court of the Turkmen SSR, the Procurator of the Turkmen SSR, and the Chief State Arbiter of the Turkmen SSR.

"The right of legislative initiative shall also pertain to social organizations, as represented by their republic organs, and to the Academy of Sciences of the Turkmen SSR.

"**Article 101.** Laws, decrees, and other acts shall be considered as passed if a majority of the total number of People's Deputies of the Turkmen SSR has voted for them.

"Draft laws and other vital matters of state life may be submitted for public discussion by a decision of the Supreme Soviet of the Turkmen SSR, taken at its initiative or by the recommendation of the Presidium of the Supreme Soviet of the Turkmen SSR or local Soviets of People's Deputies of the Turkmen SSR.

"**Article 102.** The Presidium of the Supreme Soviet of the Turkmen SSR shall be an organ accountable to the Supreme Soviet of the Turkmen SSR and responsible for organizing the work of the Supreme Soviet of the Turkmen SSR and exercising other powers within the limits stipulated by the Constitution of the Turkmen SSR and the laws of the Turkmen SSR.

"**Article 103.** The Presidium of the Supreme Soviet of the Turkmen SSR shall consist of the Chairman of the Supreme Soviet of the Turkmen SSR, the first deputy

and deputy Chairmen of the Supreme Soviet of the Turkmen SSR, and 14 members chosen from among the People's Deputies.

"The Presidium of the Supreme Soviet of the Turkmen SSR shall be headed by the Chairman of the Supreme Soviet of the Turkmen SSR.

"**Article 104.** The Presidium of the Supreme Soviet of the Turkmen SSR:

1) shall convene sessions of the Supreme Soviet of the Turkmen SSR;

2) coordinate the activities of the committees and commissions of the Supreme Soviet of the Turkmen SSR;

3) render assistance to the People's Deputies of the Turkmen SSR in exercising their powers and provide them with the necessary information;

4) monitor compliance with the Constitution of the Turkmen SSR and the laws of the Turkmen SSR;

5) interpret the laws of the Turkmen SSR;

6) take part in implementing basic measures in the sphere of the defense and state security of the USSR;

7) organize the preparation and holding of People's ballots (referendums) as well as public discussions of draft laws of the Turkmen SSR and other vital issues of state life;

8) confer state awards of the Turkmen SSR;

9) confer citizenship in the Turkmen SSR and decide questions of granting asylum;

10) grant pardons to citizens sentenced by the courts of the Turkmen SSR;

11) appoint and recall diplomatic representatives of the Turkmen SSR to foreign states and international organizations;

12) accept letters of credentials and recall from accredited diplomatic representatives of foreign states;

13) take part in discussions by the Presidium of the Supreme Court of the USSR concerning declarations of martial law or states of emergency within the territory of the Turkmen SSR or in particular localities, in the interests of defending the USSR and the safety of its citizens;

14) publish in Turkmenian and Russian the laws of the Turkmen SSR and other acts passed by the Supreme Soviet of the Turkmen SSR, the Presidium of the Supreme Soviet of the Turkmen SSR, and the Chairman of the Supreme Soviet of the Turkmen SSR.

"**Article 105.** The Presidium of the Supreme Soviet of the Turkmen SSR shall promulgate ukases and decrees.

"Article 106. On expiration of the term of the Supreme Soviet of the Turkmen SSR, the Presidium of the Supreme Soviet of the Turkmen SSR shall retain its powers until a new Presidium shall be formed by a newly elected Supreme Soviet of the Turkmen SSR.

"Article 107. The Chairman of the Supreme Soviet of the Turkmen SSR shall be the senior executive officer of the Turkmen SSR and shall represent the Turkmen Soviet Socialist Republic within the country and in international relations.

"The Chairman of the Supreme Soviet of the Turkmen SSR shall be elected by the Supreme Soviet of the Turkmen SSR from among the People's Deputies of the Turkmen SSR, by secret ballot, for a term of five years and for not more than two consecutive terms. He may be recalled at any time, by secret ballot, by the Supreme Soviet of the Turkmen SSR on recommendations by at least one third of the People's Deputies of the Turkmen SSR.

"The Chairman of the Supreme Soviet of the Turkmen SSR shall be accountable to the Supreme Soviet of the Turkmen SSR.

"Article 108. The Chairman of the Supreme Soviet of the Turkmen SSR:

1) shall exercise general supervision over the preparation of issues subject to examination by the Supreme Soviet of the Turkmen SSR;

2) sign the laws of the Turkmen SSR and other acts passed by the Supreme Soviet of the Turkmen SSR and the Presidium of the Supreme Soviet of the Turkmen SSR;

3) submit to the Supreme Soviet of the Turkmen SSR reports concerning the state of the republic and vital questions of domestic and foreign policies of the Turkmen SSR;

4) present to the Supreme Soviet of the Turkmen SSR candidates for election to the posts of first deputy and deputy chairman of the Supreme Soviet of the Turkmen SSR, also proposals concerning the personnel composition of the Presidium of the Supreme Soviet of the Turkmen SSR;

5) present to the Supreme Soviet of the Turkmen SSR candidates to be appointed or elected to the post of Chairman of the Council of Ministers of the Turkmen SSR, Chairman of the People's Control Committee of the Turkmen SSR, Chairman of the Supreme Court of the Turkmen SSR, and Chief State Arbiter of the Turkmen SSR;

6) conduct negotiations and sign international treaties of the Turkmen SSR.

"The Chairman of the Supreme Soviet of the Turkmen SSR shall issue directives.

"The First Deputy Chairman of the Supreme Soviet of the Turkmen SSR and the Deputy Chairman of the Supreme Soviet of the Turkmen SSR shall exercise the powers of the Chairman of the Supreme Soviet of the Turkmen SSR in certain of his functions and shall act in the place of the Chairman in the event of his absence or inability to carry out his duties.

"Article 109. The Supreme Soviet of the Turkmen SSR shall select People's Deputies of the Turkmen SSR to serve on committees and commissions involved in the drafting of laws, preliminary examination and preparation of issues subject to the jurisdiction of the Supreme Soviet of the Turkmen SSR, also to promote the execution of the laws of the Turkmen SSR and other decisions made by the Supreme Soviet of the Turkmen SSR and monitoring of the activities of state organs and organizations.

"The Supreme Soviet of the Turkmen SSR shall create investigative, auditing, and other commissions having to do with particular issues when such is deemed necessary.

"Article 110. Laws and other decisions of the Supreme Soviet of the Turkmen SSR shall, as a rule, be passed after preliminary discussion of the drafts thereof by the appropriate committees and commissions of the Supreme Soviet of the Turkmen SSR.

"The appointment and election of officials to membership on the Council of Ministers of the Turkmen SSR, the People's Control Committee of the Turkmen SSR, the Supreme Court of the Turkmen SSR, and the collegium of the State Arbitration of the Turkmen SSR shall be conducted on the basis of the conclusions of the appropriate committees of the Supreme Soviet of the Turkmen SSR.

"All state and social organs, organizations, and officials shall be obligated to carry out the directives of the committees and commissions of the Supreme Soviet of the Turkmen SSR and provide them with the necessary materials and documents.

"Recommendations of committees and commissions are subject to obligatory review by state and social organs, institutions, and organizations. Their findings and the measures they have taken shall be submitted to the committees and commissions within time limits stipulated by them.

"Article 111. People's Deputies of the Turkmen SSR have the right, at sessions of the Supreme Soviet of the Turkmen SSR, to question the Chairman of the Supreme Soviet of the Turkmen SSR, the Council of Ministers of the Turkmen SSR, officials of other organs formed or elected by the Supreme Soviet of the Turkmen SSR, and also to officials of enterprises, institutions, and organizations of all-union jurisdiction located within the territory of the Turkmen SSR, concerning issues within the competence of the Turkmen SSR. Any organ or official to whom such questions are addressed shall be obligated

to make an oral or written response during the session of the Supreme Soviet of the Turkmen SSR within a three-day period.

"People's Deputies of the Turkmen SSR shall be released from their official or production duties for the particular period necessary to perform their duties as deputies in the Supreme Soviet of the Turkmen SSR, on committees and commissions, and also in the election district. People's Deputies of the Turkmen SSR may be released from their official or production duties for the entire period of their term.

"A People's Deputy of the Turkmen SSR shall not be subject to criminal prosecution, arrest, or measures of administrative penalty imposed in court without the consent to the Supreme Soviet of the Turkmen SSR, or, in the period between sessions, without the consent of the Presidium of the Supreme Soviet of the Turkmen SSR.

"**Article 112.** The Constitutional Oversight Committee of the Turkmen SSR shall be elected by the Supreme Soviet of the Turkmen SSR for a term of ten years, to be made up of specialists in the sphere of policy and law and consisting of a chairman, a deputy chairman, and nine committee members.

"Persons elected to the Constitutional Oversight Committee of the Turkmen SSR may not simultaneously serve on organs whose acts are subject to the Committee's oversight.

"Persons elected to the Constitutional Oversight Committee of the Turkmen SSR shall be independent in the fulfillment of their duties and answerable only to the Constitution of the Turkmen SSR.

"The Constitutional Oversight Committee of the Turkmen SSR:

1) shall, at its own initiative or at the directive of the Supreme Soviet of the Turkmen SSR, submit to the Supreme Soviet of the Turkmen SSR its conclusions as to whether acts passed by the Supreme Soviet of the Turkmen SSR, or the drafts thereof, are consistent with the Constitution of the Turkmen SSR and the laws of the Turkmen SSR;

2) monitor to ensure that the decrees and directives of the Council of Ministers of the Turkmen SSR and the decisions of local Soviets of People's Deputies are consistent with the Constitution of the Turkmen SSR and the laws of the Turkmen SSR;

3) on its own initiative or by directive of the Supreme Soviet of the Turkmen SSR and recommendations by the Presidium of the Supreme Soviet of the Turkmen SSR, the Chairman of the Supreme Soviet of the Turkmen SSR, committees and commissions of the Supreme Soviet of the Turkmen SSR, and the Council of Ministers of the Turkmen SSR, submit its conclusions as to

whether the acts of other state organs and social organizations are consistent with the Constitution of the Turkmen SSR and the laws of the Turkmen SSR.

"On detecting any conflicts between an act or individual provisions of such and the Constitution of the Turkmen SSR or the laws of the Turkmen SSR, the Constitutional Oversight Committee of the Turkmen SSR shall notify the organ that promulgated the act of its conclusion, in order to eliminate the violation. Such a conclusion by the Committee shall serve to stay the enforcement of any act or particular provision therein that is in conflict with the Constitution of the Turkmen SSR or a law of the Turkmen SSR.

"The Constitutional Oversight Committee of the Turkmen SSR shall have the right to recommend to the Supreme Soviet of the Turkmen SSR or the Council of Ministers of the Turkmen SSR to repeal any acts by organs or officials under their jurisdiction which are in conflict with the Constitution of the Turkmen SSR or a law of the Turkmen SSR.

"The organization and procedures of activities of the Constitutional Oversight Committee of the Turkmen SSR shall be defined by law.

"**Article 113.** The Supreme Soviet of the Turkmen SSR shall monitor the activities of all state organs accountable to it.

"The Supreme Soviet of the Turkmen SSR shall direct the activities of the People's Control Committee of the Turkmen SSR, which committee administers the system of people's control organs.

"The organization and procedural activities of people's control organs shall be defined by the Law on People's Control in the USSR.

"**Article 114.** The procedural activities of the Supreme Soviet of the Turkmen SSR and its organs shall be defined by the regulations of the Supreme Soviet of the Turkmen SSR and other laws of the Turkmen SSR promulgated on the basis of the Constitution of the Turkmen SSR."

