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Soviet Deputy
(Legal Status)



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INTRODUCTION

The communist construction in the USSR includes the all-round development of socialist democracy, the strengthening of the Soviet state and the perfection of the political organisation of the Soviet society as a whole.

The Soviets of Working People's Deputies are a political basis of the Soviet socialist state. They fully embody its democratic nature and, as Lenin said, are the working people's organisation which ensures their broadest possible participation in state administration.

Today the Soviets number more than 2,000,000 deputies who represent the Soviet workers, collective farmers, working intellectuals, all social groups and strata, all Soviet nations and nationalities. Workers and collective farmers account for more than a half of deputies. Many scientists, engineers, doctors, teachers, writers, artists and servicemen have been elected to the Soviets. Nearly a million women are among the deputies, and young people constitute more than a quarter of those elected to the Soviets. The Soviets' composition thus reflects the social structure of the Soviet society, its unbreakable unity, monolithic cohesion and the friendship among the fraternal peoples of the USSR.

The Communist Party is consistently raising the role of the Soviets, which finds its expression in the decisions of the 24th CPSU Congress. The Congress noted that thanks to the Party measures the Soviets had improved and diversified

their work, and increased their control over the main fields of the economic and cultural construction. At the same time the Congress pointed out that the deputies' role must be further raised and that the Soviets must extend the scope of their activities. It determined the main lines along which the Soviets must further improve their work.

Leonid Brezhnev, General Secretary of the CPSU Central Committee, said in the Report of the CPSU Central Committee to the 24th Congress of the Communist Party of the Soviet Union: "There is now a pressing need for a special law defining the status, powers and rights of deputies—from the Supreme to the settlement Soviets—and also the duties of officials with regard to deputies. It seems to me that the passage of such a law would enhance the authority and activity of deputies."¹

This proposal was approved by the Congress and was written down in its resolution. It was supported by the Party and the people.

The Commissions of Legislative Proposals and Credentials Commissions of the Soviet of the Union and the Soviet of Nationalities of the Supreme Soviet of the USSR put forward before the Soviet Parliament the draft Law on the Status of Deputies of the Soviet of Working People's Deputies in the USSR.

The drafting of the law on the deputies' status required much preparatory work because it was to be the first Soviet legislative enactment summing up the main propositions on the activities and powers of the deputies of all levels. Many deputies, Party and Soviet officials and experts took part in this work.

The press discussed the questions bearing on the deputies' status. Presidiums of the Supreme Soviets of the Union Republics, central and republican ministries, departments and research institutions amended the draft, thus making it reflect practical requirements more fully.

On September 20, 1972, the Supreme Soviet of the USSR unanimously adopted the Law on the Status of Deputies of the Soviets of Working People's Deputies in the USSR.

¹ 24th Congress of the CPSU, Moscow, 1971, p. 94.

The Law is based on the main principles of the Soviet representative system which embody Lenin's ideas on the state and social system under socialism and are established in the Soviet Constitution. The Law takes account of the current Union and Republican legislation but it also includes several provisions which extend the deputies' powers in keeping with the tasks facing the Soviets today.

The Law on the Status of Deputies is an all-Union legislative enactment regulating the most important, general questions arising in the work of the deputies of all Soviets, beginning from the rural and township Soviets and up to the Supreme Soviet of the USSR. This approach stems from the essence of the Soviet state system, from the common nature of the principles governing the establishment and activity of the Soviets of all levels. The relations between the deputies of all Soviets and the administrative staffs of enterprises and organisations are also governed by common principles.

The enforcement of the new law requires that certain provisions in the current all-Union legislation and in the legislations of the Union and Autonomous Republics be brought into conformity with it. But if necessary, the republican laws will, as before, regulate the questions bearing on the deputies' activity with due account of the legal status of deputies in the respective Soviets.

The adoption of the new law implies a further research into problems relating to the Soviet deputies' legal status and to the improvement of the organisational and legal forms of their activities.

Several works have been published dealing with this problem, or more precisely with its various aspects. They are of great scientific interest and have covered nearly all aspects of the legal status of the various types of Soviet deputies.

The uniformity of the system of Soviets makes for a uniformity in the socio-political position of all deputies. It is thus possible to introduce the generalised concept and to determine the legal status of a "deputy".

The deputy's legal status is the position of the deputy, as regulated by legal standards. This status has a bearing on a wide range of social relations. Therefore it can be regarded

as an integral system, an aggregate of interconnected components, or subsystems.

A number of recent works in the Soviet Union have attempted to classify the rights and duties of deputies in the various spheres of their activity: the legal position of deputies at sessions of the Soviets, their position on standing committees, in the electoral districts, etc. This approach has its advantages as far as it gives a picture of their practical activity, but as a method of theoretical research it confuses matters by its repetition. For example, the fact that a deputy may submit proposals for the agenda will have to be repeated every time reference is made to any form of the collective activity of deputies (either at sessions of the Soviets, or at standing committees, or at sittings of Executive Committees, or in deputies' groups).

Nor does this kind of survey cover such points of legal status as, for instance, the conditions under which the deputy receives, carries out and relinquishes his mandate.

In view of these shortcomings it seems necessary if a scientific analysis is to be undertaken to define the nature of the deputy's legal status by starting with such its constituent as legal institutions which are founded on intrinsic functional relations.

Taking function as the criterion, it is possible to divide the deputy's legal status into the following elements:

- a) the political and legal content of the deputy's mandate;
- b) the emergence, termination and term of the deputy's mandate;
- c) the powers of the deputy;
- d) guarantees of the deputy's activity;
- e) the deputy's accountability, responsibility and incentives.

CHAPTER I
DEPUTY'S MANDATE:
ITS POLITICAL AND LEGAL CONTENT

1. EXERCISE OF POWER BY THE PEOPLE THROUGH
REPRESENTATION AND THE DEPUTY'S MANDATE

Every society is a complex social organism that presupposes the existence of social power. Frederick Engels wrote: "... authority. . . , subordination, are things which, independently of all social organisation, are imposed upon us together with the material conditions under which we produce and make products circulate".¹

Consequently, power can be regarded as an indispensable function of any collective, necessary for the organisation of joint activity. "... Force," wrote Engels, "is no mere act of the will, but requires the existence of very real preliminary conditions before it can come into operation, namely, instruments."²

Power can express common interests and a common will, or rest on voluntary and conscious subordination. But it can also be an expression of the will of only a small group of people that is imposed forcibly on the majority of society's members.

Criticising the standpoint of the bourgeois professor Struve, who believed that coercive power was a specific attribute of the state, Lenin stressed that "there is a coercive power in every human community; and there was one in the tribal system and in the family, but there was no state".³

¹ Karl Marx and Frederick Engels, *Selected Works* in three volumes, Vol. 2, p. 378.

² Frederick Engels, *Anti-Dühring*, Moscow, 1969, p. 199.

³ V. I. Lenin, *Collected Works*, Vol. 1, p. 419.

The division of society into hostile classes brought about a public (social) power of a special kind—the state power. A form of social power, it arose when a comparatively small, but economically dominant class gradually turned social power into an instrument of its will, a means of its political domination. Such a power is separate from the people and opposes them. A caste of professional politicians, bureaucrats, and armed forces to do battle with “internal and external enemies” were established to maintain the power of the exploiters. Prisons and other coercive institutions emerged as “tangible appendages” of their power.

In the states based on exploitation power chiefly manifests itself as systematic coercion. This power is designed above all to keep the exploited in obedience although coercive measures are also taken against those members of the ruling class who do not submit.

Socialist revolution changes radically the essence of social power. Power passes into the hands of the working people, led by the working class; power thus passes into the hands of the majority and enables the dictatorship of the proletariat to solve the problems with which it is faced, including class suppression. It is now, however, an insignificant minority—the overthrown exploiters—who are suppressed.

Thus, in a socialist society the political nature of power remains, but power is exercised not by a small élite but by the working people.

Proclaiming the principle of people’s power, Karl Marx wrote: “. . . each people must be independent and the master in its own home.”¹

In his work *Two Tactics of Social Democracy in the Democratic Revolution* Lenin wrote: “In using the word ‘people’ Marx did not thereby gloss over class distinctions, but united definite elements capable of bringing the revolution to completion.”² Lenin went on to explain this point in greater detail: “There is no doubt that the proletariat and the peasantry are the chief components of the ‘people’ as contrasted

¹ Karl Marx and Frederick Engels, *Selected Works* in three volumes, Vol. 3, p. 377.

² V. I. Lenin, *Collected Works*, Vol. 9, p. 133.

by Marx in 1848 to the resisting reactionaries and the treacherous bourgeoisie."¹

The people in this sense is composed of those social strata whose interests at the given historical stage coincide, either temporarily or for a comparatively long space of time, with the objective course of social development and with the requirements of social progress. In a society based on antagonisms, the social structure is obviously complex. Besides the working people who in a society based on exploitation form the majority there may temporarily exist social groups who are not producers of material wealth, but who in the given historical conditions take part in progressive developments.

The socialist transformation of social relations is a dual process: it involves both the smashing of the system of exploitation and the capitalist social order, and the establishment of a single, consciously organised, nation-wide collective of the working people that embraces town and country. The alliance between the working class and all the working people, founded on their common basic interests, plays a decisive role. This alliance guarantees the unity of all people under the leadership of the working class and on the common basis of socialist and communist construction.

In a socialist society where social distinctions are fading away the working class is still the leading social force. During the years of Soviet power the working class has changed radically, and now includes more than half of the Soviet working people responsible for over half of all production. It understands the importance of technical progress and occupies the commanding heights of social production.

The working peasants have grown from a class of small property-owners into a class of collective farmers. They have become a new social force in socialist society. Under the influence of the collective-farm co-operative system, the Soviet way of life, the political education by the working class and the Communist Party the peasant masses have adapted themselves to collective labour and adopted a col-

¹ *Ibid.*, p. 136.

lectivist way of thinking. They are keen to use modern industrial methods of farming.

The socialist intelligentsia, which has evolved under the Soviet system, is a fundamental part of Soviet society and its size and social role are steadily increasing under the pressure of accelerated scientific and technological progress. This proves how correct Lenin was to maintain that "only collaboration between scientists and workers can put an end to oppressive poverty, disease and dirt. . . . No forces of darkness can withstand an alliance of the scientists, the proletariat and technologists."¹

In the USSR the social, ideological and political unity of all sections of the working people, and of all citizens, irrespective of their origin, occupation, nationality, sex or education, is ensured. The Theses of the CC CPSU *On the Centenary of the Birth of U. I. Lenin* state that "the Soviet people are in principle a new, international community, the socialist union of all the working people of the USSR—workers of industry, agriculture and culture, manual and mental labour—forming the social base of a multinational state of the whole people".²

Leonid Brezhnev stressed in the Report of the CC CPSU to the 24th Party Congress that "*a new historical community of people, the Soviet people*, took shape in our country during the years of socialist construction".³

In the USSR the complete and final victory of socialism has been achieved and the term "the people" thus is expressive of the fact that there are no longer any antagonistic contradictions within Soviet society and of the moral and political unity of the Soviet people in their efforts to build communism.

Today two friendly classes—the working class and the collective-farm peasantry—together with the intelligentsia make up the Soviet people. With the abolition of the exploiting classes the political term "the people" has become synonymous in the Soviet Union with the general sociolog-

¹ V. I. Lenin, *Collected Works*, Vol. 30, p. 402.

² *On the Centenary of the Birth of U. I. Lenin*, Moscow, 1970, p. 33.

³ *24th Congress of the CPSU*, p. 92.

ical term "the population". But it should be borne in mind that no society is just a sum of its members. Society is not simply a number of individuals but an independent historical entity, an organic whole with a very complicated pattern, quite different from that of an individual's life. The development of society is subject to specific laws which are different from the "rules" governing the life of individuals. Being an independent and integral category with unique intrinsic features, the people can act as the subject of sovereign power.

In any society based on exploitation the people is not the subject, but the object of power which is in the hands of the economically dominant class.

In a socialist society, where there are neither exploiters nor exploited, and where the people are not only ruled but also rule, self-government by the people can be said to exist. The Paris Commune was the first attempt to achieve such a government. Karl Marx said that the Commune for the first time realised "government of the people by the people".¹ The old state machine was destroyed and replaced by a genuine self-government where people acted by themselves and for themselves.

Political power is exercised by the people directly or through their representatives. The people rule directly when they elect the organs of state power, take part in referendums, etc.

However, in a society of many millions of people the direct exercise of the people's sovereign will comes up against many practical difficulties. There are two main factors which determine the obvious need to limit the practical application of such direct rule. Firstly there is the procedural complexity which rules out quick decision-making. It would be not only unwise but obviously absurd to make the temporary and insignificant details of day-to-day administration dependent upon the will of society as a whole. It could be possible to theoretically accept that every step and every measure should be determined by a people's assembly or referen-

¹ Karl Marx and Frederick Engels, *Selected Works* in three volumes, Vol. 2, p. 227.

dum; in practice, however, it is impossible for everyone to take part in the drawing up of decisions that involve the collection and analysis of information, that involve finding out if a certain problem needs raising, or working on a project and checking it experimentally, etc. All this essential work cannot be done by the entire people but only by their representative organs and a special administrative apparatus.

In a socialist society there is no ground for regarding the direct and representative forms of people's government as distinct and opposing systems. They are fundamentally interconnected, and supplement each other.

The classics of Marxism-Leninism attached great importance not only to the essence of power, but also to the forms of its implementation, revealing their class and social objectives.

In a number of articles published in the *Rheinische Zeitung* in 1842, Marx, examining the question of the estate commissions of the Prussian provincial assemblies, sharply criticised the principle of estate representation. In these articles Marx formulates his concept of people's representation: "To be represented is to be placed in a passive, dependent situation. Natural representation must therefore not be seen as the representation of something that is not the nation itself. But rather as the self-representation of a nation; as state activity, which, though not the only purely state activity of the nation, is distinguished from other expressions of its public activity merely by the universality of its content. Representation must not be regarded as a concession to defenceless weakness or impotence, but rather as the self-assured vitality of the supreme force."¹ The approach of Marx and Engels to the idea of people's representation was a great contribution to the theory of people's representation, and in particular to the theory of people's representation in a socialist society, which was further developed in the works of Lenin. Regarding people's representation as the supreme form of political representation, Lenin wrote in 1917 that "... supreme power in the state must be vested entirely in the people's representatives ... who shall constitute a single pop-

¹ Karl Marx and Frederick Engels, *From Early Writings*, p. 236.

ular assembly. . . ."¹ Speaking about the democratic and socialist nature of Soviet power, Lenin stressed once again that in the Soviet Republic "the supreme state authority is vested in the Soviets, which are made up of representatives of the working people".² In his work *The State and Revolution*, Lenin noted the experience of the Paris Commune: "Representative institutions remain, but there is *no* parliamentarism here as a special system, as the division of labour between the legislative and the executive, as a privileged position for the deputies. We cannot imagine democracy, even proletarian democracy, without representative institutions, but we can and *must* imagine democracy without parliamentarism. . . ."³

It is thus the representative institutions of the Soviet type that most fully embody the Marxist-Leninist ideas of people's representation. They are a form of representative administration of state power, that is capable *in practice* of truly representing the working people, that is capable *in practice* of expressing the interests and the will of the working masses and the interests and the will of the whole people. Moreover, in carrying out their functions, they do not put forward demands that are at odds with the demands of the people. They only draw up a public plan from the wishes of those they represent.

The Soviets of Working People's Deputies are the organs of the Soviet state capable of fully expressing the will of the people. They are a manifestation of the inviolable ideological, political and social unity of the people. They are the tangible expression of Lenin's thesis that it is the people united by the Soviets who must govern the state. Such a proposition is fully in accord with the views of Marx and Engels on people's representation.

Thus Marxist-Leninist theory and socialist construction in practice have shown conclusively that the institution of people's representation is not only indispensable if the people are to hold sovereign power, but that in order to establish a socialist system of state power, there is not and cannot be

¹ V. I. Lenin, *Collected Works*, Vol. 24, pp. 471-72.

² *Ibid.*, Vol. 42, p. 100.

³ *Ibid.*, Vol. 25, p. 424.

any form of political representation higher than the institution of people's representatives.

The organs of state power in the USSR, the Soviets of Working People's Deputies, are able to exercise the sovereign power of the people most fully because of the principles on which their formation and activity are based. They were created by the people to express and implement their will. Moreover, it should be borne in mind that it is the Soviets that unite the entire population of the whole country or of a part of it. As Mikhail Kalinin, a prominent Soviet statesman, pointed out in 1925, "there is not a single organisation, either state or public, which embraces the masses in the same way as Soviets. Neither the trade unions, one of the most powerful organisations and certainly the organisation with the most members, nor the co-operatives in the countryside, nor other societies, such as mutual aid committees, the Young Communist League—though they are valuable organisations, represent the whole population."¹ The Soviets are elected by the whole people. They are collegiate organs and this enables them to exercise the people's will most fully.

The democratic nature of the Soviet electoral system, which we shall discuss later, allows the people to form the organs of power in such a way that they are representative of all social groups: workers, peasants, intelligentsia, Party and non-Party people, men and women, persons of various occupations, ages and nationalities, etc. Of the 1,517 deputies of the USSR Supreme Soviet, elected on June 14, 1970, 31.7 per cent are workers and 18.6 per cent collective farmers. Thus, the workers and the collective farmers together make up more than half of the total number of deputies to the country's supreme organ of power. Of the deputies elected 72.3 per cent are either candidate members or members of the CPSU; 27.7 per cent are non-Party people, women account for 30.5 per cent. There are 281 (or 18.5 per cent) young men and women aged below 30 among the deputies to the USSR Supreme Soviet.²

¹ M. I. Kalinin, *Questions of Soviet Construction. Articles and Speeches (1919-1949)*, Gospolitizdat, Moscow, 1958, p. 201 (in Russian).

² *Pravda*, June 20, 1970.

The last elections to the local organs of power took place in the Soviet Union on March 13, 1971. A total of 2,165,037 deputies were elected. They include 1,172,401 men (or 54.2 per cent) of the total, 992,636 women (45.8 per cent), 963,173 candidate members or members of the CPSU (44.5 per cent) and 1,201,864 non-Party people (55.5 per cent), 790,340 workers (36.5 per cent) and 623,405 collective farmers (28.8 per cent). In the local Soviets there are 557,015 deputies aged below 30. Out of this number which forms 25.7 per cent of the total, 319,916, or 14.8 per cent, are members of the Young Communist League.¹

As the Soviets of Working People's Deputies are elected organs, they are controllable by and accountable to the people. "No elective institution or representative assembly can be regarded as being truly democratic and really representative of the people's will unless the electors' right to recall those elected is accepted and exercised."²

The activity of the Soviets is based on the democratic principles of broad participation by the people in the work of the Soviets, of collective and open activity, of strict observance of laws, of the people's control over the work of the Soviets and their various departments.

The democratic principles of the organisation and activity of the Soviets of Working People's Deputies are an assurance and a guarantee that the wishes of the electors will be expressed and put into action.

It is important to find the correct balance between direct and representative forms of expressing and implementing the people's will.

Now that the scientific and technological revolution is taking place on a world scale and cybernetic and other technical devices are increasingly applied in the management of social processes, we face the problem of the influence that this revolution has on the way in which the power of the people is put into practice.

Without a doubt the progress of science and technology and the steady advance of socialist society substantially influence the content and forms of activity of the power

¹ Ibid., June 20, 1971.

² V. I. Lenin, *Collected Works*, Vol. 26, p. 336.

structure at all levels. However this does not and cannot lead to a negation of the institutions of socialist democracy, but rather calls for their further improvement.

The 24th Congress of the CPSU paid great attention to the further development of science and technology and to the use of their achievements in management. Alexei Kosygin, Chairman of the USSR Council of Ministers, stated in his report on Directives of the 24th Congress of the CPSU on the Five-Year Economic Development Plan of the USSR for 1971-1975 that "in the present conditions, the improvement of the system of planning and economic management requires broader application of economico-mathematical methods and use of electronic computers, managerial equipment and advanced means of communication. The use of electronic computers will speed up receipt and processing of information, elaboration of many variants of the plan and the finding of optimal plan solutions."¹ Such methods can also be used for decision-making in other fields. Computers can be used both on a nation-wide scale, and in an individual region, district or town. Talking about the immediate future, Soviet Academician V. M. Glushkov suggests that "some of the computers in the different towns and regions should be used solely for collecting opinions on a wide range of questions. Thus something resembling a permanent general meeting of the entire population of the country would be created. The Romans, it will be recalled, used to gather in the forum to decide the affairs of state. In the modern circumstances an 'electronic forum' should operate permanently, collecting information about the people's wishes and aspirations, about their preferences, hierarchy of values, and so on.

"But that is not all," Glushkov continues. "The information obtained would have to be thoroughly analysed, demands weighed against resources, the interconnections and results of various measures taken into consideration, and so on."²

The question arises as to whether technological progress restricts man's role in decision-making. Academician Glush-

¹ *24th Congress of the CPSU*, p. 187.

² *Literaturnaya Gazeta*, April 21, 1971, p. 12.

kov and many other Soviet scholars answer this question in the negative. They believe that in Soviet conditions "correct conclusions can only be drawn by people of genuine Soviet education and conviction, who are devoted to the interests of the people and to the ideals of communism.

"Results of such a computer study may, if necessary, be set again and again before the judgement of the public, and only after thorough examination will they be submitted to the consideration of the supreme organs of power."¹

Another Soviet scholar, V. G. Afanasyev, warns against overestimating the role of technology in the running of society: "One must not forget for a moment that the object and subject of control are human beings and that the decisive role in exerting conscious and purposeful influence on the social system belongs to them alone."² While recognising man's decisive role in the management of society, it would be wrong however to ignore the results of the scientific and technical revolution when choosing optimal forms and methods of exercising the power by the people. It is important, in particular, to examine the influence that the quantitative and qualitative composition of the representative organs has on their success in expressing completely, correctly and with objectivity the will of the people.

The rule that "the more deputies in a Soviet, the better" should not at any rate be raised to a principle. After all, too many deputies is just as bad as too few since their duties are thus reduced to formalities and they enjoy less prestige. A representative organ should, on the one hand, have enough members to be really representative but, on the other hand, should not be so cumbersome as to be inefficient. It is important to find methods of checking whether or not wishes of a representative organ of power correspond to the wishes of the electorate. The achievements of scientific and technological progress should be used more to raise the efficiency both of the Soviets' activity as a whole, and of each deputy individually.