4. Section 14 to be formulated as follows:

"Section 14. Local Soviets of People's Deputies

"**Article 124.** The organs of state authority in the oblasts, rayons, cities, city rayons, settlements, and rural population centers shall be the corresponding Soviets of People's Deputies.

"**Article 125.** Local Soviets of People's Deputies shall handle all issues of local significance, based on the interests of the whole state and the interests of citizens living within the territory of the soviet; implement the decisions of higher-level state organs; supervise the activities of lower-level Soviets of People's Deputies; take part in discussing issues of republic and all-union significance; and make proposals concerning them.

"Local Soviets of People's Deputies shall supervise state, economic, and social-cultural development within their territories; draw up and approve integrated plans of economic and social development, also local budgets and reports concerning their implementation; exercise supervision over state organs, enterprises, institutions, and organizations subordinate to them; enforce the laws, maintain state and public order, and protect the rights and freedoms of citizens; and promote the strengthening of the country's defense potential.

"Article 126. Within the limits of their powers, local Soviets of People's Deputies shall promote integrated economic and social development within their territories; ensure that legislation is complied with by enterprises, institutions, and organizations of higher-level jurisdiction located within these territories; coordinate and monitor their activities in regard to development of the social sphere, construction, the production of consumer goods, social-cultural, consumer, and other services to the public, utilization of labor resources, local types of raw materials and products, secondary resources, environmental protection, and land use and water utilization.

"Article 127. Local Soviets of People's Deputies shall make decisions within the powers conferred upon them by the laws of the USSR and the Turkmen SSR. Decisions by local Soviets of People's Deputies are binding on all enterprises, institutions, and organizations, as well as citizens and officials, within the territories of said soviets.

"Article 128. Sessions of oblast, rayon, city, and city rayon Soviets of People's Deputies shall be convened four times a year by their Presidiums, and sessions of city (cities under rayon jurisdiction), settlement, and village Soviets of People's Deputies shall be convened by their chairmen six times a year. Extraordinary sessions of local Soviets of People's Deputies shall be convened at the initiative of their Presidiums and chairmen or in accordance with the demand of not less than one third of the deputies or one fifth of the population living within the soviet's territory.

"Article 129. The work of the oblast, rayon, city, and city rayon Soviets of People's Deputies shall be organized by their Presidiums, headed by the chairmen of the soviets, or, in city (cities subordinate to rayons), settlement, and rural soviets, by the chairmen of the soviets.

"A Presidium shall consist of the following officers: chairman of the soviet, deputy chairman of the soviet, chairmen of the permanent commissions of the soviet, and chairman of the People's Control Committee. By decision of the soviet, the Presidium may also include other deputies.

"Article 130. The chairmen of the local Soviets of People's Deputies shall be elected at sessions of the soviets, from among the deputies, by secret ballot, for the term of office of the soviet.

"The chairman of the local soviet shall be accountable to it for all of his activities and may at any time be removed by the soviet (by secret ballot) on the recommendation of at least one third of the deputies or by one fifth of the voters of the corresponding election district.

"Article 131. Local Soviets of People's Deputies shall be elected from among deputies, representatives of labor collectives and social organizations, and organs of territorial self-government by permanent commissions for preliminary examination and preparation of issues pertaining to the jurisdiction of the local soviets, also by commissions to promote the implementation of the decisions of the soviets and monitor the activities of state organs, enterprises, institutions, organizations, and cooperatives. Persons who are not soviet deputies may constitute no more than one third of the composition of a permanent commission.

"Recommendations by the permanent commissions of Soviets of People's Deputies shall be subject to obligatory review by the relevant state organs, enterprises, institutions, organizations, and cooperatives. The findings of the review or any measures that are undertaken shall be submitted to the commissions within a stipulated period.

"Article 132. Higher-level local Soviets of People's Deputies shall have the right to rescind the acts of lower-level soviets in the event that these acts are inconsistent with the law.

"Article 133. Local Soviets of People's Deputies shall get citizens involved in administering state and social affairs; carry out their activities in close conjunction with social organizations and labor collectives; submit the most important issues to the citizens for discussion; get citizens involved in the work of the permanent commissions, executive committees, and other organs accountable to the soviet; support the work of the organs of territorial self-government; and foster social initiative among the population."

5. Section 15 to be formulated as follows:

"Section 15. Executive Committees of Local Soviets of People's Deputies

"Article 134. Executive and administrative organs of local Soviets of People's Deputies shall comprise elected or executive committees made up of a chairman, deputy chairman, and members.

"Executive committees shall report to the soviets which elected them at least once a year, and shall also report at meetings of labor collectives and in citizens' place of residence.

"Article 135. Executive committees of local Soviets of People's Deputies are directly accountable to the soviet which elected them and also to the next higher executive and administrative organ.

"Article 136. Executive committees of local Soviets of People's Deputies shall supervise state, economic, and social-cultural development within the territories of the respective soviets on the basis of decisions made by the soviets which elected them as well as higher-level administrations and organs of state authority.

"Article 137. Executive committees of local Soviets of People's Deputies shall make decisions and issue directives within the limits of their competence.

"Article 138. Executive committees of higher-level Soviets of People's Deputies shall have the right to rescind the decisions and directives of executive committees of lower-level Soviets of People's Deputies.

"Article 139. On the expiration of the term of local Soviets of People's Deputies, their executive committees shall retain their powers until the Soviets of People's Deputies of the new convocation shall elect executive committees.

"Article 140. Departments and administrations of executive committees shall be formed by oblast, rayon, city, and city rayon Soviets of People's Deputies, and their activities shall be subordinate to the soviets and their executive committees as well as the relevant higher-level organs of state administration.

"The list of departments and administrations of the executive committees of local Soviets of People's Deputies, and procedures for forming them, shall be stipulated by the laws of the Turkmen SSR."

6. Articles 152, 153, and 155 of Section 18, "Court and Arbitration," are to be formulated as follows:

"Article 152. All courts in the Turkmen SSR shall be formed on the basis of the elective status of judges and people's assessors.

"People's judges of rayon (city) people's courts shall be elected by the appropriate oblast and Ashkhabad City soviets of people's deputies. The people's judges of rayons and cities of republic subordination, judges of oblast courts, and also judges of the Ashkhabad city court shall be elected by the Supreme Soviet of the Turkmen SSR.

"Judges of the Supreme Court of the Turkmen SSR shall be elected by the Supreme Soviet of the Turkmen SSR.

"People's assessors of rayon (city) people's courts shall be elected at citizens' meetings at their place of residence or work, in open balloting, while people's assessors of higher-level courts shall be elected by the corresponding Soviets of People's Deputies.

"Judges of all courts shall be elected for a term of ten years. People's assessors of all courts shall be elected for a term of five years.

"Judges and people's assessors shall be accountable to the organs which elected them, or the voters, and shall

report to them and can be recalled by them under procedures established by law.

"Article 153. The Supreme Court of the Turkmen SSR shall constitute the supreme judicial organ of the Turkmen SSR and shall exercise supervision of the judicial activities of the courts of the Turkmen SSR.

"The Supreme Court of the Turkmen SSR shall consist of a chairman, his deputies, members, and people's assessors."

"Article 155. Judges and people's assessors shall be independent and answerable only to the law.

"Judges and people's assessors shall be provided all the conditions for the unobstructed and effective exercise of their rights and duties. Any interference in the activities of judges and people's assessors in the administration of justice shall not be permitted and shall entail liability according to the law.

"The impartiality of judges and people's assessors, also other guarantees of their independence, shall be stipulated by the Law on the Status of Judges in the USSR and other legislative acts of the USSR and the Turkmen SSR."

II. In connection with the new edition of Sections 9, 10, 12, 14, and 15 of the Constitution of the Turkmen SSR, amendments and additions deriving from them shall be introduced in the following articles of the Constitution of the Turkmen SSR:

1. Part 1 of Article 71: The words "at the USSR Congress of People's Deputies" shall be added after the words "to the jurisdiction of the USSR."

2. Part 3 of Article 92 shall be formulated as follows:

"Deputies shall be guided in their activities by the interests of the whole state, shall take account of the requests of the population of the election district, and shall endeavor to implement the mandates of their constituents."

3. Article 93 is to be formulated as follows:

"Article 93. Deputies shall serve their term, as a rule, without leaving their production or official duties.

"During sittings of sessions of the Supreme Soviet or local soviets of People's Deputies, and also in order to perform the duties of deputy on other occasions stipulated by law, deputies shall be excused from production or official duties and shall be reimbursed for expenses relating to their activities as deputies from the funds of the relevant republic or local budget."

4. Part 4 of Article 94 is to be formulated as follows:

"Deputies shall have the right to question relevant state organs and officials, who shall be obligated to respond to a question at a session of the Supreme Soviet or local Soviet of People's Deputies."

5. Article 96 is to be formulated as follows:

"Article 96. Deputies shall be obligated to report their work, the work of the Supreme Soviet, or the work of the local Soviets of People's Deputies to their constituents, labor collectives, or social organizations which nominated them for deputy.

"Any deputy who does not justify the trust of his constituents may be recalled at any time by decision of the majority of the voters under procedures stipulated by law."

6. Article 117 is to be formulated as follows:

"Article 117. The Council of Ministers of the Turkmen SSR shall be answerable to the Supreme Soviet of the Turkmen SSR, and subordinate to it.

"A newly formed Council of Ministers of the Turkmen SSR shall submit to the examination of the Supreme Soviet of the Turkmen SSR a program of its proposed activities for its term of office.

"The Council of Ministers of the Turkmen SSR shall give an account of its work before the Supreme Soviet of the Turkmen SSR not less than once per year."

7. Part 1 of Article 118 is to be formulated as follows:

"The Council of Ministers of the Turkmen SSR shall be empowered to decide all issues of state administration pertaining to the jurisdiction of the Turkmen SSR, to the extent that they do not, under the present Constitution, pertain to the competence of the Supreme Soviet of the Turkmen SSR and its Presidium or the Chairman of the Supreme Soviet of the Turkmen SSR."

8. Part 1 of Article 120 is to be formulated as follows:

"The Council of Ministers of the Turkmen SSR shall, on the basis of and in execution of the laws of the USSR and the Turkmen SSR as well as other decisions of the USSR Congress of People's Deputies, the supreme soviets of the USSR and the Turkmen SSR, and decrees and directives of the Council of Ministers of the USSR, issue decrees and directives and monitor their execution."

9. In Part 1 of Article 121:

The words "of city (cities under republic jurisdiction)" are to be replaced by the words "of rayon and city (rayons and cities of republic jurisdiction)."

10. In Part 4 of Article 122:

The words "on the basis of and in execution of the laws of the USSR and the Turkmen SSR and other decisions of the Supreme Soviet of the USSR and its Presidium and the Supreme Soviet of the Turkmen SSR and its Presidium" are to be replaced with the words "on the basis of and in execution of the laws of the USSR and the Turkmen SSR and other decisions of the USSR Congress of People's Deputies, the Supreme Soviet of the USSR, and the Turkmen SSR."

11. Article 173 is to be formulated as follows:

"Article 173. Amendments to the Constitution of the Turkmen SSR shall be made on the basis of a decision of the Supreme Soviet of the Turkmen SSR made by the majority of at least two thirds of the total number of People's Deputies of the Turkmen SSR."

Turkmen SSR Law on Changes to Republic Constitution

90US0219A Ashkhabad TURKMENSKAYA ISKRA in Russian 28 Oct 89 pp 1-2

[**"Law of the Turkmen Soviet Socialist Republic on Changes and Supplements to the Turkmen SSR Constitution (Basic Law)"**]

[Text] With a view to the development of socialist democracy, self-government of the people, and the improvement of the election system and the structure and activity of the Soviets of People's Deputies and organs of justice, the Turkmen SSR Supreme Soviet decrees:

I. To introduce in the Constitution of the Turkmen SSR the following changes and supplements:

1. To set forth Section 9 in the following wording:

"Section 9. System and Principles of the Activity of the Soviet of People's Deputies

"Article 78. The Soviets of People's Deputies—the Turkmen SSR Supreme Soviet and the local Soviets of People's Deputies—oblast, rayon, city, city rayon, settlement and rural—constitute a single system of representative organs of state power.