¹ Ibid.

² V. G. Afanasyev, *The Scientific Management of Society*, Moscow, 1971, p. 281.

The role of the Soviets of Working People's Deputies should be increased if people's representation, the main instrument to exercise the Soviet people's sovereignty, is to develop.

When we say that the Soviets express the people's sovereign will, we are thinking of the system of Soviets as a whole, and the sum total of their decisions as an expression of the wishes of the entire people. In practice, however, each Soviet acts individually and the decisions it adopts are only an expression of the wishes of its deputies.

A Soviet consists of a number of deputies, each of whom is charged with the trust not of the whole people, nor even of all the electors of the given Soviet, but only of the voters of an electoral district. Therefore, while the population as a whole places trust in all the Soviet representative organs of power, and, particularly, in the USSR Supreme Soviet, the electors of each local Soviet place their confidence in the given local Soviet, and the voters of an electoral district in their deputy. It should be noted that just as the population of the country or of one of its regions is not the simple sum of its individual citizens, so the Soviets are not the sum of their deputies and must be considered as a qualitatively different entity. It thus follows that confidence in a Soviet, or in the system of Soviets as a whole, is not simply a sum of the confidence of the voters of different electoral districts. Confidence in this case also takes on a new meaning. Moreover, it should be remembered that the powers of the individual deputies taken together are not equivalent to the powers of the Soviet.

It is therefore possible to distinguish between the mandate of the Soviet and the mandate of the deputy, although the two are, of course, closely interrelated. You will not find the term "Soviet's mandate" in legal writings, while the term "deputy's mandate" is frequently used. We would define this term as the trust placed by the voters of an electoral district in the person they nominate as member of a representative organ to express their wishes and interests as far as the law allows him to act on their behalf.

2. DEPUTY AS THE REPRESENTATIVE OF A CONSTITUENCY AND A MEMBER OF A COLLEGIATE ORGAN OF POWER

Each Soviet, as an organ of state power, carries out its functions collectively, all or the majority of the deputies acting together. A deputy, as an individual, cannot independently solve the questions put before the representative organ of power.

The Constitution of the USSR establishes that the working people's plenary powers are vested in the Soviets of Working People's Deputies which form the political basis of the USSR.

The people authorise the deputies to administer the state and to express their wishes and interests.

The Law on the Status of Deputies says that it is a great honour and responsibility to be a deputy. The people entrust the deputies with important state and social duties. The deputies must give all their energy and knowledge to the cause of communist construction, consolidate the alliance between the working class and the collective-farm peasantry, the Soviet peoples' fraternal friendship, the socio-political unity of the Soviet society, steadily raise the people's living and cultural standards, and increase the might of the socialist country. They are called upon to implement the electoral platform of the unbreakable bloc of Communists and non-Party people which expresses the Communist Party's policy and the interests of the people.

The deputy must justify his constituents' confidence and be able to meet the people's demands.

It is important, therefore, to make clear the legal status a deputy has in the Soviet, the nature of his relations with the Soviet as a whole, with the Soviet's various departments and with the other deputies.

When we talk of the Soviets as the means by which the people express their sovereign will, we should have the *system of Soviets as a whole* in mind and consider the sum total of their decisions as an aggregate of the wishes of all the Soviet people. An individual local Soviet is merely a link in the chain of representative organs of state power, its

deputies representing the electors of an administrative-territorial unit. That is why this Soviet cannot express the wishes of the whole population, and its decisions cannot be regarded as expressing the sovereign will of the people as a whole. Besides an entire system of Soviet representative organs, this function is carried out by the Supreme Soviet of the USSR which is elected by the entire adult population of the country. All Soviet people are represented by its deputies. Thus, the Supreme Soviet of the USSR is the most important link in the representative system, and it is entrusted with the highest power in the state. Elected by all the people and accountable to them, the Supreme Soviet is the mouthpiece of the sovereign will of all Soviet people. This gives us the basis from which to draw the conclusion that in a socialist society the people can be represented either by the system of Soviets as a whole, or by the all-Union representative organ of power—the Supreme Soviet of the USSR.

As far as the individual deputy is concerned, he cannot represent everyone, since only the electors in a relatively small part of the country, united in a single constituency, voted for him and gave him their trust.

The election of deputies is an expression of confidence on the part of the voters. It is this confidence giving deputies the right to act on behalf of the voters that can be correctly termed a commission or a mandate. Moreover, whether someone receives a mandate or not depends directly on this expression of confidence.

When it comes to electing deputies, the voters of each constituency express their wishes independently, irrespective of the voters of other constituencies, and these wishes are realised in the election of a definite person.

Consequently, in the same way as the voters of a constituency during the election of a deputy express only their own will, and are not at all authorised to express the will of the whole people, a deputy elected by one constituency can by no means be considered a representative of all voters.

If we refer to the authors who analyse the legal nature of people's representation in a socialist society, we shall see that all of them acknowledge that any deputy represents the electors of his constituency. The correctness of this proposi-

tion is confirmed by the procedure of electing deputies (by constituencies), by their duty to give their electors an account of their activity, and finally by the right of any electorate to recall a deputy who has failed to justify their confidence.

The uniformity of the system of Soviets gives no ground to regard deputies at different levels of the system as equally "representative of state power as a whole". The powers of a deputy of, say, a rural Soviet are far from being equal to those of a deputy of the Supreme Soviet of the USSR.

A Soviet of Working People's Deputies, as a component in the system of representative organs of power, is the sovereign organ only in the territory, and for the people, who elected its deputies. Consequently, while the Supreme Soviet of the USSR or the whole system of Soviets can represent the entire Soviet people, individual deputies can and do represent only the electors of their constituencies. In representing the electors of his constituency in the Soviet the deputy is called upon to express their wishes and interests.

3. IMPERATIVENESS OF THE DEPUTY'S MANDATE

Since a Soviet deputy represents the electors of his constituency, the question of theoretical and practical importance arises as to how far the wishes and interests of the electorate are binding on him.

Speaking of the wishes of the electorate we have in mind such activity of the electors in which their wishes are given definite expression: the instructions given the deputy, the various appeals that electors make to him, their speeches and the resolutions adopted at meetings, questionnaires filled in, etc. In all these cases the demands, proposals and wishes reflect the interests of those who posed them and are concerned with their realisation. The electors, however, will not have actively shown where their wishes and interests lie in every problem that the deputy takes part in solving. Whether or not the electorate expresses its wishes will depend on various objective and subjective circumstances. If the electorate has put forward no opinion, the deputy should himself determine the interests of his electors. Thus, when

the question of the imperative nature of the deputy's mandate is being discussed, it is important to consider the problem of the deputy's obligation to carry out his electors' wishes and interests, no matter whether they are expressed or not.

When we consider the moral and political unity of the Soviet people the question naturally arises as to whether the very problem of the imperative nature of the deputy's mandate is not an artificial one. The problem however is a real one since the characteristic feature of the moral and political unity of a socialist society is not that full unanimity prevails and that diversity of opinion is impossible, but that the possibilities and existence of diversity are restricted by objective social conditions. Under socialism, the existence of classes and groups with fundamentally antagonistic interests and a permanent opposition held together by certain objective conditions are made impossible by the specific structure of society. In such a society there is no social or demographic group that would permanently oppose the viewpoint of another group or of other groups. The people to voice different opinions change all the time as the subject-matter under discussion changes. The fallacy of bourgeois propaganda consists in mechanically applying the relations of bourgeois society to a fundamentally different situation. Bourgeois ideologists assert that in the socialist countries there can be no democracy, since there are no opposition parties there. There certainly is no opposition, nor can there be either in the Soviet Union or in the other fraternal socialist countries, because none is needed. Under socialism there are neither exploiters nor exploited, there are no classes or groups of people with antagonistic interests, and consequently there is no need for different interests to be represented by mutually hostile political parties.

The number of different opinions increases as the problems under discussion are analysed in more detail. Most people, united by their common way of life, by a single ideology and a single goal, are agreed when it comes to the questions of peace and socialism. When the instructions of the voters contain demands of a general political nature to the effect that the deputy must in his activity be guided

by the decisions of the CPSU, strictly observed laws, etc., that are expressed by the whole Soviet people, it is absolutely imperative that the deputies act upon them. But if we look back at the practice of the last few years, we shall see that the instructions of the voters contain, as a rule, concrete proposals of an economic, social or cultural nature such as instructions to build a road or a shop. People can have various opinions even within one constituency on such specific questions; when several constituencies are involved, unanimity is even less likely.

If the electors of various constituencies hold different views on a problem under the Soviet's consideration then to what extent is the viewpoint of his electors binding on the deputy? Can he take up a different position or support the electors in other constituencies, even when this runs counter to the stand of his own electorate?

It seems to us that a deputy cannot and should not blindly uphold the wishes of a minority just because these are the wishes voiced by the electors of his constituency. Professor Ilyinsky is right when he says, referring to his experience as a deputy of the Moscow City Soviet, that a deputy must be concerned with the needs of his electors, "but by confining himself to this alone, he can unwittingly fall into parochialism. A deputy should remember that his constituency is not his only concern. . . . Thus while permanently bearing in mind the requirements of his electorate, he must not set them up against other social needs."¹

This does not mean, however, that only the numerical strength of support is taken into consideration in solving questions at a Soviet's session. The process is much more complicated. Before a decision is taken there is a thorough discussion. A deputy is guided by the wishes of his electors in so far as he is convinced that they have proposed the best way for solving the problem, and that this solution not only represents the wishes of his electors, but also is in the best interest of the majority of the Soviet electorate. In this case, besides expressing the wishes of his electorate when he makes

¹ I. P. Ilyinsky, "Statesman", *Soviets of Working People's Deputies* No. 5, Moscow, 1969, p. 15 (in Russian).

a speech or when he votes, the deputy would be right to try and convince the other deputies of the Soviet.

When the deputy has received additional information during discussion and has arrived at the conclusion that the solution advanced by his electors is not the best for the Soviet, and consequently for the majority of the Soviet's electorate, he is not obliged to insist on that solution or to cast his vote for it. The deputy as a member of the collegiate organ of state power must act in the interests of the majority of those electors that the Soviet represents. Decisions of a collegiate organ are binding on all its members. But since various points of view on this or that question may be held by the members of a consultative body, a democratic principle is applied: questions are decided by a simple or qualified majority. A decision, thus approved, becomes binding not only on those who voted "for", but also on those who voted "against". Once a decision has been adopted it represents not a part of the Soviet, but this organ of power as a whole. Thus, the adopted decision represents the wishes of the electors living within the boundaries of the Soviet expressed and formulated in a definite way.

However, this does not completely cover the whole problem of the imperative nature of deputy's mandate. Each Soviet is part of the single centralised system of representative organs of power, which has to express the centralised sovereign power of the people and act in the interests of the people. That is why a deputy of any kind of Soviet has to take part in exercising the sovereign will of the people. The principle of democratic centralism obliges a Soviet to obey the decisions of a superior Soviet and its various departments. This means that the decisions of a superior Soviet are binding both on the subordinate Soviets and their deputies. Consequently, a deputy must be guided not only by the wishes of the electors of his constituency and the wishes of his Soviet's electorate, but also by the wishes of the electors of larger administrative-territorial or state units, expressed in the decisions of their Soviets. The principle of democratic centralism thus formalises the specific hierarchy of decision-making.

In any socio-economic formation the various interests have a complex dialectical interconnection and interdependence.

A whole number of combinations are possible: various interests can coincide due to objective conditions or they can be in fundamental contradiction. In a society based on class antagonisms there is a definite discrepancy between the interests of society as a whole and the interests of different classes and individuals, which could only disappear as a result of a socialist revolution.

Under socialism community of interests is for the first time not a temporary and relative coincidence of the interests of different classes and social groups. The community of interests is determined by the qualitatively new type of society. At the same time, however, the remnants of the old division of labour expressed in the definite distinctions between town and country and between mental and manual labour, in the division of society into classes and social sections, in the uneven level of economic and cultural development of the different regions, and in national differences exist on into the socialist society. In this situation individual groups and sections of society have their own specific interests. It is not only classes and social strata of society that have their common and specific interests. Differing interests are also observed when the requirements of territorial units are under consideration. Separate republics, regions, cities, districts, townships and villages have their common interests based on the unity of social and class interests, of economic, political and ideological life. The specific interests of republics as opposed to the common interests of the whole country, of regions as opposed to the republic, and of cities and districts as opposed to the region, etc., are also very real.

The variety of people's interests is also explained by the fact that even within one class, within one village, city or district people have very different needs. The objective existence of these specific interests means that contradictions between them are possible but do not inevitably lead to conflict. Conflicts can arise only when unity of interests is dislocated by the errors and miscalculations of administration, when voluntarism and subjectivism, ignoring the real interests of society and of individuals, are replacing scientific management.

Socialism creates the objective basis for overcoming such contradictions and for strengthening the unity of society's

interests. But this unity is not achieved automatically. It is by the correct reading of the various interests and by working out the most rational forms of organising production, and of planning and managing the economy and culture that a harmonious combination of interests can be achieved. The task of the Soviets and deputies is to correctly understand and consider these interests even when they are not articulated. In this way the most reasonable combination of common and specific interests is ensured. In a socialist society it is the general interests that undoubtedly play the decisive role. That is why it would be wrong to uphold the absolute imperativeness of the deputy's mandate, and to consider it as his duty to ignore other factors, including the broader social interests, and to act only in the interests of his electorate. The deputy must be able to distinguish from a mass of interests the social interests of greater weight and significance for the state and society, for a majority or the whole population of any area. These interests include the most important aspects of economic and cultural construction, everyday services and various other needs of the population.

However, it is not always possible in every separate case to define such interests. Demands and interests that might seem to be in certain conditions insignificant, in other circumstances, or after a more thorough examination, might prove substantial. A demand put forward with particular insistence may prove to be less significant than others. In everyday life people sometimes concentrate their attention on those needs which are obvious, but lose sight of major questions which once solved could simultaneously satisfy those other needs.

Thus, temporarily in certain circumstances the most obvious demands may not be the objectively most important ones. Life itself gradually solves these contradictions and the activities of the Soviets facilitate this process.

The Soviet bodies and public organisations try to educate the working people so that they themselves are able to distinguish between the urgent and the less important questions.

The Soviets, as the organs of power, representing both the country's population as a whole and its parts as determined by the national-state and the administrative-territorial divi-

sion, are called upon to take into account through their deputies the variety of interests inherent in a socialist society. Therefore, when we say that deputies must be aware of, and must be guided by, the objective interests of such social associations as the electors of the constituency, the given Soviet and the superior Soviets, we mean that they must know the objective requirements of economic and social development, and be able to subordinate particular to more general interests and secondary questions to the most important problems. Deputies should orientate their activity with this aim in view and find the ways and means to carry out their duties most effectively.

Addressing the voters of the Bauman Electoral District in Moscow at the time of the elections to the Soviet of the Union of the USSR Supreme Soviet, Leonid Brezhnev said that "whatever post a Soviet deputy holds, he considers it his duty in all his activity to follow the Party's line, to work towards carrying out the Party's Programme, to stand by its principles. He is well aware that it is primarily with this in mind that the electors voted for him and granted him their mandate. The policy of the Party expresses the vital and fundamental interests of the people and for a deputy there is no loftier objective than to serve these interests."¹

In summing up it must be emphasised that the imperativeness of the Soviet deputy's mandate should not be seen in absolute terms. The mandate, however, should not be considered as carrying no imperativeness, for that would make the deputy completely independent of the wishes and interests of those electors whom he represents. Moreover, this would run counter to the Marxist-Leninist thesis that a deputy of a representative organ of power in a socialist society is obliged to maintain firm ties with his electors, is accountable to them and can be recalled by them at any time.

The Soviet deputy's mandate is neither one of *absolute imperativeness* nor one of *absolute freedom*. To take either principle as the basis of the deputy's activity would be to rule out the other. However, if taken not too literally, these terms within certain limits and in definite circumstances can,

¹ *Izvestia*, June 12, 1970.

and do reflect the actual content of the deputy's mandate in a socialist society.

The wishes and interests of his electorate are binding on the deputy in so far as they do not clash with the wishes and interests of the electors of a wider collective, the residents of the district, city, region, and so on (and in this sense his mandate is imperative). If these interests clash, the deputy is called upon, as we have said, to take into consideration the wishes and interests of a wider collective that are directly expressed through the representative organs of power. The decision should reflect the political maturity of the deputy. This illustrates the cognised necessity for the deputy to have freedom of action. The deputy also takes advantage of his freedom of action in those cases when he has to make a decision on a question about which his electors for some reason have not expressed any opinion. He is also free in choosing how he will exercise his powers. This freedom is however not of absolute nature but is conditioned by a whole number of objective and subjective circumstances, confined to certain limits and is controlled by the wishes of his electorate who have the right to recall him at any time.

Consequently, imperativeness and freedom are not mutually exclusive but complement each other. The substance of the deputy's mandate always reflects this dialectical combination.

Article 2 of the Law on the Status of Deputies conforms this: "... The deputy shall carry out his activities in keeping with the state interests, he shall take into account the requirements of the people in his constituency as well as the economic, cultural, national and other peculiarities of the Union or Autonomous Republic, Autonomous Region or National Area which has elected him or within whose territory his electoral district is located.

"The deputy shall base his work on the legislation of the USSR and of the respective Union or Autonomous Republic and shall be guided by the decisions of the respective Soviets of Working People's Deputies."

CHAPTER II

**DEPUTY'S MANDATE:
EMERGENCE AND TERMINATION**

1. BACKGROUND TO THE DEPUTY'S MANDATE

The representative organs of power genuinely represent the popular masses only if they arise as a result of free expression by the masses of their wishes and interests. If the entire system of representative organs of power, or the supreme organ crowning this system, is to represent the people, the actual basis for the formation of these organs must be the will of the people. The will of the electorate is therefore the actual ground from which the deputy's mandate arises. But as this is the will not of one, but of many, sometimes several hundreds of thousands of electors, it must be expressed in a specific and determined by the law way which will make it possible for all the electors to express their wishes freely. The holding of elections, a historically changing method of forming the representative organs of power, meets these requirements.

In a democratic society the way by which the deputy's mandate emerges is determined by the way the whole representative organ of power is formed. These two processes are closely linked. This is only natural since a collegiate organ is formed through giving deputy's mandates to individual persons who, in their aggregate, form the organ of power. It would consequently be impossible to have an elected organ if its members were appointed. Thus, if the elective principle constitutes the legal ground for forming a representative organ of power, the same principle must underlie the deputy's mandate. Only when there has been a socialist

revolution can the representative organs of power become really popular, and the elections of deputies to these organs genuinely democratic.

At all stages in the development of the Soviet statehood, the working masses have played the decisive part in the formation of their representative organs of power. The decisive role of the popular masses in the forming of the Soviets is determined by the way these institutions are formed, the way they function and by the principles of their organisation. The Soviets, it will be recalled, were not the product of theory; they were born in the struggle of the popular masses for their political, economic and social emancipation. They united the people in their struggle against tsarism and the dictatorship of the bourgeoisie and landowners. In building up Soviets, the working people from the very beginning saw them as organs which would express and put into practice their wishes.

Nearly every adult takes part in the elections of the Soviets. The popular masses not only elect the representative organs of state power, but play the decisive part in the exercising of this power. The decisive role of the masses in forming the state organs of power determines the political content of election campaigns, in the process of which the relevant links of the Soviet system are formed. The political character of election campaigns is manifested in the fact that in all the elections the CPSU comes out united with non-Party people. The firm bloc between the Communists and non-Party people, which illustrates the monolithic unity of the Party and the people, finds its expression throughout the election campaign: in the setting up of election committees, in the electing of representatives to pre-election meetings and of electoral agents and in the nominating of candidates for deputy. The major political task of the election campaign is to ensure that the most authoritative and respected people are nominated and elected who have proved their ability to represent and express the interests and wishes of the working people by their selfless labour and useful social activity. During the election campaigns, mass propaganda work related to the most urgent tasks facing the country is carried out. Thus, the main content of the current mass propaganda work is a

popularisation of the historic decisions of the 24th Congress of the CPSU and the Directives on the development of the Soviet economy in the current five-year plan period, so that these plans can be successfully put into effect.

A summary of the results of the political, economic and organisational work carried out by the previous Soviets is an important element of the Soviet election campaigns.

The most important of the fundamental principles underlying the Soviet electoral system are the universal, direct and equal suffrage and the secret ballot. In so far as these qualifications are written into the law, they constitute legal principles. However, all legal principles are not immutable. As the country's internal and external situation changes their content also changes. This change may be quite substantial even within a single branch of law. If we take, for example, the Soviet electoral law, we shall see that many of its principles have altered considerably in the process of the country's development. Thus, unequal elections have become equal, multi-stage elections are now direct elections, and open voting has been replaced by secret ballot. Universal suffrage, equal and direct elections and secret ballot are the principles underlying the Soviet electoral system but it would be wrong to consider this as the full list since this system is also based on principles which are not written into the law, but are the result of tradition, custom or the demands of communist ethics and morality not established by legal rules. One of these principles is the co-operation between Communists and non-Party people in the elections.

The principle of universal suffrage means that every adult Soviet citizen has the right to take part in electing the representative organs of the state and to be elected to them. The popular nature of the Soviet state makes it necessary and inevitable for the entire population to participate in the formation and work of the representative organs and in mustering the skill of state administration.

The universal nature of elections is determined by the class nature of the socialist state. As the representative organs of state power are formed on the basis of general elections they express the Soviet people's sovereignty.

The Soviet electoral legislation contains a whole number

of clauses guaranteeing universal suffrage. Besides the rules defining the terms on which people receive the right to elect and be elected, the law determines the procedure for compiling the electoral registers, setting up election committees and polling stations, nominating candidates, setting the date of elections, counting the results of elections, etc. The results of elections in the socialist states show convincingly that the people of these countries regard electing the organs of state power as an important matter which concerns them. No bourgeois state knows such activity at election time as the socialist countries. During the elections to the Supreme Soviet of the USSR held on March 16, 1962, 139,957,809 electors, or 99.95 per cent of the total, came to the polling stations; on June 12, 1966, 143,917,031 electors, or 99.94 per cent of the total, and on June 14, 1970, 153,172,213 electors, or 99.96 per cent, took part.