"Article 79. The term of office of the Soviets of People's Deputies is five years. Elections of people's deputies are scheduled no later than two and one half months before the expiration of the term of office of the corresponding organs of state power.

"Article 80. The most important questions of republic and local significance are decided respectively in sessions of the Turkmen SSR Supreme Soviet or are put by them to a popular vote (referendum). The Supreme Soviet and the local Soviets of People's Deputies elect chairmen of the Soviets from among the deputies.

"The Supreme Soviet and the local Soviets of People's Deputies, with the exception of city (cities of rayon subordination), settlement and rural Soviets, have their own presidia.

"The Soviets of People's Deputies form committees and commissions, create executive and administrative, as well as other organs accountable to it.

"Officials elected or appointed by Soviets of People's Deputies cannot occupy their posts for more than two terms of office in succession. They may be dismissed

from the posts they occupy in the case of the improper execution of their official functions.

"Article 81. The Soviets of People's Deputies form organs of people's control, combining state control with public control of workers in enterprises, in institutions and organizations.

"The organs of people's control verify the implementation of the demands of legislation, state programs and tasks; conduct the struggle against violations of state discipline, against parochialism, the departmental approach to work, economic mismanagement and wastefulness, red tape and bureaucratism; coordinate the work of other control organs; contribute to the perfecting of the structure and work of the state apparatus.

"Article 82. The Soviets of People's Deputies, directly or through the organs created by them, guide state, economic and socio-cultural building, take decisions, guarantee their fulfillment, and carry out monitoring of implementation.

"Article 83. The activity of the Soviets of People's Deputies is built on the basis of collective, free, and business-like discussion and solution of questions, glasnost, and regular accountability of executive and administrative organs and other organs created by the Soviets before them and the population, and the broad involvement of citizens in participation in their work.

"The Soviets of People's Deputies and the organs created by them take public opinion into account, bring the most important questions of republic and local significance for discussion of citizens, and systematically inform citizens about their work and the decisions taken."

2. To set forth Section 10 in the following wording:

"Section 10. Election System

"Article 84. Elections of people's deputies are held in one-mandate or multi-mandate election okrugs on the basis of universal, equal, direct suffrage in secret voting.

"Article 85. Elections of people's deputies are universal: Citizens of the Turkmen SSR, who have attained the age of 18, have the right to vote.

"A citizen of the Turkmen SSR, who has reached the age of 21, may be elected as Turkmen SSR people's deputy, and a citizen, who has reached the age of 18—as a deputy of a local Soviet of People's Deputies.

"A citizen of the Turkmen SSR may not simultaneously be a people's deputy in more than two Soviets of People's Deputies.

"Persons who become members of the Turkmen SSR Council of Ministers, executive committees of local Soviets of People's Deputies, with the exception of the chairmen of these organs, the Turkmen SSR Committee

for Constitutional Supervision, the directors of departments, divisions, and administrations of executive committees of the local Soviets, judges and State Arbiters cannot be deputies in the Soviet by which they are appointed or elected.

"The following do not take part in the elections: Citizens who are mentally ill, who are recognized by the court as incapable, persons who are imprisoned, as well as those who, by decision of a court, are in compulsory treatment facilities.

"Article 86. Elections of people's deputies are equal; the voter for every election okrug has one vote: Voters, as well as candidates for deputy, take part in the elections on an equal basis.

"Article 87. Elections of people's deputies are direct: People's deputies are elected by the citizens directly.

"Article 88. Voting in the elections of people's deputies is secret: Monitoring of the will of the voters is not permitted.

"Article 89. The right to nominate candidates for people's deputies in election okrugs belongs to labor collectives, collectives of educational institutions, public organizations, meetings of voters at the place of residence and servicemen in military units.

"The number of candidates for people's deputy is not limited. Every participant in an election campaign may propose any candidacies, including his own, for discussion.

"Any number of candidates may be included on the ballot.

"During the elections of people's deputies, okrug election meetings may be held for the discussion of the candidates for deputy nominated for the okrug and the adoption of decisions concerning the presentation of candidates for registration in the corresponding voting commission.

"Expenditures connected with the preparation and holding of the elections of people's deputies are effected at the expense of the state.

"Article 90. The preparation for the elections of people's deputies are carried out openly and publicly.

"The implementation of the elections is guaranteed by the election commissions, which are formed from representatives of labor collectives, collectives of educational institutions, public organizations, meetings of voters at their place of residence and servicemen in military units.

"Citizens of the Turkmen SSR, labor collectives and public organizations are guaranteed the possibility of

free and comprehensive discussion of the political, business, and personal qualities of the candidates for people's deputies, as well as the right to campaign for or against a candidate at meetings, in the press, on television and radio.

"The procedure for the conduct of the elections of people's deputies is determined by laws of the Turkmen SSR.

"Article 91. Voters give mandates to their deputies.

"The corresponding Soviets of People's Deputies examine the mandates, take them into consideration in the elaboration of plans for economic and social development and the composition of the budget, as well as in the preparation of decisions on other questions, organize the execution of the mandates, and inform citizens about their realization."

3. To set forth Section 12 in the following wording:

"Section 12. Supreme Soviet of the Turkmen SSR

"Article 97. The Supreme Soviet of the Turkmen SSR is the continuously-functioning highest organ of state power of the Turkmen SSR.

"The jurisdiction of the Turkmen SSR Supreme Soviet includes:

1) The adoption of the Turkmen SSR Constitution and introduction of changes in it;

2) the scheduling of elections of Turkmen SSR people's deputies and deputies of local Soviets of People's Deputies, and the confirmation of the composition of the Republic Election Commission for elections of Turkmen SSR people's deputies;

3) the adoption of decisions about questions of nationality-state structure, which are included in the jurisdiction of the Turkmen SSR;

4) the determination, in accordance with the basic directions of the domestic and foreign policy of the USSR, of the domestic and foreign policy of the Turkmen SSR;

5) the change of the border of the Turkmen SSR with other union republics by mutual agreement and the introduction of proposals regarding these questions for examination of the USSR Congress of People's Deputies;

6) the confirmation of long-term state plans and the most important republic integrated programs of economic and social development of the Turkmen SSR, the State Plan for the economic and social development of the Turkmen SSR, the State Budget of the Turkmen SSR; the implementation of monitoring of the course of the fulfillment the plans and the budget; confirmation of the report on their fulfillment; if necessary, the introduction of changes in the plan and the budget;

7) the election of the Chairman of the Turkmen SSR Supreme Soviet;

8) the election of the first deputy and deputies of the Chairman of the Turkmen SSR Supreme Soviet;

9) the appointment of the Chairman of the Turkmen SSR Council of Ministers and, on his recommendation, the confirmation of the composition of the Turkmen SSR Council of Ministers, and the introduction of changes in it; the formation and abolition, on recommendation of the Turkmen SSR Council of Ministers, of Turkmen SSR ministries and Turkmen SSR state committees;

10) the election of the Turkmen SSR Committee of People's Control, the Turkmen SSR Supreme Court, the judges of oblast courts, the Ashkhabad City Court, rayon and city people's courts (of cities and rayons of republic subordination), and the appointment of the Chief State Arbiter of the Turkmen SSR;

11) the election of the Turkmen SSR Committee of Constitutional Supervision;

12) the regular hearing of the organs formed or elected by them, as well as the officials appointed or elected by them;

13) the implementation, within the competence of the Turkmen SSR, of legislative regulation of property relations, the organization of the management of the national economy and socio-cultural construction, the budget and finance system, wages and price formation, taxation, environmental protection and the use of natural resources, the procedure for the realization of the constitutional rights, freedoms and duties of citizens, as well as other relations;

14) the determination of the procedure for the decision of questions of the administrative-territorial structure of the Turkmen SSR, the establishment and change of borders and the rayon division of oblasts; the formation of rayons, cities, city rayons; the establishment of the subordination of cities; the renaming of rayons, cities, city rayons, and other populated areas;

15) the establishment of the procedure for the organization and activity of the republic and local organs of state power and administration; the determination of the legal status of public organizations of the Turkmen SSR;

16) the direction of the activity of the local Turkmen SSR Soviets of People's Deputies, assistance to the development and strengthening of local self-government;

17) the ratification and denouncement of international agreements of the Turkmen SSR;

18) the establishment of the Certificate of Honor of the Turkmen SSR Supreme Soviet; the establishment of honorary titles of the Turkmen SSR;

19) the adoption of republic acts on the amnesty of citizens convicted by Turkmen SSR courts;

20) the right of the abolition of ukases and decrees of the Presidium of the Turkmen SSR Supreme Soviet, orders of the Chairman of the Turkmen SSR Supreme Soviet, decrees and orders of the Turkmen SSR Council of Ministers;

21) the adoption of decisions on the holding of a national vote (referendum);

22) the interpretation of the laws of the Turkmen SSR.

"The Turkmen SSR Supreme Soviet is competent to take up for examination and decide any question included in the jurisdiction of the Turkmen SSR.

"The Turkmen SSR Supreme Soviet adopts laws of the Turkmen SSR, decrees, declarations, and appeals by a majority of votes of the total number of Turkmen SSR people's deputies.

"The laws, decrees and other acts adopted by the Turkmen SSR Supreme Soviet cannot contradict the USSR Constitution and the laws, decrees, and other acts adopted by the USSR Congress of People's Deputies and the USSR Supreme Soviet.

"**Article 98.** The Turkmen SSR Supreme Soviet consists of 175 People's Deputies.

"**Article 99.** The Turkmen SSR Supreme Soviet is called into its first session no later than two months after the elections.

"On the recommendation of the Mandate Commission elected by it, the Turkmen SSR Supreme Soviet takes a decision concerning the recognition of the powers of the deputies, and, in case of the violation of the legislation on elections, on the recognition of the election of individual deputies as invalid.

"The Turkmen SSR Supreme Soviet is convened by the Presidium of the Turkmen SSR Supreme Soviet.

"The Turkmen SSR Supreme Soviet holds sessions no less than twice a year. Sessions are convened on the initiative of the Presidium of the Turkmen SSR Supreme Soviet, the Chairman of the Turkmen SSR Supreme Soviet, [or] no less than one-third of the Turkmen SSR People's Deputies.

"The first session of the Turkmen SSR Supreme Soviet after the elections is conducted by the Chairman of the Republic Election Commission for elections to Turkmen SSR people's deputies, and then—by the Chairman of the Turkmen SSR Supreme Soviet or his deputy.

"A session of the Turkmen SSR Supreme Soviet consists of its meetings, as well as the meetings of Turkmen SSR committees and commissions held between them. The session is opened and closed at sittings of the Turkmen SSR Supreme Soviet.

"**Article 100.** The right of legislative initiative in the Turkmen SSR Supreme Soviet belongs to the Turkmen SSR people's deputies, to the Presidium of the Turkmen

SSR Supreme Soviet, the Chairman of the Turkmen SSR Supreme Soviet, the Turkmen SSR Committee for Constitutional Supervision, the Turkmen SSR Council of Ministers, the committees and commissions of the Turkmen SSR Supreme Soviet, the Turkmen SSR Committee of People's Control, the Turkmen SSR Supreme Court, the Turkmen SSR Procurator, and the Turkmen SSR Chief State Arbiter.

"Public organizations in the person of their republic organs and the Turkmen SSR Academy of Science also have the right of legislative initiative.

"**Article 101.** Laws, decrees, and other acts are considered adopted if the majority of the total number of Turkmen SSR people's deputies voted for them.

"Draft laws and other very important questions of state life, by decision of the Turkmen SSR Supreme Soviet, adopted on its initiative or on the recommendation of the Presidium of the Turkmen SSR Supreme Soviet, or the local Turkmen SSR Soviets of People's Deputies, may be submitted for public discussion.

"**Article 102.** The Presidium of the Turkmen SSR Supreme Soviet is an organ accountable to the Turkmen SSR Supreme Soviet, which secures the organization of the work of the Turkmen SSR Supreme Soviet and implements other problems within the limits provided for by the Turkmen SSR Constitution and the laws of the Turkmen SSR.

"**Article 103.** The Presidium of the Turkmen SSR Supreme Soviet consists of the Chairman of the Turkmen SSR Supreme Soviet, the First Deputy and the Deputy Chairman of the Turkmen SSR Supreme Soviet, and 14 members elected from the number of people's deputies.

"The Presidium of the Turkmen SSR Supreme Soviet is headed by the Chairman of the Turkmen SSR Supreme Soviet.

"**Article 104.** The Presidium of the Turkmen SSR Supreme Soviet:

- 1) convenes the sessions of the Turkmen SSR Supreme Soviet;
- 2) coordinates the activity of the committees and commissions of the Turkmen SSR Supreme Soviet;
- 3) extends assistance to Turkmen SSR people's deputies in the carrying out of their powers and provides them with the necessary information;
- 4) monitors the observance of the Turkmen SSR Constitution and the laws of the Turkmen SSR;
- 5) takes part in the implementation of the basic measures in the sphere of defense and state security of the USSR;

6) organizes the preparation and the holding of popular votes (referenda), as well as popular discussions of draft laws of the Turkmen SSR, and other very important questions of state life;

7) confers the Turkmen SSR state awards;

8) accepts into Turkmen SSR citizenship, decides questions of the disposition of asylum;

9) exercises the pardon of citizens convicted by Turkmen SSR courts;

10) appoints and recalls the diplomatic representatives of the Turkmen SSR in foreign states and with international organizations;

11) accepts the credentials and letters of recall of the representatives of foreign states accredited with it;

12) takes part in the examination, by the Presidium of the USSR Supreme Soviet, of the question of the declaration of martial law or the state of emergency in the territory of the Turkmen SSR or in some of its localities in the interest of the defence of the USSR and the security of its citizens;

13) publishes, in the Tajik and Russian languages, the laws of the Turkmen SSR and other acts adopted by the Turkmen SSR Supreme Soviet, the Presidium of the Turkmen SSR Supreme Soviet, and the Chairman of the Turkmen SSR Supreme Soviet.

"Article 105. The Presidium of the Turkmen SSR Supreme Soviet publishes issues ukases and adopts decrees.

"Article 106. Upon the expiration of the powers of the Turkmen SSR Supreme Soviet, the Presidium of the Turkmen SSR Supreme Soviet retains its powers up to the formation of the new Presidium by the newly elected Turkmen SSR Supreme Soviet.

"Article 107. The Chairman of the Turkmen SSR Supreme Soviet is the highest official of the Turkmen SSR and represents the Turkmen Soviet Socialist Republic within the country and in international relations.

"The Chairman of the Turkmen SSR Supreme Soviet is elected by the Turkmen SSR Supreme Soviet from among the Turkmen SSR people's deputies by secret vote for a term of five years and for no more than two terms in succession. He may be recalled at any time by secret vote by the Turkmen SSR Supreme Soviet on the recommendation of no less than one-third of the Turkmen SSR people's deputies.

"The Chairman of the Turkmen SSR Supreme Soviet is accountable to the Turkmen SSR Supreme Soviet.

"Article 108. The Chairman of the Turkmen SSR Supreme Soviet:

1) carries out the general direction of the preparation of questions subject to review by the Turkmen SSR Supreme Soviet;

2) signs the laws of the Turkmen SSR and other acts adopted by the Turkmen SSR Supreme Soviet and the Presidium of the Turkmen SSR Supreme Soviet;

3) presents to the Turkmen SSR Supreme Soviet reports on the situation in the republic and important questions of the domestic and foreign policy of the Turkmen SSR;

4) presents to the Turkmen SSR Supreme Soviet candidacies for election to the post of first deputy and the Deputy Chairman of the Turkmen SSR Supreme Soviet, as well as recommendations concerning the composition of the Presidium of the Turkmen SSR Supreme Soviet;

5) presents to the Turkmen SSR Supreme Soviet candidacies for appointment or election to the post of Chairman of the Turkmen SSR Council of Ministers, the chairman of the Turkmen SSR Committee for People's Control, the chairman of the Turkmen SSR Supreme Court, and the Chief State Arbiter of the Turkmen SSR;

6) conducts negotiations and signs international agreements of the Turkmen SSR;

"The Chairman of the Turkmen SSR Supreme Soviet issues orders.

"The first Deputy Chairman of the Turkmen SSR Supreme Soviet and the Deputy Chairman of the Turkmen SSR Supreme Soviet, upon authorization of the Chairman of the Turkmen SSR Supreme Soviet, carry out some of its functions and act for the Chairman in case of his absence or the impossibility of the execution of his duties by him.

"Article 109. The Turkmen SSR Supreme Soviet elects from among the Turkmen SSR people's deputies committees and commissions for the conduct of bill drafting work, the preliminary examination and preparation of questions included in the jurisdiction of the Turkmen SSR Supreme Soviet, as well as for assistance in the practical implementation of the laws of the Turkmen SSR and other decisions adopted by the Turkmen SSR Supreme Soviet, and the monitoring of the activity of state organs and organizations.

"The Turkmen SSR Supreme Soviet creates, if it considers it necessary, the necessary investigation, auditing, and other commissions on any question.

"Article 110. Laws and other decisions of the Turkmen SSR Supreme Soviet are adopted, as a rule, after the preliminary discussion of drafts by the appropriate committees and commissions of the Turkmen SSR Supreme Soviet.

"The appointment and election of officials to membership in the Turkmen SSR Council of Ministers, the Turkmen SSR Committee of People's Control, and the

Turkmen SSR Supreme Court are effected in the presence of the resolutions of the corresponding committees and commissions of the Turkmen SSR Supreme Soviet.

"All state and public organs, organizations, and officials are obliged to fulfill the demands of the committees and commissions of the Turkmen SSR Supreme Soviet, and to make available to them the necessary materials and documents.

"The recommendations of the committees and commissions are subject to review by the state and public organs, institutions and organizations. The committees and commissions must be informed about the results of the review and the adopted measures within the time periods established by them.

"**Article 111.** The Turkmen SSR people's deputy, at the sessions of the Turkmen SSR Supreme Soviet, has the right to address inquiries to the Chairman of the Turkmen SSR Supreme Soviet, to the Turkmen SSR Council of Ministers, and to the directors of other organs formed or elected by the Turkmen SSR Supreme Soviet, as well as to the directors of enterprises, institutions and organizations of union subordination located in the territory of the Turkmen SSR in regard to questions relating to the jurisdiction of the Turkmen SSR. The organ or official, to whom the inquiry is addressed, is obligated to give an oral or written answer at the given session of the Turkmen SSR Supreme Soviet no later than within a three-day period.

"The Turkmen SSR people's deputies are released from the fulfillment of their office and production duties for a certain period, which is necessary for the carrying out of deputy activity in the Turkmen SSR Supreme Soviet, committees and commissions, as well as in the election okrug. Turkmen SSR people's deputies may be released from the fulfillment of office or production during the entire period of their powers.

"The Turkmen SSR people's deputy cannot have criminal proceedings instituted against him, be arrested, or subjected to measures of administrative imposed by way of judicial procedure, without the consent of the Turkmen SSR Supreme Soviet, and, in the period between sessions, without the consent of the Presidium of the Turkmen SSR Supreme Soviet.

"**Article 112.** The Turkmen SSR Committee for Constitutional Supervision is elected by the Turkmen SSR Supreme Soviet for a term of 10 years from among the specialists in the sphere of politics and law, consisting of the chairman, the deputy chairman, and nine members of the Committee.

"Persons elected to the Turkmen SSR Committee for Constitutional Supervision cannot simultaneously become members of organs whose acts are under the supervision of the Committee.

"The persons elected to the Turkmen SSR Committee, in the execution of their duties, are independent and are subordinated only to the Turkmen SSR Constitution.

"The Turkmen SSR Committee for Constitutional Supervision:

1) On its own initiative or on the instruction of the Turkmen SSR Supreme Soviet presents to the Turkmen SSR Supreme Soviet its findings concerning the conformity of the acts of the Turkmen SSR Supreme Soviet, as well as drafts of these acts, to the Turkmen SSR Constitution and the laws of the Turkmen SSR;

2) carries out supervision of the conformity of decrees and orders of the Turkmen SSR Council of Ministers and the decisions of local Soviets of People's Deputies with the Turkmen SSR Constitution and Turkmen SSR laws;

3) on its own initiative or on the instruction of the Turkmen SSR Supreme Soviet, on the recommendations of the Presidium of the Turkmen SSR Supreme Soviet, the Chairman of the Turkmen SSR Supreme Soviet, committees and commissions of the Turkmen SSR Supreme Soviet and the Turkmen SSR Council of Ministers submits its findings concerning the conformity of the acts of other state organs and public organizations to the Turkmen SSR Constitution and Turkmen SSR laws;

"With the exposure of the contradiction of an act or individual provisions of it to the Turkmen SSR Constitution or Turkmen SSR laws, the Turkmen SSR Committee for Constitutional Supervision sends to the organ promulgating the act its resolution for the elimination of the violation that was allowed to occur. The adoption of such a resolution by the committee suspends the execution of the act or individual provisions of it that contradict the Turkmen SSR Constitution or Turkmen SSR law.

"The Turkmen SSR Committee of Constitutional Supervision has the right to make representations to the Turkmen SSR Supreme Soviet or the Turkmen SSR Council of Ministers concerning the abolition of acts of organs or officials accountable to them that contradict the Turkmen SSR Constitution or Turkmen SSR law.

"The organization and procedure of the activity of the Turkmen SSR Committee for Constitutional Supervision are determined by law.

"**Article 113.** The Turkmen SSR Supreme Soviet monitors the activity of all state organs accountable to it.

"The Turkmen SSR Supreme Soviet directs the activity of the Turkmen SSR Committee for People's Control, which heads up the system of people's control organs.

"The organization and procedure of the activity of the people's control organs are determined by the Law on People's Control in the USSR.

"Article 114. The procedure of the activity of the Turkmen SSR Supreme Soviet and its organs is determined by the Regulations of the Turkmen SSR Supreme Soviet and other Turkmen SSR law promulgated on the basis of the Turkmen SSR Constitution."

4. To set forth Section 14 in the following wording:

"Section 14 . Local Soviets of People's Deputies

"Article 124. Organs of state power in oblasts, rayons, cities, city rayons, settlements, and populated areas are the corresponding Soviets of People's Deputies.

"Article 125. The local Soviets of People's Deputies decide all questions local significance, proceeding from general state interests and the interests of citizens living in the territory of the Soviet, put into effect decisions of the higher state organs, guide the activity of the lower Soviets of People's Deputies, take part in the discussion of questions of republic and all-union significance, and introduce recommendations with respect to them.

"The local Soviets of People's Deputies guide state, economic, and socio-economic construction in their territory; develop and confirm integrated plans of economic and social development, the local budget, and reports about their implementation; carry out the guidance of state organs, enterprises, institutions, and organizations accountable to them; guarantee the observance of laws, the maintenance of state and public order, and the rights and liberties of citizens; and assist the strengthening of the country's defense capability.