The principle of universal suffrage stems directly from the nature of socialist democracy. However, the degree to which this principle is actually realised depends largely on the character of the class struggle and conditions at the particular stage in the development of socialist society. It will be recalled that in the Soviet Union, before the 1936 Constitution was adopted, there were certain sections of the population without the vote. The specific historical conditions of the class struggle forced the Soviet government in the early years of its existence to introduce definite restrictions of the electoral rights based on the principle of class. Under the 1918 Constitution of the RSFSR, the persons who had no right to take part in elections included those who employed hired labour with the aim of a profit; those who did not live off their own labour; private tradesmen and commercial middlemen; clergymen; the employees and agents of the former police force, of the special corps of gendarmes, and of the secret police departments, and members of the House of Romanovs.¹

It should be noted that such a restriction of electoral rights on class and social principles is not a necessary consequence

¹ *History of the Soviet Constitution. Collection of Documents, 1917-1957*, USSR Academy of Sciences Publishers, Moscow, 1957, p. 85 (in Russian).

of every socialist revolution. Lenin, summarising the experience of the early years of the Soviet state, pointed out that in approaching the question of depriving the exploiters of suffrage the concrete historical conditions had to be taken into account.

He noted that in principle restriction of electoral rights "is *not absolutely necessary* for the exercise of the dictatorship, it is not an *indispensable* characteristic of the logical concept 'dictatorship', it does not enter as an *indispensable* condition in the historical and class concept 'dictatorship'."¹

As the concrete situation changed and an ever-growing number of persons belonging to the former exploiting classes ceased to oppose Soviet power and proved in practice their loyalty to it, the number of the disfranchised people decreased. In 1924, a decision was taken on the question of restoring the suffrage to persons formerly deprived of this right. Those who "were no longer exploiting the labour of others, who were living on earnings obtained by their own labour and who had proved their loyalty to Soviet power"² had their electoral rights fully restored to them.

The provisions for restoring the suffrage were confirmed by the decision of the Presidium of the USSR Central Executive Committee of January 16, 1925, and by subsequent electoral legislation. As socialist social relations gained in strength throughout the country, the number of the disfranchised people dropped sharply. In 1927, 4.8 per cent of the entire adult population were without the vote, by 1933 this figure had been almost halved.

The development of the electoral system proceeded in the socialist countries, as a rule, without disfranchising separate groups of the population on the class or social principle. It was only persons who actively collaborated with the enemy in the Second World War that were disfranchised. This practice was obviously not an infringement of the principle of universal suffrage.

The 1936 Constitution of the USSR gave legal force to the principle of universal suffrage. In accordance with Article

¹ V. I. Lenin, *Collected Works*, Vol. 28, p. 256.

² "Instructions for Elections to the Soviets of the RSFSR for 1924", *RSFSR Statistical Board No. 71, 1924*, p. 695 (in Russian).

135 of the 1936 Constitution the right to participate in the elections is granted to all citizens of the USSR who have reached the age of 18, irrespective of race, nationality, sex, religion, education, settled or nomadic way of life, social origin, property status or past activities.

Soviet electoral legislation now knows practically no exception to the principle of universal suffrage. Only persons legally certified insane are deprived of the right to vote, since their state of health prevents them from having a conscious and responsible attitude to social and political campaigns and activity.

Equal suffrage is another major principle of the Soviet electoral system. This principle has been operative since the adoption of the 1936 Constitution. During the first years of Soviet power, elections were unequal. Since the peasantry were in the grip of an ideology of private property the working class as the bulwark of the revolution had a number of privileges over other social groups including franchise privileges.

Thus, during the elections of delegates to the gubernia, regional and republican congresses of Soviets, representation of the working class was organised through the city Soviets on the basis of the number of *electors*, whereas peasant representation was based on the total number of the *population*. At the All-Union and All-Russia Congresses of Soviets the working class was represented by one delegate per 25,000 electors, while the peasants had one delegate per 125,000 citizens. At that period such a system was of great political importance to ensure that the working class could exercise its dictatorship in a country where an overwhelming majority of population was rural, and to maintain a relative proletarian majority in the Soviets and its decisive influence on the process of implementing state power. However, this system of unequal suffrage was only a temporary measure. Profound changes in the social and economic structure of society have led to a transformation of the relationship of class forces, which has made it possible to replace unequal suffrage by equal.

Equal suffrage in the USSR means that each elector can cast only one vote; that the vote of every elector is equal to

that of any other elector; that all citizens participate in elections on an equal footing and that no elector has any privileges over others. The workers, the peasants and the intelligentsia take part in the elections on equal terms. Men and women have equal rights to elect and be elected. Citizens serving in the Armed Forces participate in elections equally with all other citizens. Citizens, whatever their race or nationality, have equal rights to elect and be elected. In accordance with Article 35 of the Constitution of the USSR all national state-territorial formations were given the equal rights to be represented in the Soviet of Nationalities of the USSR Supreme Soviet. According to this article the following number of deputies are elected to the Soviet of Nationalities: 32 from each Union Republic, 11 from each Autonomous Republic, five from each Autonomous Region, and one from each National Area. Genuine equality of these electoral rights is ensured by the fact that each elector is registered only once and only in one polling station. Equality is also ensured by the really democratic principle of organising constituencies: constituencies are of equal size, irrespective of the kind of people that are resident in the area covered by the constituency. Thus, in every Soviet the deputies represent the same number of people. The equal representation of each category of the national state-territorial formations in the USSR Supreme Soviet ensures that the interests of nations and nationalities everywhere in the Soviet Union are equally put forward.

Elections can be either direct or non-direct according to the way the electors express their will. Non-direct elections can be further subdivided into indirect and multi-stage elections. The latter, which existed in the Soviet electoral system prior to the adoption of the 1936 Constitution, were a novel procedure by which direct elections to the village, township and city Soviets were combined with non-direct elections to all the other levels of the Soviet system.

Since the adoption of the 1936 Constitution the representative organs of state power in the USSR have been formed on the basis of direct elections.

The multi-stage elections had one essential drawback which could not be tolerated by the developed socialist state.

They did not allow the electorate to directly express their will in forming the middle and higher levels of the Soviet system which made it difficult for the deputies to maintain close ties with the broad working masses and hindered working people's exercise of control over the deputies' activity.

With the triumph of socialist social relations multi-stage elections were replaced at all levels by direct elections.

The consistent legal formalisation of direct suffrage and the practical implementation of this principle have given people the utmost possibility of freely expressing their wishes and thereby have ensured that the composition of the representative organs of state power conforms as far as possible to the people's will.

The main feature of secret ballot is that it rules out any possibility of control over the elector's freely expressing his will. Secret ballot was accepted in the first Party Programme as a major principle in the formation of the representative organs. After the overthrow of tsarism the principle of secret ballot was secured by its inclusion in the rules of elections to the Soviets.

The victorious October Revolution did not abolish this principle since secret ballot was implemented at elections of deputies to the majority of local Soviets.¹

The recommendation of the People's Commissariat for Internal Affairs in 1918 that the secret ballot principle be put into effect at elections to all the Soviets is indicative of this.

The *Herald of the People's Commissariat for Internal Affairs* pointed out: "We say that the working people in every village and at every factory should get together, and once they have got rid of the rich and the exploiters, they should elect their Soviet by secret ballot."² However, the fierce struggle that the overthrown exploiters began to wage against Soviet power made it essential that secret ballot be

¹ For details see *The Soviets in October. A Collection of Documents*, Moscow, 1928; *The Soviets in the Period of War Communism. A Collection of Documents*, Moscow, 1922; *The Soviets of Peasants' Deputies and Other Peasant Organisations*, Vol. 1, Moscow, 1929 (all in Russian).

² *Herald of the People's Commissariat for Internal Affairs* No. 10, 1918, p. 12 (in Russian).

replaced by open voting. This action was necessary in order to enable the working people to express their will in the process of forming the organs of state power free from any influence of anti-Soviet elements. It should be noted that originally the question of the voting method was decided by electors' meetings or election committees.

The 1936 Constitution introduced secret ballot throughout the country, as the only possible method by which electors could cast their votes at the elections of the Soviets. Secret ballot is a reliable guarantee that the election results are really in tune with the electors' wishes; that the membership of a particular Soviet corresponds to the genuine wishes of the electorate, and that the Soviets are thus organs truly representing the people.

The principles of the Soviet electoral system are put into effect during elections. But the preparation for and holding of elections naturally require definite organisational measures. The initial stage of preparation is to *set the date* for the elections.

The laws in force stipulate that elections to the Supreme Soviet of the USSR and to the Supreme Soviets of the Union and Autonomous Republics are set by their Presidiums for sometime within two months on the expiry of these organs' powers. In the case of the USSR Supreme Soviet being dissolved ahead of time, new elections are held in accordance with Article 47 of the USSR Constitution. The rules and dates concerning elections are strictly observed, thus ensuring continuity in the work of the organs of state power and that the working people are constantly involved in this activity. *The drawing up of electoral registers* holds an important place in the system of organisational measures and plays a significant role in safeguarding the working people's electoral rights and ensuring the general participation in elections.

The drawing up of electoral registers is the responsibility of the local Soviets which stand nearest and in closest contact with the people. In towns without district divisions registers are compiled by the Executive Committees of the city Soviets, and in cities with district divisions, by the Executive Committees of the district Soviets. In rural localities and

townships they are compiled by the Executive Committees of the respective Soviets. In army units registers are endorsed by a commander.

Registers are compiled according to the uniform pattern approved by the Presidium of the USSR Supreme Soviet and the Presidiums of the Supreme Soviets of the Union and Autonomous Republics. The register is compiled in alphabetical order and contains the full name, date of birth and address of each elector. Persons who by the date of elections will reach the age of 18 are entered on the register with the exact day, month and year of their birth indicated. If such data are not available, it is assumed in accordance with the decision of the USSR Central Executive Committee of October 3, 1937, Procedure of Entering Eighteen-Year-Old Persons on Electoral Registers, that the elector was born on January 1. Persons who are legally certified insane are not entered on the electoral register. Citizens of foreign states, as well as persons having no citizenship, naturally cannot be entered on electoral registers either.

The Soviet electoral legislation provides the necessary guarantees for protecting the rights of Soviet citizens at this stage of preparations for elections. Before the elections, at the time specified by the law, the organs responsible for this are obliged to post up the electoral registers or to make sure that the electors are able to get to see these registers on the premises of the Soviet or of the polling station. During the drawing up of electoral registers various inaccuracies may occur: someone's name may be misspelled or an elector may be omitted from the register, etc. In such cases the elector concerned has the right to submit an application (or make an oral statement) to the Executive Committee of the Soviet which published the register, or to the District Election Committee, asking for the necessary corrections to be made. Such an application can be handed in or statement made by some other elector as well. The request must be considered by the Executive Committee within three days, and either the electoral register is corrected or the applicant is given a written reply explaining the reason for the rejection of his request. If the applicant does not agree with the decision of the Executive Committee he can appeal to the district or city people's

court, which is bound to consider his complaint within three days at an open session. The applicant and a representative of the Executive Committee are both present at this hearing and the Executive Committee is immediately informed of the decision of this court which is final.