"Article 126. Within the limits of their powers, the local Soviets of People's Deputies secure integrated economic and social development in their territory; they monitor the observance of legislation by the enterprises, institutions and organizations of higher subordination located in this territory; and they coordinate and monitor their activity in the area of the development of the social sphere, construction, the production of consumer goods, socio-cultural, everyday and other services, the use of labor resources, local types of raw material and materials, secondary resources, environmental protection, land use and water use.

"Article 127. The local Soviets of People's Deputies take decisions within the limits of the powers granted to them by the legislation of the USSR and the Turkmen SSR. The decisions of the local Soviets are obligatory for execution by all enterprises and organizations, as well as officials and citizens, located in the territory of the Soviet.

"Article 128. Sessions of oblast, rayon, city, and city rayon Soviets of People's Deputies are convened by their presidia, and sessions of city (cities of rayon subordination), settlement, and rural Soviets of People's Deputies—by their chairmen no less than four times a year. Sessions of local Soviets of People's Deputies are convened also at the request of one-third of the deputies or one fifth of the voters of a given Soviet.

"Article 129. The work of oblast, rayon, city, and city rayon Soviets of People's Deputies is organized by their presidia, headed by the chairmen of the Soviets, and in city (cities of rayon subordination), settlement, and rural Soviets—by the chairmen of these Soviets.

"The following form a part of the presidium ex officio: The chairman of the Soviet, the deputy chairman of the Soviet, the chairman of the permanent commissions of the Soviet, the chairman of the Committee for People's Control. By decision of the Soviet, other deputies may be included in the composition of the presidium.

"Upon expiration of the powers of the local Soviets of People's Deputies, their presidia retain their powers up to the election of presidia by the Soviets of People's Deputies of the new convocation.

"Article 130. The chairman of the local Soviet of People's Deputies is elected at a session of the Soviet from among the deputies by secret vote for the term of office of the Soviet.

"The chairman of a local Soviet, in all of his activity, is accountable to the Soviet and may be dismissed by the Soviet at any time by secret vote on the recommendation of no less than one-third of the deputies or one-fifth of the voters of the corresponding election okrug.

"Article 131. The local Soviets of People's Deputies elect, from among the deputies representatives of labor collectives and public organizations, and organs of territorial self-government, permanent commissions for the preliminary examination and preparation of questions pertaining to the jurisdiction of the local Soviets, as well as for assistance with the implementation of decisions of the Soviets, the monitoring of the activity of state organs, enterprises, organizations and cooperatives. Persons who are not deputies of the Soviet may constitute no more than one-third of the composition of a permanent commission.

"Recommendations of the permanent commissions of the local Soviets of People's Deputies are subject to obligatory review by the corresponding state organs, enterprises, institutions, organizations, and cooperatives. The commissions must be informed about the results of the review or the adopted measures within the established time period.

"Article 132. The higher local Soviets of People's Deputies have the right to abolish acts of the lower Soviets in the case of the non-conformity of these acts with the law.

"Article 133. The local Soviets of People's Deputies involve citizens in the administration of state and public affairs, carry out their activity in close connection with public organizations and labor collectives, submit the most important questions for citizen discussion, involve them in the work of the permanent commissions, executive commissions, and other organs accountable to the

Soviets, assist in the work of the the organs of territorial self-government, and develop the public independent action of the population."

5. To set forth Section 15 in the following wording:

"Section 15. Executive Committees of the Local Soviets of People's Deputies

"Article 134. The executive and administrative organs of the local Soviets of People's Deputies are the executive committees elected by them, consisting of a chairman, deputy chairman, and members.

"At least once a year, the executive committees give an account of themselves before the voters of the Soviets which elected them, as well as at meetings of labor collectives and citizens at their place of residence.

"Article 135. The executive committees of the local Soviets of People's Deputies are directly accountable both to the Soviet which elected them and to the higher executive and administrative organ.

"Article 136. The executive committees of the local Soviets of People's Deputies guide the state, economic, and socio-cultural construction in the territory of the corresponding Soviets on the basis of the decisions of the Soviets which elected them and the higher organs of state power and administration.

"Article 137. The executive committees of the local Soviets of People's Deputies, within the limits of their competence, take decisions and set forth orders.

"Article 138. The executive committees of the higher Soviets of People's Deputies have the right to abolish the decisions and orders of the executive committees of the lower Soviets of People's Deputies.

"Article 139. Upon expiration of the powers of the local Soviets of People's Deputies, their executive committees retain their powers up to the election executive committees by the Soviets of People's Deputies of the new convocation.

"Article 140. The departments and administrations of the executive committees are formed by the oblast, rayon, city, and city rayon Soviets of People's Deputies and are subordinated in their activity to the Soviets and to their executive committees, as well as to the corresponding higher organs of state administration.

"The enumeration of the departments and administrations of the executive committees of the local Soviets of People's Deputies and the procedure for their formation are established by Turkmen SSR legislation."

6. To set forth Articles 152, 153, and 155 of Section 18 "The Court and Arbitration" in the following wording:

"Article 152. All Turkmen SSR courts are formed on the principles of the electiveness of judges and people's assessors.

"The people's judges of rayon (city) people's courts are elected by the corresponding oblast and Ashkhabad City Soviets of People's Deputies. The people's judges of the rayon (city) courts of rayons and cities of rayon subordination, the judges of the oblast courts, as well as the Ashkhabad City Court, are elected by the Turkmen SSR Supreme Soviet.

"The judges of the Turkmen SSR Supreme Court are elected by the Turkmen SSR Supreme Soviet.

"The people's assessors of the rayon (city) people's courts are elected at the meetings of citizens at their place of residence or work by an open vote, and the people's assessors of the higher courts—by the corresponding Soviets of People's Deputies.

"The judges of all courts are elected for a 10-year term. People's assessors are elected for a five-year term.

"Judges and people's assessors are responsible to the organs or voters who elected them, give an account of themselves before them, and may be recalled by them in accordance with the procedure established by law.

"Article 153. The Turkmen SSR Supreme Court is the highest judicial organ of the Turkmen SSR and carries out supervision of the judicial activity of the Turkmen SSR courts.

"The Turkmen SSR Supreme Court consists of the chairman, his deputies, members, and people's assessors."

"Article 155. Judges and people's assessors are independent and are subordinated only to the law.

"The judges and people's assessors are guaranteed conditions for the unimpeded and effective realization of their rights and duties. Any interference in the activity of the judges and people's assessors in regard to the execution of justice is inadmissible and entails responsibility according to the law.

"The inviolability of the judges and people's assessors, as well as other guarantees of their independence are established by the Law on the Status of Judges in the USSR and by other legislative acts of the USSR and the Turkmen SSR."

II. In connection with the new wording of Sections 9, 10, 12, 14, and 15 of the Turkmen SSR Constitution to introduce the changes and supplements resulting from them into the following articles of the Turkmen SSR Constitution:

1. To supplement part one of Article 71 after the words "to the jurisdiction of the USSR" with the words "at the USSR Congress of People's Deputies".

2. To set forth part three of Article 92 in the following wording:

"In his activity, the deputy is guided by general state interests, takes into consideration the needs of the population of the election okrug, and tries to attain the realization of the mandates of the voters."

3. To set forth Article 93 in the following wording:

"Article 93. The deputy carries out its powers, as a rule, without breaking off their production or office activity.

"During the sittings of the sessions of the Supreme Soviet or local Soviets of People's Deputies, as well as for the execution of deputy powers in other cases provided for by law, the deputy is released from the fulfillment of production or office duties with compensation to him of expenditures connected with his deputy activity, at the expense of funds of the republic or local budget respectively."

4. To set forth part one of Article 94 in the following wording:

"The deputy has the right of inquiry to appropriate state organs and officials, who are obliged to give an answer to the inquiry at the session of the Supreme Soviet [or] the local Soviet of People's Deputies."

5. To set forth Article 96 in the following wording:

"Article 96. A deputy is obligated to give an account of his work, the work of the Supreme Soviet or local Soviet of People's Deputy before the voters, labor collectives, and public organizations which have nominated him as a candidate for deputy.

"A deputy who has not justified the confidence of the voters may be recalled at any time by decision of the majority of the voters in accordance with the procedure established by law."

6. To set forth Article 117 in the following wording:

"Article 117. The Turkmen SSR Council of Ministers is responsible to the Turkmen SSR Supreme Soviet and is accountable to it.

"The newly-formed Turkmen SSR Council of Ministers presents for review of the Turkmen SSR Supreme Soviet a program of the forthcoming activity for its term of office.

"The Turkmen SSR Council of Ministers, at least once a year, gives an account of its work before the Turkmen SSR Supreme Soviet."

7. To set forth part one of Article 118 in the following edition:

"The Turkmen SSR Council of Ministers is competent to decide all questions of state administration pertaining to the jurisdiction of the Turkmen SSR, so long as they do not

fall, according to the present Constitution, into the competence of the Turkmen SSR Supreme Soviet, its Presidium, and the Chairman of the Turkmen SSR Supreme Soviet."

8. To set forth part one of Article 120 in the following wording:

"The Turkmen SSR Council of Ministers, on the basis and in fulfillment of the laws of the USSR and the Turkmen SSR, other decisions of the USSR Congress of People's Deputies, the USSR Supreme Soviet, and the Turkmen SSR Supreme Soviet, and the decrees and orders of the USSR Council of Ministers promulgates decrees and orders and verifies their implementation."

9. In part one of Article 121:

To replace the words "city (city of republic subordination)" with the words "rayon and city (rayons and cities of republic subordination)."

10. In part four of Article 122:

To replace the words "on the basis and in fulfillment of the laws of the USSR and the Turkmen SSR, and other decisions of the USSR Supreme Soviet and its Presidium and the Turkmen SSR Supreme Soviet and its Presidium" with the words "on the basis and in fulfillment of the laws of the USSR and the Turkmen SSR and other decisions of the USSR Congress of People's Deputies, the USSR Supreme Soviet, and the Turkmen SSR Supreme Soviet."

11. To set forth Article 173 in the following wording:

"Article 173. A change of the Turkmen SSR Constitution is effected by decision of the Turkmen SSR Supreme Soviet, adopted by a majority of no less than two-thirds from among the total number of Turkmen SSR people's deputies."

Turkmen SSR Supreme Soviet Decree on the Procedure for Implementing the Law of the Turkmen SSR "On Changes and Supplements to the Constitution (Basic Law) of the Turkmen SSR"

In connection with the adoption of the Law of the Turkmen SSR of 20 October 1989 "On Changes and Supplements to the Constitution (Basic Law) of the Turkmen SSR," the Turkmen SSR Supreme Soviet decrees:

1. The Turkmen SSR Supreme Soviet, the oblast, rayon, city, city rayon, settlement and rural Soviets of People's Deputies retain their powers in accordance with the Turkmen SSR Constitution until the election of Turkmen SSR people's deputies and deputies of local Soviets of People's Deputies, and the Presidium of the Turkmen SSR Supreme Soviet—until the formation of a new Presidium of the Turkmen SSR Supreme Soviet.

To instruct the Presidium of the Turkmen SSR Supreme Soviet, after the holding of elections of Turkmen SSR people's deputies, to organize the preparation and to create the first session of the Turkmen SSR Supreme

Soviet of the 12th convocation, and also, if necessary, to carry out other powers granted to the Presidium of the Turkmen SSR Supreme Soviet by Article 104 of the Constitution of the Turkmen SSR in the wording of the Law of the Turkmen SSR of 20 October 1989.

To establish that ukases issued by the Presidium of the Turkmen SSR Supreme Soviet and not reviewed by the Turkmen SSR Supreme Soviet of the 11th convocation are subject to introduction for review of the Turkmen SSR Supreme Soviet of the 12th convocation.

2. State organs and officials, accountable to the Turkmen SSR Supreme Soviet, retain their powers until the formation or the appointment of the corresponding organs and officials by the Turkmen SSR Supreme Soviet.

3. The provisions of articles 80 and 85 of the Constitution of the Turkmen SSR of 20 October 1989, which establish that a citizen of the Turkmen SSR cannot be simultaneously a deputy of more than two Soviets of People's Deputies, as well as not permitting the election as people's deputies of officials appointed or elected by Soviets, and their remaining in posts for more than two terms in succession, are applied respectively from the moment of the Soviets of People's Deputies of the new convocation and from the moment of the appointment or election of officials by them.

4. Judges and people's assessors carry out their powers until the election of a new composition of the courts in accordance with the procedure provided for by Article 152 of the Constitution of the Turkmen SSR in the wording of the Law of the Turkmen SSR of 20 October 1989.

Uzbek SSR

Uzbek SSR Draft Law on Changes to Republic Constitution

90US0058A Tashkent PRAVDA VOSTOKA in Russian
29 Aug 89 pp 2-3

["Draft Law of the Uzbek Soviet Socialist Republic on Changes and Additions to the Uzbek SSR Constitution (Basic Law)"]

[Text] In order to develop socialist democracy and self-government by the people, and to improve the election system and the structure and activities of the soviets of people's deputies and the justice agencies, the Supreme Soviet of the Uzbek Soviet Socialist Republic resolves:

—to make the following changes and additions in the Uzbek SSR Constitution:

1. To word articles 83, 84, 85, 86 and 87 of Section 9, "The System and Operating Principles of the Soviets of People's Deputies," as follows:

"Article 83. The term of office of the soviets of people's deputies is five years.

"Elections of people's deputies are scheduled no later than four months before the expiration of the term of the relevant bodies of state authority.

"Article 84. The most important questions of republic and local significance are decided in sessions of the Supreme Soviets of the Uzbek SSR and the Karakalpak ASSR and local soviets of people's deputies, or are put to referendums by them.

"The Supreme Soviets of the Uzbek SSR and the Karakalpak ASSR and local soviets of people's deputies, with the exception of city soviets (for cities under rayon administration) and settlement and village soviets, have their own presidiums.

"The soviets of people's deputies form standing commissions and create executive and administrative bodies, as well as other bodies accountable to them.

"Officials elected or appointed by soviets of people's deputies may not hold their offices for more than two consecutive terms.

"Any official may be relieved from the office he holds before the end of his term in the event of his unsuitable fulfillment of his official duties.

"Article 85. The soviets of people's deputies form people's control agencies, which combine state control with public control by the working people at enterprises and in institutions and organizations.

"The people's control agencies check up on the fulfillment of the requirements of legislation and of state programs and assignments; campaign against violations of state discipline, manifestations of parochialism, a narrowly departmental approach to matters, mismanagement and wastefulness, and red tape and bureaucratism; coordinate the work of other oversight agencies; and help improve the structure and work of the state apparatus.

"Article 86. Directly and through agencies created by them, the soviets of people's deputies direct all branches of state, economic, social and cultural, and national development, make decisions, ensure that they are carried out, and monitor the implementation of decisions.

"Article 87. The activities of the soviets of people's deputies are based on the collective, free and business-like discussion and resolution of questions, glasnost, the regular reporting of executive and administrative agencies and other bodies established by the soviets to them and to the population, and the broad enlistment of citizens to participate in their work.

"The soviets of people's deputies and the bodies created by them take public opinion into account, submit the most important questions of statewide and local significance for discussion by citizens, and regularly inform citizens of their work and the decisions they make."

2. To word articles 88, 89, 93, 94 and 95 of Section 10, "The Election System," as follows:

"Article 88. Elections of deputies to all the soviets of people's deputies are conducted by single-seat election districts on the basis of universal, equal and direct suffrage and secret balloting.

"Article 89. Elections of deputies are general: citizens of the Uzbek SSR who have reached 18 years of age have the right to vote. A citizen of the Uzbek SSR who has reached the age of 21 may be elected an Uzbek SSR people's deputy. A citizen of the Uzbek SSR who has reached the age of 18 may be elected a deputy to a local soviet.

"Mentally ill citizens who have been deemed incompetent by a court, persons held in places of deprivation of freedom, and persons who have been sent to places of compulsory treatment by decision of a court do not take part in elections.

"A citizen of the Uzbek SSR may not simultaneously be a people's deputy of more than two soviets of people's deputies.

"Persons who are on the Uzbek SSR Council of Ministers, the Karakalpak ASSR Council of Ministers, or local soviet executive committees, with the exception of the chairmen of those bodies; the executives and deputy executives of departments and administrations of local soviet executive committees; judges and state arbitrators may not be deputies of the soviet that has appointed or elected them.

"Article 93. The right to nominate candidates for deputy belongs to labor collectives, public organizations, and collectives of instructors and office employees, together with the students of higher and secondary specialized educational institutions, and to meetings of voters by place of residence and of military personnel by military unit.

"The number of candidates for deputy is not limited. Every participant in a preelection meeting may propose any candidacy, including his own, for discussion.

"Any number of candidates may be included on a ballot.

"In the course of preparations for elections, conferences of the representatives of a district's voters may be formed that present candidates for deputy for registration to the appropriate election commissions.

"The expenses connected with the preparation and conduct of elections to soviets of people's deputies are paid by the state.

"Article 94. Elections of deputies to soviets of people's deputies are held by territorial election districts. Preparations for elections is conducted openly and on the basis of glasnost.

"The conduct of elections to soviets of people's deputies is provided by election commissions that are formed of representatives of labor collectives, public organizations, and collectives of instructors and office employees, together with the students of higher and specialized secondary educational institutions, and of meetings of voters by place of residence and of military personnel by military unit.

"Citizens, labor collectives and public organizations are guaranteed the opportunity to freely and comprehensively discuss the political, business and personal qualities of candidates for deputy, as well as the right to campaign for or against a candidate at meetings, in the press, and on television and radio. All candidates for deputy have equal rights in the election campaign.

"The procedures for holding elections to soviets of people's deputies are determined by laws of the USSR and the Uzbek SSR, and in the Karakalpak ASSR—by laws of the Karakalpak ASSR, as well.

"Article 95. Constituents and public organizations issue directives to their deputies.

"The appropriate soviets of people's deputies consider the directives and take them into account in drawing up plans for economic and social development and making up the budget, as well as in preparing decisions on other questions, organize the fulfillment of directives, and inform citizens of action on them."

3. To word Section 12 as follows:

"Section 12. The Uzbek SSR Supreme Soviet

"Article 101. The supreme body of state authority of the Uzbek SSR is the Uzbek SSR Supreme Soviet, which exercises legislative, administrative and oversight functions in its activities.

"The Uzbek SSR Supreme Soviet is empowered to take under consideration and decide any question within the jurisdiction of the Uzbek SSR.

"Article 102. The Uzbek SSR Supreme Soviet:

- 1) adopts the Uzbek SSR Constitution and makes changes in it;
- 2) makes decisions on questions concerning the national-state structure that lie within the jurisdiction of the Uzbek SSR.
- 3) determines the basic guidelines of the domestic and foreign policy of the Uzbek SSR in accordance with the basic guidelines of the USSR's policy;
- 4) establishes procedures for resolving questions concerning the administrative and territorial structure of the Uzbek SSR, and forms and abolishes oblasts;
- 5) sets elections for the Uzbek SSR Supreme Soviet and confirms the membership of the Central Election Commission for elections to the Uzbek SSR Supreme Soviet;

6) sets elections for local soviets of people's deputies and elections of people's assessors of rayon (city) people's courts;

7) elects the chairman of the Uzbek SSR Supreme Soviet and the first deputy chairman of the Uzbek SSR Supreme Soviet;

8) appoints the chairman of the Uzbek SSR Council of Ministers, confirms, on the basis of his presentation, the membership of the Uzbek SSR Council of Ministers and makes changes in it; on the basis of the presentation of the Uzbek SSR Council of Ministers, forms and abolishes ministries and state committees of the Uzbek SSR;

9) elects the Uzbek SSR People's Control Committee, the Uzbek SSR Supreme Court, and the judges of the oblast courts and Tashkent City Court, appoints the Uzbek SSR chief state arbitrator, and confirms the collegium of the Uzbek SSR State Arbitration Service;

10) elects the Uzbek SSR Constitutional Oversight Committee;

11) regularly hears reports from the bodies it forms or elects, as well as from officials it appoints or elects;

12) ensures uniformity of legislative regulation throughout the entire territory of the Uzbek SSR with regard to questions pertaining to the jurisdiction of the Uzbek SSR;

13) carries out within the limits of the jurisdiction of the Uzbek SSR the legislative regulation of property relations, of the organization of the management of the national economy and social and cultural development, of the budgetary and financial system, of remuneration for labor, of price setting, of taxation, of environmental protection and the use of natural resources, of the procedures for the exercise of citizens' constitutional rights, liberties and duties, and of other societal relations;

14) directs the activities of the local soviets of people's deputies, and fosters the development and strengthening of local self-government;

15) provides interpretations of laws of the Uzbek SSR;

16) establishes procedures for the organization and activities of republic and local bodies of state authority and administration, with the exception of those within the territory of the Karakalpak ASSR, and determines outlays for their maintenance;

17) confirms state plans, the most important republic programs for the economic and social development of the Uzbek SSR, and the Uzbek SSR state budget; monitors fulfillment of the plan and budget, and approves reports on their fulfillment; when necessary, makes changes in the plan and budget;

18) ratifies and renounces international treaties of the Uzbek SSR;

19) institutes state awards of the Uzbek SSR;

20) issues republic acts on amnesty;

21) revokes ukases and decrees of the Presidium of the Uzbek SSR Supreme Soviet, orders of the chairman of the Uzbek SSR Supreme Soviet, and decrees and orders of the Uzbek SSR Council of Ministers;

22) revokes decrees and orders of the Karakalpak ASSR Council of Ministers and decisions of the Tashkent City Soviet of People's Deputies in the event that they fail to conform to the law;

23) decides other questions within the jurisdiction of the Uzbek SSR.

"Article 103. The Uzbek SSR Supreme Soviet adopts laws and decrees. Laws of the Uzbek SSR are adopted by the Uzbek SSR Supreme Soviet or by a vote of the people (referendum) held by decision of the Uzbek SSR Supreme Soviet.

"Article 104. The Uzbek SSR Supreme Soviet is elected by election districts with equal numbers of voters and consists of 500 deputies.

"Upon the representation of a credentials commission elected by it, the Uzbek SSR Supreme Soviet makes a decision to recognize the credentials of deputies to the Uzbek SSR Supreme Soviet or, in the case of the violation of election legislation, to deem the elections of individual deputies invalid.

"Article 105. The Uzbek SSR Supreme Soviet is convened by the Presidium of the Uzbek SSR Supreme Soviet for regular sessions no less than three times a year.

"Special sessions are convened by the Presidium of the Uzbek SSR Supreme Soviet at its initiative or in accordance with a proposal by the chairman of the Uzbek SSR Supreme Soviet, by the Karakalpak ASSR in the person of its supreme body of state authority, or by no less than one-third of the membership of the Uzbek SSR Supreme Soviet.

"A session of the Uzbek SSR Supreme Soviet consists of meetings of the Supreme Soviet, as well as meetings of standing and other commissions of the Uzbek SSR conducted between those meetings.

"Article 106. The Uzbek SSR Supreme Soviet is convened for the first session no later than two months after elections.

"At the expiration of its term, the Uzbek SSR Supreme Soviet maintains its powers up until a new Uzbek SSR Supreme Soviet begins its work.