The organisational measures involved in the preparation for and holding of elections include the *formation of electoral districts and polling stations*.

An electoral district is the fundamental electoral unit. The basis of this system is that each district embraces an equal number of people residing within a definite area, who have the right to elect one deputy to the Soviet. The system of elections on the basis of territorial electoral districts was introduced with the adoption of the 1936 Constitution.

A *polling station* is a subordinate part of the electoral district. It is based on the territorial principle. A polling station does not by itself form an electoral unit. Consequently, polling stations may not necessarily have the same number of people residing within their boundaries. It is this that distinguishes the present-day polling stations from those that existed prior to the 1936 Constitution, which were electoral units and were formed on the basis of the social and production principle. The present-day polling station carries out the main organisational work in preparing and holding elections. The polling station gives out the ballot papers, collects the completed ones and counts the votes cast. The polling station is a centre which organises the political education of people during the election campaigns. Therefore, each station has its group of propaganda workers.

The forming of *election committees* is yet another organisational measure that contributes to the preparation and carrying out of elections. Election committees are set up to supervise elections, exercise control over their progress in the name of the people and count the results.

The various types of Soviets are served by different election committees: Central Election Committees supervise elections to the USSR Supreme Soviet and the Supreme Soviets of the Union and Autonomous Republics; Territorial Election Committees manage elections to the local Soviets; District Election Committees organise elections in electoral

districts; and Polling Station Committees see to elections at polling stations and engage directly in handing out and collecting the ballot papers and in counting the votes.

In rural localities with a small population, the process of forming District Election Committees for elections to village Soviets had frequently run into certain difficulties. In view of this, the Presidium of the RSFSR Supreme Soviet decreed in January 1969 that, as an exception, the Executive Committee of a village Soviet which represents population of not more than one thousand people, need not form a District Election Committee. In this case the functions of this Committee are carried out by the Polling Station Committees of those polling stations of which the territory of the electoral district is part.

According to the electoral legislation now in force all the election committees are exclusively made up of public representatives promoted by the Party, by other public organisations, or by the working people's societies. The electorate plays a decisive part in the setting up of these committees. Membership is endorsed by the Presidium of the USSR Supreme Soviet, the Presidiums of the Supreme Soviets of the Union and Autonomous Republics or by the Executive Committees of the local Soviets of Working People's Deputies according to the level of the committees. The functions of the election committees include the following: they see that during the period of the elections electoral legislation is observed exactly; they consider complaints about the actions of the subordinate election committees and take appropriate decisions; they see that the Executive Committees of the local Soviets organise the polling; they make sure that the electoral registers are compiled and made public in good time; they receive notifications of inaccuracies in the registers and table them for consideration by the Executive Committee which drew up the registers; they issue and receive ballot papers, and so on. Nowadays the election committees could almost be said to be organs of public self-government, in tune with the present stage of the development of Soviet society. Thus, in June 1971, during the elections to the local Soviets, 2,232,808 election committees at the various levels were established. Over nine million people, representing all

strata of Soviet society, participated in the work of these committees. The workers and the collective farmers, who are directly engaged in production, made up over 60 per cent of the total membership of the committees. Women accounted for 45.9 per cent. Non-Party people comprised 65.4 per cent. Soviet youth as always took an active part in preparing for the elections. Persons under the age of 30 made up 22.6 per cent of the members of the election committees, and about 13 per cent were Young Communist League members.¹

Such broad representation and mass participation of the working people in the activities of election committees ensure a really comprehensive control on the part of the people over the preparations for and over elections themselves.

The Soviets of Working People's Deputies constitute a genuine school of state administration for the working people in their millions. The CPSU Programme states: "To improve the work of the Soviets and bring fresh forces into them, it is advisable that at least one-third of the total number of deputies to a Soviet should be elected anew each time so that fresh millions of working people may learn to govern the state."²

This principle put forward by the Party Programme has consistently been translated into life. Thus, at the elections to the local Soviets in 1971, 52 per cent of the membership were elected anew in the RSFSR; 46.6 per cent in the Ukrainian SSR; 48.5 per cent in the Byelorussian SSR; 45.6 per cent in the Uzbek SSR; 57 per cent in the Kazakh SSR; 53.4 per cent in the Georgian SSR; 51.8 per cent in the Azerbaijan SSR; and 43.3 per cent in the Lithuanian SSR. The elections to the local Soviets in the other Union Republics brought in similar numbers of new members. The political significance of this principle can hardly be overestimated.

2. TERM OF OFFICE

The term for which the deputy holds his mandate is closely connected with the term of office of the representative organ of power, which is elected for a definite period of time.

¹ *Pravda*, June 20, 1971.

² *The Road to Communism*, Moscow, 1961, p. 549.

There is no such connection in countries where the principle of partial rotation is applied.

In the USSR the term of office for the higher and for the local representative organs of state power is set by the Constitution of the USSR and the Constitutions of the Union and Autonomous Republics. It is four years for Supreme Soviets and two years for all levels of local Soviets. Deputies are naturally elected for the same terms. Why were these specific terms of office decided upon? The question of the length of office for both the representative organs as a whole and their deputies has not only organisational but also a great political significance. The shorter the term of office the greater the number of citizens that can be drawn into taking direct participation in the work of the Soviets, the more successfully the CPSU Programme's principle to draw fresh forces into the Soviets will be put into effect and fresh millions of working people will be able to learn the art of state administration.

It will be recalled that during the early years of the Soviet state, the deputies to village and city Soviets were elected for a term of several months. But the simple fact that someone has been elected a deputy to a Soviet is obviously not enough for him to gain some minimum of experience and know-how in administering state affairs. The length of active participation in the work of this Soviet required for him to gain experience is determined by objective and subjective factors. This means that the deputy's term of office cannot be fixed arbitrarily and ought not be very short. It should be borne in mind that the Soviets are a kind of school of management, since it is here that the deputies in the process of their practical activity acquire experience in administering the state. The Soviets are thus a "working corporation". They are also the organs of state power, called upon to decide the major problems of the state. If the Soviets are too frequently renewed this has a negative effect on their functioning. This is only natural since it requires time to organise the administration and distribute duties between the deputies, and then, the Soviet and its bodies cannot immediately begin to work effectively because they lack the experience and co-ordination that will come in the process of practical work.

The deputies for psychological reasons are less active at the end of their term of office. Finally, it should be remembered that frequent elections would involve additional financial outlay and the expenditure of both time and effort.

The term of office of the Soviets must also be considered in connection with the economic cycles, and the plans for the development of the economy and culture. The Soviets bear responsibility for carrying out the plans adopted.

The optimum term of office for each level of Soviets is determined partly by the above-mentioned factors. Moreover, these terms cannot remain unchanged through different historical stages, since concrete circumstances may change the situation in such a way that the length of office of the organs of state power is influenced. This however does not rule out but increases the need for the scientific search for the optimum term of office in a given historical period. The history of the Soviets shows that the deputies' term of office tends to be extended.¹

In the last few years a growing number of Soviet scientists and workers have been raising voices in favour of increasing the local Soviets' term of office to four years. In our opinion, the examination of this problem should not be confined to the question as to whether the local Soviets' term of office should be increased up to four years, or not. Whether the proposed four-year term is the best one for all the levels of representative organs of state power at the given stage is no less important a question. The posing of this question has been prompted by the study of circumstances under which Soviets could consider the electorate's mandates when long-

¹ The Constitution of the RSFSR, adopted by the Fifth All-Russia Congress of Soviets on July 10, 1918, provided for the congresses of Soviets to be convened "not less than twice a year in regions, once in three months in gubernias and uyezds, and once a month in volosts".

The practice of the volost Soviets illustrated how difficult it was to arrange their monthly convocations, in civil war conditions. The Seventh All-Russia Congress of Soviets revised the constitutional terms of convocation of the volost Soviets' congresses and resolved that they were to be called "once in three months".

For the village Soviets (according to the Regulations of January 1, 1931) and for the city Soviets (according to the Regulations of January 20, 1933) a one-year term of office was established.

term (five-year) and annual economic plans are under discussion. Without dwelling on the pros and cons, since they will be discussed in detail elsewhere, we would emphasise that Soviet scientists, and above all lawyers and economists, are faced with the task of examining the connection between the terms of office of representative organs and the time limits of long-term national economic plans. This connection seems to be so important that it is sure to lead to changes either in the Soviets' terms of office or in the time limits of long-term national economic plans.

3. EMERGENCE AND TERMINATION OF THE DEPUTY'S MANDATE

All the writers who have studied the question of the origin of the deputy's mandate have seen it in connection with the entering upon office of the organ of state administration to which the deputy is elected. At first glance, such an approach seems to leave no room for different points of view on the question as to when exactly the deputy's mandate becomes operative. But a thorough examination reveals that even the mutual connection between the moment that the representative organs and the deputies take up office does not necessarily imply an identical solution of the question.

Some authors believe that representative organs of power start to function from the day of their election and that their term of office should be counted from this date. Others are of the opinion that it should be counted from their first meeting after the elections, when they are actually organised.

The question of the moment at which the deputy takes up his mandate has been dealt with in the same way, although a greater number of versions have been put forward. Some writings state that the deputy's mandate dates from the moment of the deputy's election. Others say that the deputy can exercise his rights and duties from the moment his powers are recognised by the Soviet, and that this recognition marks the beginning of the deputy's term of office. Apart from these distinct points of view, there are also compromising approaches to the question.

When we considered the deputy as a representative of the electorate and a member of the Soviet, we stressed the duality of his position: his political and legal status. In socialist society these aspects are intrinsically united: the "state problems" are themselves the problems of the Soviet people. The interests of the electors of an individual constituency as a rule coincide with the interests of the whole people or of the entire state. In cases when they do not coincide, the deputy, as we have said above, is not bound to support the interests of his electors.

The deputy assumes his powers independently of being recognised by the representative organ to which he is elected. Article 50 of the Constitution of the USSR does say that the Chambers of the Supreme Soviet of the USSR, on the representation of their Credentials Committees, decide whether to recognise the individual deputy's credentials or to declare his election void. The Constitutions of the Union and Autonomous Republics and the laws and regulations on the local Soviets contain similar clauses.

But the concept "recognition of credentials" is not at all the equivalent of "investment with powers". One can only recognise what objectively exists. The order of things makes it possible for the representative organs to check the lawfulness of a deputy's election and thereby to recognise that the election of the given person was made in full accordance with law. But it is not within the competence of a representative or by any other organ to decide whether or not a person can be invested with the powers of a deputy.

Literature on law often maintains that the constitution of a representative organ at its first session is indispensable before the organ can be said to exist. This is right, perhaps, if we are concerned with the Soviet in a broad sense, not only as an assembly, an aggregate of all deputies, in other words, a Soviet functioning in session, but also as an organ encompassing standing committees and the Executive Committee in the case of local Soviets. One can also view the Soviet in the narrow sense, as an aggregate of its deputies. In this sense, the Soviet exists from the very moment the elections are over and can meet at any time either on the initiative of the Supreme Soviet's Presidium as regards the

higher representative organs of state power, on the initiative of the Executive Committee of a local Soviet, as regards the local representative organs of state power, or on the initiative of the deputies. In connection with the latter, there are acts stipulating the right of the deputies to convene an extraordinary session of the Soviet. Moreover, the law does not restrict this right by stating, for example, that such a meeting can only be called after the first session has been held.

Referring back to Article 50 of the USSR Constitution and similar articles of the Constitutions of the Union and Autonomous Republics, one should note the essential point that the representative organ of power has only the right to declare the election of a deputy null and void if there has been some violation of the law during the elections, and not the right to deprive a deputy of his credentials. Consequently, in such case the person is not deprived of his credentials; rather it is considered that in view of a violation of the law these credentials have not come into being at all.

The only legal fact testifying to the emergence of the deputy's rights and duties is his election by an absolute majority of votes. The basic document confirming the fact of his election is the correctly filed voting record kept by the District Electoral Commission. Due to various reasons (such as illness or a business trip) the election day may not be the day that the newly-elected candidate receives his credentials as deputy. However, the coming into force of the deputy's mandate is not postponed by such circumstances. The will of the electorate is the source of the deputy's powers and thus election can be the only ground for the emergence of the deputy's mandate.

This is equally applicable to by-elections or supplementary elections that are held to elect a deputy in place of someone who has left office. This idea of what is meant by the emergence of the deputy's mandate has in recent years found expression in a number of legal acts. Thus, Article 61 of the Law of the RSFSR on the Village and Township Soviets of Working People's Deputies of the RSFSR, passed in 1968, stipulates that the deputy of the village or township Soviet takes up his power on the day of his election. The same

provision is written into the legislation on the district and city Soviets.

It follows logically that since the legal status of deputies to all levels of Soviets is the same, uniform provisions should apply to their terms of office, even though the normative acts of some levels of Soviets contain no direct reference to this.

Up to now we have been examining the date of the emergence of the deputy's mandate. But it is no less important to define the moment of its termination.

The deputy's mandate becomes invalid: a) upon the expiry of the term of office of the organ of people's representation; b) in the case of the deputy's death; and c) in cases when the deputy loses the right to be elected. These grounds for termination have this in common that they arise irrespective of the will and consciousness of the deputy himself.

At first glance, the question of the moment of termination is not a complicated one, especially when it concerns the expiry of the Soviet's term of office.

On the basis of the USSR Constitution which establishes (Articles 36, 58, 90 and 95) that the Supreme Soviet of the USSR and the Supreme Soviets of the Union and Autonomous Republics are elected for a term of four years, and the local Soviets for a term of two years, it is easy to state accurately the date on which the term of office of these Soviets and their deputies will expire.

There may be, however, a definite period of time, up to two months in the case of the USSR Supreme Soviet, between the dissolution of a representative body and the election of a new one. There may be, consequently, no supreme representative organ of power and no deputies to exercise power during this period. The possibility of a two-month interval between the termination of the Supreme Soviet's term of office and the election of a new Soviet can hardly be considered justifiable.

In the case of the dissolution of the Supreme Soviet a certain period of time is certainly necessary to hold elections for a new supreme organ of power. But a situation where the powers of both the USSR Supreme Soviet and the other representative organs of power expire, leaving the country for up to two months with no representative organs of

power, cannot be justified, either from the theoretical or the practical point of view.

Bearing in mind the leading part the representative organs of power play in the USSR's state machinery, the relevant state bodies, various public organisations and scientists are now preparing recommendations for the enactment of such a system of organising elections that would ensure the uninterrupted functioning of the representative organs of state power. This would also create favourable conditions to ensure that another principle, continuity in the work of the individual deputy and of the representative organ as a whole, is achieved.

One of the proposals is that the Presidium of the USSR Supreme Soviet and the Presidiums of the Supreme Soviets of the Union and Autonomous Republics set the new elections for the first Sunday of the last week of the Soviet's constitutional term of office. In this case the interval between the date of expiry of the Soviet's term of office would end not more than 6 days before the new elections and the term of office of a new Soviet. Such an arrangement, if it becomes law, would also be in line with the Soviet tradition that during the election campaign deputies who have just finished their term of office report to their electorate on the Soviet's work and on their own activity. It would be better of course if these reports were presented by deputies whose term of office has not yet expired, and not by deputies who have already finished serving.

Another proposal for the solution of this problem has been fixed by the law with regard to the deputies of the village and township Soviets. Thus, Article 53 of the Model Regulations on the Village and Township Soviets of Working People's Deputies, approved by the Presidium of the Supreme Soviet of the USSR on April 8, 1968, states that the term of office of deputies of village and township Soviets expires on the day the election of a new village or township Soviet takes place. If these rules were to be extended to the Supreme Soviets there would no longer be an interval between the end of one Soviet's term of office and the assumption of powers by the new Soviet. This is the undoubted advantage of such a solution, although a possible disadvantage might

be that the length of office established by the law would increase by up to two months.

There is a third proposal, a combination of the first two, to establish that the Presidiums of the Supreme Soviets should fix new elections of deputies to the corresponding Supreme and to local Soviets for the first Sunday after the calendary term of office of the representative organs has expired, the term of office of both the deputies and the Soviets ceasing on the day of elections to the Soviets of the new convocation.

The legislator accepted the second proposal. The Law on the Status of Deputies has established that the term of office of the deputies of all levels should expire on the day of the elections to the Soviets of the new convocation.

As has already been mentioned, a mandate is declared null and void in the case of the death of the deputy. The same applies to cases when the deputy gives up or is deprived of Soviet citizenship. As follows from Article 135 of the Constitution of the USSR the loss of Soviet citizenship automatically deprives a person of the right to be a deputy of a Soviet.

Should the representative organ of state power officially recognise the termination of a deputy's powers in the case of his death or loss of Soviet citizenship? There is no need for a special statement of an accomplished legal fact, just as there is none, for instance, in the case of the expiry of the Soviet's term of office. Death, or the legal loss of Soviet citizenship, is recognised as equivalent in itself to the annulment of the deputy's mandate, and thus the time within which the Presidiums of the Supreme Soviets and the Executive Committees of the local Soviets have to fix new elections is counted from this moment.

The Constitution of the USSR provides for only one case of the collective powers of the deputies terminating ahead of scheduled time—the dissolution of the Supreme Soviet of the USSR when the two chambers fail to reach agreement on some question (Article 47 of the Constitution of the USSR). Soviet legislation does not recognise the right to dissolve other representative organs of power. In practice, however, a collective termination of the deputies' term of

office does occur if a Soviet is abolished due to changes in the administrative-territorial system. The deputies do not in such case retain their powers, nor do they enter the Soviets which stand above or below the abolished one, since their electorate is already represented there. When the powers of a member of the representative organ of state power expire his mandate becomes invalid.

In view of the dual nature of the deputy's mandate, the deputy can be deprived of his powers by the electorate he represents or by the organ of state power of which he is a member.

Lenin attached great importance to the existence in a democratically organised state of the right of the electors to recall their deputies. He wrote that real democracy recognises "the right of the population *at any time* to recall each and every representative, each and every person holding elected office."¹ This principle was laid down in the first decrees of the Soviet state, and has been consistently followed to this day. The 1936 Constitution of the USSR and the Constitutions of the Union and Autonomous Republics establish the right of a majority of the electorate to recall their deputy at any time. The right to recall is a manifestation of the people's sovereign power and a guarantee of its implementation.

But it sometimes happens that the deputy's powers are terminated on his own initiative. This could be called a form of resignation and is quite legitimate in a socialist society as well. From the legal point of view, to elect and be elected is a right but not a duty of every Soviet citizen. And it is no accident that prior to the registration of the candidate he must give his consent to stand for election in the given electoral districts to the District Electoral Commission. But besides the right to be a member of the representative organ of state power the Soviet citizen has the right on his own initiative to give up his deputy's powers. This might happen when a deputy, for personal or other reasons, cannot or does not wish to go on exercising his powers.

Thus, the reason for the deputy's statement that he is giving up his office can be either the impossibility of, or

¹ V. I. Lenin, *Collected Works*, Vol. 24, pp. 437-38.

substantial difficulties in, carrying out his functions. From the legal point of view, it is often impossible to distinguish between "impossibility" and "substantial difficulties". This depends on many objective and subjective factors. The existing regulations mention only one specific circumstance as a ground for giving up office, namely, departure from the given locality. The other circumstances are left unspecified and referred to as "other reasons" since it would be impossible to foresee them all, nor is it necessary. Illness, for example, might under certain conditions make it impossible for the deputy to exercise his powers while in other circumstances it might not prevent him from continuing in office. Someone may retire from his job through illness and live on an old-age or disability pension, but he may still continue to participate actively in social life. Consequently, we can only speak in a relative way about the circumstances which enable the deputy to raise the question of giving up office. The approach to this question should be different in each particular case.

Domestic matters, such as the serious illness of a member of the family, might require the time and attention of the person elected deputy. Another circumstance preventing the deputy from exercising his powers to the full might be connected with his official commitments at his place of work.

In every situation the question of whether or not he can continue in office must be decided first and foremost by the deputy himself. When he has found that the state of his health, or family concerns, or duties at work prevent him from exercising his powers and discharging his duties as a deputy, he must consider the matter from all sides, and seeing that nothing can be done to improve the situation, he must, guided by his sense of social duty, appeal to the Soviet. Any other approach to the question, particularly any legal obligation to the effect that, under certain circumstances, the deputy should send in his resignation, contradicts the principles of people's representation in the USSR and the standards of communist ethics. It is only in the cases when the deputy ought but does not raise the question of giving up office that the question may arise of depriving him of his powers according to the law, i.e., the right of recall. The

question is decided finally by the vote of the electorate of the given electoral district.

Up to now we have dealt with objective reasons independent of the deputy's will, consciousness and abilities for giving up office. There may also arise subjective reasons, but you will find that the laws and regulations on the Soviets provide no rulings covering such cases. Such reasons might include an unwillingness on the part of the deputy to exercise his powers, grounded perhaps in the knowledge that he is not capable of successfully carrying out the duties entrusted to him.

When the deputy believes that he is unable for some reason to discharge his duties and makes an appeal clearly expressing his desire to give up office, he thereby predetermines the final decision, since, as we have already stressed, to be a deputy is a right and not a duty of a Soviet citizen. It follows from this that neither the electorate, nor the Soviet, nor any other state organ has the right to force the deputy to continue exercising his powers against his wishes.

When it is the deputy who brings up the question of retiring in mid-term, the decision rests not with the electorate or the Soviet but with the deputy himself. There is thus no need for the deputy to appeal to the electors since in this case their wishes are not the deciding factor. The normative regulations on the Soviets concede the right to consider such applications only to the Soviet, or in the case of the deputies of the Supreme Soviet, to the Presidium of the Supreme Soviet. Soviet law does not provide this clause for the Soviet or the Presidium of the Supreme Soviet to comply with or decline the deputy's request but so that they could study the nature of the deputy's decision and ascertain whether or not his application conforms to genuine desire or has been dictated by other circumstances (intimidation, the absence of conditions necessary to enable him to carry out his duties, etc.). Having ascertained the reasons behind the deputy's application, the organ of state power may take measures to eliminate the objective circumstances that have caused this action. The deputy may naturally, as a result of this, change his mind and withdraw his application. If the Soviet or the Presidium of the Supreme Soviet establishes that the deputy's

application is the fine expression of his wishes and the deputy insists that he be released from office, this request is bound to be satisfied.