"Article 107. The right of legislative initiative in the Uzbek SSR Supreme Soviet belongs to deputies of the Uzbek SSR Supreme Soviet, the Presidium of the Uzbek SSR Supreme Soviet, the chairman of the Uzbek SSR Supreme Soviet, the Uzbek SSR Constitutional Oversight Committee, the Uzbek SSR Council of Ministers,

the Karakalpak ASSR in the person of its supreme body of state authority, standing and other commissions of the Uzbek SSR Supreme Soviet, the Uzbek SSR People's Control Committee, the Uzbek SSR Supreme Court, the Uzbek SSR procurator, and the Uzbek SSR chief state arbitrator.

"The right of legislative initiative also belongs to public organizations in the person of their republic bodies and to the Uzbek SSR Academy of Sciences.

"Article 108. Draft laws and other questions submitted for the consideration of the Uzbek SSR Supreme Soviet are discussed in its meetings.

"When necessary, a draft law or appropriate question may be turned over for preliminary or additional consideration to one or several commissions.

"Laws of the Uzbek SSR and decrees and other acts of the Uzbek SSR Supreme Soviet are considered adopted if a majority of the total number of deputies to the Uzbek SSR Supreme Soviet have voted for them.

"By a decision of the Uzbek SSR Supreme Soviet taken at its initiative or on the basis of a proposal by the Karakalpak ASSR in the person of its supreme body of state authority, draft laws and other important questions of state life may be submitted for public discussion.

"Article 109. The Presidium of the Uzbek SSR Supreme Soviet is a body accountable to the Uzbek SSR Supreme Soviet that provides for organization of the work of the Uzbek SSR Supreme Soviet and exercises other powers within limits stipulated by the Uzbek SSR Constitution and the laws of the Uzbek SSR.

"The Presidium of the Uzbek SSR Supreme Soviet includes, ex officio: the chairman of the Uzbek SSR Supreme Soviet, the first deputy chairman of the Uzbek SSR Supreme Soviet, the deputy chairman of the Uzbek SSR Supreme Soviet/ chairman of the Karakalpak ASSR Supreme Soviet, the chairman of the Uzbek SSR People's Control Committee, and the chairmen of the standing commissions of the Uzbek SSR Supreme Soviet.

"The Presidium of the Uzbek SSR Supreme Soviet is headed by the chairman of the Uzbek SSR Supreme Soviet.

"Article 110. The Presidium of the Uzbek SSR Supreme Soviet:

- 1) convenes sessions of the Uzbek SSR Supreme Soviet;
- 2) organizes the preparation for sessions of the Uzbek SSR Supreme Soviet;
- 3) coordinates the activities of the standing and other commissions of the Uzbek SSR Supreme Soviet;
- 4) provides assistance to deputies to the Uzbek SSR Supreme Soviet in the exercise of their powers and provides them with the necessary information;

5) exercises oversight over the observance of the Uzbek SSR Constitution and ensures that the Constitution and laws of the Karakalpak ASSR conform to the Constitution and laws of the USSR and the Uzbek SSR;

6) organizes the preparation for and conduct of public votes (referendums), as well as public discussions of draft laws of the Uzbek SSR and other important questions of state life;

7) confers honorary titles of the Uzbek SSR and awards the Certificate of Honor of the Presidium of the Uzbek SSR Supreme Soviet;

8) admits persons to citizenship of the Uzbek SSR and decides questions of granting asylum;

9) grants pardons to citizens convicted by courts of the Uzbek SSR;

10) appoints and recalls diplomatic representatives of the Uzbek SSR in foreign states and international organizations;

11) accepts the credentials and letters of recall of diplomatic representatives of foreign states accredited to it;

12) in the interests of the defense of the USSR and the security of its citizens, takes part in the consideration by the Presidium of the USSR Supreme Soviet of questions concerning the declaration on the territory of the Uzbek SSR of martial law or a state of emergency;

13) establishes and alters the borders and rayon division of oblasts; forms rayons, cities, city rayons, urban settlements and villages in oblasts; establishes the administrative subordination of cities; renames rayons, cities, city rayon, urban settlements, villages and other communities;

14) publishes laws of the Uzbek SSR and other acts adopted by the Uzbek SSR Supreme Soviet, the Presidium of the Uzbek SSR Supreme Soviet, and the chairman of the Uzbek SSR Supreme Soviet in the Uzbek and Russian languages and, for the Karakalpak ASSR, in the Karakalpak language.

"The Presidium of the Uzbek SSR Supreme Soviet issues ukases and adopts decrees.

"Article 111. The chairman of the Uzbek SSR Supreme Soviet is the highest official of the Uzbek SSR and represents the Uzbek SSR within the USSR and in international relations.

"The chairman of the Uzbek SSR Supreme Soviet is elected by the Uzbek SSR Supreme Soviet from among deputies to the Uzbek SSR Supreme Soviet by secret ballot for a five-year term and not more than two consecutive terms. He may be recalled by the Uzbek SSR Supreme Soviet at any time by secret ballot.

"The chairman of the Uzbek SSR Supreme Soviet is accountable to the Uzbek SSR Supreme Soviet.

"Article 112. The chairman of the Uzbek SSR Supreme Soviet:

1) exercises general guidance of the preparation of questions subject to consideration by the Uzbek SSR Supreme Soviet, chairs meetings of the Uzbek SSR Supreme Soviet and maintains its internal order, signs laws of the Uzbek SSR and other acts adopted by the Uzbek SSR Supreme Soviet and the Presidium of the Uzbek SSR Supreme Soviet;

2) presents to the Uzbek SSR Supreme Soviet reports on the state of affairs in the republic and on other important questions;

3) presents to the Uzbek SSR Supreme Soviet candidates for election to the office of first deputy chairman of the Uzbek SSR Supreme Soviet, as well as proposals concerning the personnel of the Uzbek SSR Constitutional Oversight Committee;

4) presents to the Uzbek SSR Supreme Soviet candidates for appointment or election to the offices of chairman of the Uzbek SSR Council of Ministers, chairman of the Uzbek SSR People's Control Committee, chairman of the Uzbek SSR Supreme Court, and the Uzbek SSR chief state arbitrator;

5) conducts negotiations and signs international treaties of the Uzbek SSR.

"The chairman of the Uzbek SSR Supreme Soviet promulgates orders.

"The first deputy chairman of the Uzbek SSR Supreme Soviet and deputy chairman of the Uzbek SSR Supreme Soviet perform, upon authorization by the chairman of the Uzbek SSR Supreme Soviet, certain of his functions and replace the chairman in the event of his absence or the impossibility of his performing his duties.

"Article 113. The Uzbek SSR Supreme Soviet elects from among its deputies standing commissions for the performance of draft legislative work and the preliminary consideration and preparation of questions within the jurisdiction of the Uzbek SSR Supreme Soviet, as well as for assisting in the implementation of laws of the Uzbek SSR and other decisions of the Uzbek SSR Supreme Soviet and monitoring the activities of state agencies and organizations.

"Article 114. Laws and other decisions of the Uzbek SSR Supreme Soviet are adopted, as a rule, following the preliminary discussion of drafts by appropriate standing commissions of the Uzbek SSR Supreme Soviet.

"The appointment and election of officials to the Uzbek SSR Council of Ministers, the Uzbek SSR People's Control Committee, the Uzbek SSR Supreme Court and the collegium of the Uzbek SSR State Arbitration Service, and the approval of plans prepared by the government, of the most important republic programs for the republic's economic and social development, and of the

Uzbek SSR state budget, as well as of proposals concerning changes in approved plans, budgets and comprehensive programs, are done with findings made available by appropriate standing commissions of the Uzbek SSR Supreme Soviet.

"All state and public agencies, organizations and officials are required to fulfill requests by commissions of the Uzbek SSR Supreme Soviet and provide them with the necessary materials and documents.

"The recommendations of commissions are subject to mandatory consideration by state and public agencies, institutions and organizations. The results of such consideration and the measures adopted should be reported to the commissions within time periods set by them.

"Article 115. In sessions of the Uzbek SSR Supreme Soviet, a deputy to the Uzbek SSR Supreme Soviet has the right to address an inquiry concerning matters lying within the jurisdiction of the Uzbek SSR to the chairman of the Uzbek SSR Supreme Soviet, the Uzbek SSR Council of Ministers, the executives of other agencies formed or elected by the Uzbek SSR Supreme Soviet, and the executives of production associations, enterprises and organizations under all-union administration that are located on the territory of the Uzbek SSR. The agency or official to which an inquiry is addressed is required to provide an oral or written response in the given session of the Uzbek SSR Supreme Soviet within no more than three days.

"Deputies to the Uzbek SSR Supreme Soviet are relieved of performing office or production duties for the specific period necessary for the performance of their duties as deputies in the Uzbek SSR Supreme Soviet and its commissions, and among the public. If necessary, a deputy may be relieved of the performance of his office or production duties for his entire term of office in the Uzbek SSR Supreme Soviet.

"A deputy to the Uzbek SSR Supreme Soviet may not have criminal charges brought against him, be arrested, or be subjected to judicially imposed administrative penalties without the consent of the Uzbek SSR Supreme Soviet or, in the period between its sessions, the consent of the Presidium of the Uzbek SSR Supreme Soviet.

"Article 116. The Uzbek SSR Constitutional Oversight Committee is elected by the Uzbek SSR Supreme Soviet for a 10-year term from among specialists in the area of policy and law and consists of a chairman, a deputy chairman and nine committee members, including a representative of the Karakalpak ASSR.

"Persons elected to the Uzbek SSR Constitutional Oversight Committee may not simultaneously serve on agencies whose acts are subject to oversight by the committee.

"Persons elected to the Uzbek SSR Constitutional Oversight Committee are independent in the performance of their duties and subordinate only to the Uzbek SSR Constitution.

"The Uzbek SSR Constitutional Oversight Committee:

1) at its own initiative or on instructions from the Uzbek SSR Supreme Soviet, presents the Uzbek SSR Supreme Soviet with findings concerning the conformity to the USSR Constitution and the Uzbek SSR Constitution of draft laws of the Uzbek SSR that are subject to consideration by the Uzbek SSR Supreme Soviet;

2) at its own initiative, on instructions from the Uzbek SSR Supreme Soviet, or at the suggestion of the supreme body of state authority of the Karakalpak ASSR, presents the Uzbek SSR Supreme Soviet with findings concerning the conformity of acts of the Uzbek SSR Supreme Soviet, as well as draft acts of those bodies, to the USSR Constitution, the Uzbek SSR Constitution, and USSR and Uzbek SSR laws;

3) monitors to ensure the conformity to the Uzbek SSR Constitution and Uzbek SSR laws of the Constitution of the Karakalpak ASSR, decrees and orders of the Uzbek SSR Council of Ministers and the Karakalpak ASSR Council of Ministers, and the decisions of local soviets of people's deputies;

4) at its own initiative, on instructions from the Uzbek SSR Supreme Soviet, or at the suggestion of the Presidium of the Uzbek SSR Supreme Soviet, the chairman of the Uzbek SSR Supreme Soviet, standing commissions of the Uzbek SSR Supreme Soviet, the Uzbek SSR Council of Ministers, or the supreme body of state authority of the Karakalpak ASSR, provides findings concerning the conformity to the USSR Constitution, the Uzbek SSR Constitution, and Uzbek USSR and Uzbek SSR laws of the acts of other state agencies and public organizations.

"When it identifies the conflict of an act or individual provision of it with the USSR Constitution and Uzbek SSR Constitution or USSR and Uzbek SSR laws, the Uzbek SSR Constitutional Oversight Committee sends the agency that has promulgated the act its finding in order that the violation that has been committed be eliminated. The committee's adoption of such a finding suspends the execution of the act or individual provisions of it that are in conflict with the USSR Constitution and Uzbek SSR Constitution or USSR and Uzbek SSR law.

"The Uzbek SSR Constitutional Oversight Committee has the right to submit a representation to the Uzbek SSR Supreme Soviet or Uzbek SSR Council of Ministers concerning the repeal of the acts of agencies or officials subordinate to them that are in conflict with the USSR Constitution and Uzbek SSR Constitution or USSR and Uzbek SSR law.

"The organization and operating procedures of the Uzbek SSR Constitutional Oversight Committee are determined by law.

"Article 117. The Uzbek SSR Supreme Soviet exercises oversight over the activities of all state agencies subordinate to it.

"The Uzbek SSR Supreme Soviet directs the activities of the Uzbek SSR People's Control Committee, which is in charge of the republic's system of people's control agencies.

"The organization and operating procedures of the people's control agencies are determined by the Uzbek SSR Law on People's Control.

"Article 118. The operating procedures of the Uzbek SSR Supreme Soviet and its agencies are determined by the regulations of the Uzbek SSR Supreme Soviet and other Uzbek SSR laws promulgated on the basis of the USSR Constitution and the Uzbek SSR Constitution."

4. To word articles 163, 164 and 166 of Section 20, "The Court and Arbitration," as follows:

"Article 163. All courts in the Uzbek SSR are formed on the basis of elective judges and people's assessors.

"Peoples judges of rayon (city) people's courts are elected by the appropriate higher soviets of people's deputies.

"Judges of the Uzbek SSR Supreme Court and judges of the oblast courts and Tashkent City Court are elected by the Uzbek SSR Supreme Soviet.

"Judges of the Karakalpak ASSR Supreme Court and the people's judges of rayon (city) people's courts on the territory of the Karakalpak ASSR are elected by the Karakalpak ASSR Supreme Soviet.

"People's assessors of rayon (city) people's courts are elected at meetings of citizens by place of residence or work in open voting, and people's assessors of higher courts are elected by the appropriate soviets of people's deputies.

"Judges of all courts are elected for a 10-year term. People's assessors of all courts are elected for a five-year term.

"Judges and people's assessors are accountable to the voters or agencies that have elected them, report to them, and may be recalled by them according to procedures established by law.

"Article 164. The Uzbek SSR Supreme Court is the Uzbek SSR's supreme judicial body and exercises oversight over the judicial activities of Uzbek SSR courts within limits established by law.

"The Uzbek SSR Supreme Court consists of a chairman, his deputies, members and people's assessors.

"Article 166. Judges and people's assessors are independent and subordinate only to the law.

"Judges and people's assessors are provided with the conditions for the unimpeded and effective exercise of their rights and performance of their duties. Any interference whatsoever in the activities of judges and people's assessors in the administration of justice is impermissible and entails liability under the law.

"The inviolability of judges and people's assessors, and other guarantees of their independence are established by the USSR Law on the Status of Judges and other legislative acts of the USSR and Uzbek SSR."

5. To word Article 97 as follows:

"Article 97. For the duration of sessions of the Supreme Soviets or local soviets of people's deputies, and for the exercise of deputies' powers in other cases provided by law, a deputy is relieved of the fulfillment of production or office duties, with his expenses connected with his activities as a deputy to be compensated out of the moneys of the appropriate republic or local budget."

6. To word Article 121 as follows:

"Article 121. The Uzbek SSR Council of Ministers is accountable to the Uzbek SSR Supreme Soviet and reports to it.

"A newly elected Uzbek SSR Council of Ministers presents for the consideration of the Uzbek SSR Supreme Soviet a program of its anticipated activities for the term of its office.

"At least once a year the Uzbek SSR Council of Ministers reports on its work to the Uzbek SSR Supreme Soviet."

7. To word Article 122, Part 1, as follows:

"The Uzbek SSR Council of Ministers is empowered to decide all questions of state administration belonging within the jurisdiction of the Uzbek SSR, as long as they do not belong, according to the Uzbek SSR Constitution, to the jurisdiction of the Uzbek SSR Supreme Soviet, its Presidium, and the chairman of the Uzbek SSR Supreme Soviet."

8. To word Article 124 as follows:

"Article 124. The Uzbek SSR Council of Ministers, on the basis of and by way of executing USSR laws and other decisions of the Congress of USSR People's Deputies, Uzbek SSR laws and other decisions of the Uzbek SSR Supreme Soviet, and decrees and orders of the USSR Council of Ministers, promulgates decrees and orders and monitors their implementation. Decrees and orders of the Uzbek SSR Council of Ministers are binding throughout the entire territory of the Uzbek SSR."

9. In Article 126, Part 4, to replace the words, "On the basis of and by way of executing laws of the USSR and

the Uzbek SSR and other decisions of the USSR Supreme Soviet and its Presidium and the Uzbek SSR Supreme Soviet and its Presidium," with the words, "On the basis of and by way of executing laws of the USSR and the Uzbek SSR and other decisions of the Congress of USSR People's Deputies, the USSR Supreme Soviet and the Uzbek SSR Supreme Soviet."

10. To word Section 14 as follows:

"The Supreme Soviet of the Karakalpak ASSR

"Article 128. The supreme body of state authority of the Karakalpak ASSR is the Karakalpak ASSR Supreme Soviet, which performs in its activities legislative, administrative and oversight functions.

"Article 129. The powers of the Karakalpak ASSR Supreme Soviet, its Presidium and the chairman of the Karakalpak ASSR Supreme Soviet are determined by the Karakalpak ASSR Constitution."

11. To word Article 130, Part 2, as follows: "The Karakalpak ASSR Council of Ministers is accountable to the Karakalpak ASSR Supreme Soviet and reports to it."

12. To remove from Article 138 the words: "by their executive committees."

13. To add to Section 16 Article 143, to be worded as follows:

"Article 143. The work of oblast, rayon, city and city rayon soviets of people's deputies is organized by their presidiums, which are headed by the soviet chairmen, and in city soviets (for cities under rayon administration) and settlement and village soviets, this work is organized by those soviets' chairmen.

"The powers and operating procedures of the presidiums and chairmen of city soviets (for cities under rayon administration) and of settlement and village soviets of people's deputies are established by USSR and Uzbek SSR laws and, in the Karakalpak ASSR, also by laws of the Karakalpak ASSR."

14. To word Articles 143 and 144 as follows:

"Article 144. The executive and administrative agencies of local soviets of people's deputies are executive committees elected by them.

"The executive committees report at least once a year to the soviets that have elected them and also at meetings of labor collectives and of citizens by place of residence.

"The executive committees of local soviets are directly accountable to the soviet that has elected them and to the higher executive and administrative agency."

15. To word Article 145, parts 2 and 3, as follows:

"The powers and operating procedures of local soviet executive committees are established by legislation of

the USSR and Uzbek SSR, and in the Karakalpak ASSR, also by legislation of the Karakalpak ASSR."

16. To word Article 180 as follows:

"Article 180. The state anthem of the Uzbek Soviet Socialist Republic is approved by the Uzbek SSR Supreme Soviet."

17. To word Article 73 as follows:

"Article 73. The Karakalpak Autonomous Soviet Socialist Republic is in the Uzbek Soviet Socialist Republic. The Uzbek SSR has the following oblasts: Andizhan, Bukhara, Kashka-Darya, Namangan, Samarkand, Surkhan-Darya, Syr-Darya, Tashkent, Fergana and Khorezm oblasts, and the city of Tashkent, which is under republic administration."

Comparison of Uzbek SSR Law on Changes to Republic Constitution

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[Editorial Report] Tashkent PRAVDA VOSTOKA in Russian on 22 Oct 89 carries on pp 1-2 the Uzbek SSR Law on Changes in and Additions to the Uzbek SSR Constitution (Basic Law). Comparison of the text of the law to the text of the draft Uzbek SSR Law on Changes in and Additions to the Uzbek SSR Constitution (Basic Law) as published in PRAVDA VOSTOKA 29 August 1989 pp 2-3 reveals the following changes in the draft to have been incorporated in the law as adopted:

Under Part 1:

In the text of Article 84 as amended, last paragraph, the words "in the event of his unsuitable fulfillment of his official duties" are changed to: "when grounds exist as stipulated in labor legislation."

In the text of Article 86 as amended, first paragraph, between the words "social and cultural" and the word "development," the words "and national" are deleted; after the word "development" and before the words "make decisions," the following phrase is inserted: "foster the development and harmonization of internationality relations."

Under Part 2:

In the text of Article 88 as amended, fourth paragraph, the words "executives and deputy executives of departments and administrations" are changed to "executives of departments and administrations."

In the text of Article 93 as amended: in the first paragraph, the words "students of higher and secondary specialized educational institutions" are changed to: "students of higher educational institutions"; in the fourth paragraph, the words "may be formed" are changed to "may be conducted."

In the text of Article 94 as amended: in the first paragraph, the phrase "by territorial election okrugs" is

changed to "by election okrugs"; in the second paragraph, the words "students of higher and secondary specialized educational institutions" are changed to "students of higher educational institutions"; at the end of the second paragraph, following the words "by military unit," the words "and public grassroots agencies" are inserted; at the end of the third paragraph, the sentence "All candidates for deputy have equal rights in the election campaign" is deleted.

In the text of Article 95 as amended: in the first paragraph, the words "Constituents and public organizations issue directives" are changed to "Constituents issue directives."

Under Part 3:

In Article 101 as amended: the words "permanently operating" are inserted before the words "Uzbek SSR Supreme Soviet."

In Article 102 as amended: in part (4), the words "forms and abolishes oblasts" are deleted.

In Article 105 as amended: in the first paragraph, the words "no fewer than three times" are changed to "no less frequently than three times"; after the second paragraph, a new third paragraph is added as follows:

"Until the election of a chairman of the Uzbek SSR Supreme Soviet, the first meeting of the Uzbek SSR Supreme Soviet is conducted by the chairman of the Central Election Commission for elections of Uzbek SSR people's deputies. The further procedures for conducting meetings are determined by the Uzbek SSR Supreme Soviet."

Also in Article 105 as amended: a fifth and final paragraph is added as follows:

"The session is opened and closed at a meeting of the Uzbek SSR Supreme Soviet."

In Article 106 as amended: following the words "convened for its first meeting," the words "by the Presidium of the previous Uzbek SSR Supreme Soviet" are inserted.

In Article 107 as amended: the words "deputies to the Uzbek SSR Supreme Soviet" are changed to "Uzbek SSR people's deputies."

In Article 110 as amended: in part (3), in the phrase "standing and other committees," the words "and other" are deleted.

In Article 114 as amended: in the first paragraph, the words "Laws and other decisions" are changed to "Uzbek SSR laws and other decisions."

In Article 115 as amended: at the beginning of the first, second and third paragraph, the words "Deputy(ies) to the Uzbek SSR Supreme Soviet" are changed to "Uzbek SSR people's deputy(ies)."

In Article 116 as amended: wherever it occurs, namely in parts (1), (2) and (4) of the fourth paragraph, twice in the fifth paragraph, and once in the sixth paragraph, the phrase "USSR Constitution and Uzbek SSR Constitution" is changed to "Uzbek SSR Constitution"; similarly, in parts (2) and (4) of the fourth paragraph, twice in the fifth paragraph, and once in the sixth paragraph, the phrase "USSR and Uzbek SSR law(s)" is changed to "Uzbek SSR law(s)."

In Article 118 as amended: the phrase "USSR Constitution and Uzbek SSR Constitution" is changed to "Uzbek SSR Constitution."

In Part 5:

In Article 95 as amended: Insert a new first paragraph as follows: "A people's deputy exercises his powers, as a rule, without discontinuing his production or office activities."