The question of possibly prolonging the deputy's mandate over and above the period provided for by the USSR Constitution is also worth examining since it was posed by life during the Great Patriotic War and has been taken up by scientists.

The Soviet constitutional legislation now in force does not provide any rulings on this question. The constitutions of some other socialist countries give the supreme representative organs the right in case of emergency, such as war, to prolong their term of office until the critical situation is over. The powers of the deputies would be thus also extended.

During the Great Patriotic War, the Presidiums of the Supreme Soviets, once the Soviet's term of office had expired, would annually issue a decree postponing the elections to the Soviets for one year and prolonging the deputies' powers for the same period. The Presidium of the Supreme Soviet of the Byelorussian SSR issued such decrees on July 14, 1942, September 4, 1943, July 7, 1944, and July 13, 1945.

The prolonging of the term of office can apparently only be dictated by extraordinary circumstances such as war. The right to extend the terms of office of the Supreme Soviets is invested in the Supreme Soviets themselves. In the case when sessions cannot be convened, this right is exercised by the Presidiums of the Supreme Soviets. The right to extend the terms of office of the local Soviets belongs to the Presidiums of the Supreme Soviets of the Union Republics.

The Presidiums of the Supreme Soviets and the Executive Committees of the local Soviets continue to function after the election of new Soviets up to the latter's first session.

The following question arises in this context: do the members on the Presidiums of the Supreme Soviets and on the Executive Committees of the local Soviets of the preceding convocation retain their rights and duties as deputies or do they lose them at the same time as all the other deputies?

To fulfil his work as a member of the Supreme Soviet's Presidium or of the local Soviet's Executive Committee a deputy needs to retain a number of rights and duties that are in many ways the same as those of a deputy of that Soviet including the right to submit proposals, to take floor and to vote, and the right of inviolability. But his rights are not altogether those of the ordinary deputy and thus the general legal status of the two offices cannot be considered to be identical. In particular it should be noted that a member of the Soviet's Executive Committee retains this position temporarily even after the election of a new deputy, although he loses all rights and duties which connected him with the electorate of his constituency. This is all evidence that in the period between the expiry of the old Soviet's powers and the first session of the new Soviet the members of the Supreme Soviets' Presidiums and of the local Soviets' Executive Committees do not retain the deputy's mandate. We can speak only of their retaining a special mandate determined by their membership of a collegiate organ.

CHAPTER III

POWERS OF THE DEPUTY

I. PARTICIPATION OF THE DEPUTY IN THE CONSTITUTING OF THE SOVIET

The Soviet assumes powers on the election of its deputies but it takes final shape at its first session when the various organs that give it a structural and organisational unity are set up.

These organs are formed exclusively by the Soviet itself. Under the law each deputy has the unrestricted right to nominate candidates, take part in the discussion and vote for or against the nominations. The deputy thus has the active right to directly participate in the process of constituting the Soviet's organs. He also has the passive right to be elected to the Soviet's organs in which case it is largely the Soviet that vests him with his special or additional mandate. This is considered to be a mandate of the first order. A deputy is entrusted with a special mandate of the second order when a standing committee (a collegiate organ formed by the Soviet) vests him with additional powers by, for instance, electing him the secretary of the committee or by giving him a personal assignment (to head a subcommittee, check on the work, deliver a report, etc.). In 1970, 1,679,172 deputies (81.3 per cent) were members of standing committees, 211,092 were members of Executive Committees and 151,887 were Chairmen, vice-Chairmen and secretaries of Executive Committees.¹

¹ *Soviets of Working People's Deputies* No. 6, 1971, p. 83 (in Russian).

Soviet legislation and literature on law mention the following forms of vesting deputies with a special mandate: election to the Soviet's organs, appointment, formation of committees or commissions, assignment. For instance, the Constitution of the USSR speaks about the election of the Presidium of the Supreme Soviet of the USSR (Art. 48), the Chairman of the Soviet of the Union and the Chairman of the Soviet of Nationalities and vice-Chairmen (Art. 42 and 43), and the Executive Committees of local Soviets (Art. 99), about the formation of the Conciliation Committee (Art. 47), and about the appointment of the Investigation and Audit Committees (Art. 51).

The law, however, does not establish the difference in the ways in which elected organs are set up. In practice there are no substantial distinctions between "election", "appointment" and "formation". The procedure is the same: nominations are put forward, discussed by the Soviet if necessary, and voted upon. A deputy is thus vested with a special mandate but always through elections held either by the Soviet itself or by one of its organs.

Standing or temporary guiding organs and functionaries are elected within the Soviet to ensure that the work of the various structural units of the Soviet is under continuous supervision and is co-ordinated. Each chamber of the Supreme Soviet of the USSR, for instance, elects a Chairman and four vice-Chairmen. The Supreme Soviets of the Union and Autonomous Republics elect a Chairman and vice-Chairmen. Local Soviets elect a Chairman and a secretary for every session.

The Supreme Soviet of the USSR at its first session elects the Presidium of the Supreme Soviet of the USSR and the Supreme Soviets of the Union and Autonomous Republics elect the Presidiums of the Supreme Soviets of the Union and Autonomous Republics. Like other organs of the Soviet, the Presidium is elected from among the Soviet's deputies.

The local Soviet elects the Executive Committee consisting of a Chairman, vice-Chairmen, a secretary and Executive Committee members, which is instrumental in ensuring that the local organs of powers run smoothly and without a break. Before the regulations on the local Soviets were ap-

proved it had not been established either by the 1936 Constitution of the USSR or by the Constitutions of the Union and Autonomous Republics whether or not Executive Committee's members had to be deputies of the respective Soviet. In practice, all Soviets, with a few exceptions, elect their Executive Committees from among their deputies.

The laws on the village, township, city and district Soviets stipulate that the Executive Committee must be elected from among the deputies of the respective Soviet.

Recent years have seen an increase in the number of standing committees at all levels of the Soviets and in the number of members elected to them, both in absolute figures and as a percentage of the total.

Many local Soviets are keen to enlist deputies to the standing committees. The committees of the Lvov Regional Soviet, for instance, include all deputies except Executive Committee members, and in the Riga City Soviet, 390 out of 417 deputies are members of the standing committees. "The larger number of standing committees and the more efficient organisation of their activities," it was pointed out in the Report of the Central Committee of the Communist Party of the Soviet Union to the 24th Party Congress delivered by Leonid Brezhnev, "are enabling the deputies to display more initiative, delve deeper into the work of the executive bodies and participate more actively in drafting laws."¹

But the increase in the membership of the standing committees does not mean that they ought to grow to include all deputies without exception. The election of deputies to the standing committees is not an end in itself. The number of standing committees and their numerical strength ought to be scientifically worked out so that it is in keeping with objective necessity. It is furthermore inadvisable for some deputies to work on standing committees since they hold official posts or have other assignments to carry out.

The Regulations on the Standing Committees of the Soviet of the Union and the Soviet of Nationalities of the Supreme Soviet of the USSR rule that the Standing Committees cannot include either the Chairmen of the Chambers,

¹ *The 24th Congress of the CPSU*, p. 91.

the vice-Chairmen, the Procurator-General of the USSR, or deputies who are members of the Presidium of the Supreme Soviet of the USSR, the Council of Ministers of the USSR and the Supreme Court of the USSR.

Similar provisions are included in the Regulations on the Standing Committees of the Supreme Soviets of the Union and Autonomous Republics. The laws on the village and township Soviets establish that deputies who are on the Executive Committee cannot be elected to standing committees.

Thus, all deputies of the Soviet have the passive right to be elected to its various organs except in the cases stipulated by the law. In 1970 the local Soviets had 324,346 standing committees involving 1,679,172 deputies and more than another 2.7 million people from among the electors.

The Soviet legislature now in force does not state whether a deputy can be elected a member of several standing committees. Although sometimes one deputy may be a member of two committees, deputies are usually elected to only one committee. This practice is quite justifiable since not all deputies have the chance to serve on a committee.

The procedure for determining the membership of the standing committees is genuinely democratic. The deputies have the right to discuss each candidate, raise objections or ask questions. The chairman of a committee is elected by a separate vote, as to its members, either the whole list is voted on or each candidate separately, depending on the deputies' wishes.

At present it is not necessary to have a special legal clause obliging all deputies to take part in the work of the standing committees.

Some writers suggest that one-third of the standing committees should be made up of the electorate: active members of trade unions, the Young Communists' League, voluntary societies, amateur groups, and representatives from factories, institutions and other organisations.

In our opinion this suggestion can hardly be accepted. Firstly, these organisations are after all represented in the Soviet in the person of the deputies who do not sever ties with the social organisations they belong to, or cease work at their enterprises and establishments once they have been

elected to the organs of power. Secondly, there are now many Soviets at all levels whose members are representative of all professions and organisations. This makes it possible to set up the standing committees with the background and experience of the different deputies and the particular work of the committee in mind. Thirdly, it must be remembered that committees should not be built on a purely professional principle.

The law of the Estonian SSR On the Village and Township Soviet of Working People's Deputies provides for the formation of the standing committee from among the deputies but rules that "if need be, other representatives of the people may be elected to the standing committees". This exception to the general rule is explained by the numerically small membership of some rural Soviets in Estonia. It is not necessary to apply this ruling to the Soviets at all levels and in all republics. Moreover, if non-deputies were elected to the standing committees they would be equal in status to those who received their deputies' powers directly from the electors. Alongside the organs of power elected for the whole term of office, the Soviets can set up *ad hoc* commissions. The Constitution of the USSR provides in particular for the setting up of Investigation and Audit Commissions by the Supreme Soviet of the USSR when the need arises.

Some local Soviets set up commissions at one session to prepare questions for discussion by the next session and also commissions to work out the reports of the executive and standing committees. These are however rare instances. Soviet jurists suggest that more and more Soviets should set up commissions to prepare for forthcoming sessions. This would enliven the work of the deputies and the standing committees, increase the responsibility of both the standing or Executive committees to prepare for forthcoming sessions, and ensure a more objective analysis of the running of the administration.

In 1970 the standing committees prepared more than 400,000 questions on economic and cultural matters for the sessions and 744,724 questions to set before the Executive Committees.¹

¹ *Soviets of Working People's Deputies* No. 6, 1971, pp. 85, 87.

Among the *ad hoc* commissions set up by the Soviet's Executive Committee and approved at a session of the Soviet there are supervisory and administrative commissions and commissions dealing with minors. Current legislation provides that deputies can be included in these commissions.

During the discussion of candidates for a commission a deputy, if he wishes to refuse nomination, must be given the chance to state his reasons. But the final say in this matter belongs to the body giving the commission, i.e., the Soviet itself or one of its collegiate organs. The deputy's duty to work in the Soviet's organs and fulfil the commissions entrusted to him follows from his membership of the Soviet and the priority of social interests.

Article 8 of the Law on the Status of Deputies stipulates that the "deputy, as a member of the collegiate representative organ of state power, must take an active part in the work of the Soviets, standing committees and other Soviet organs to which he is elected, and carry out their assignments."

2. ORGANISATIONAL AND LEGAL FORMS OF DEPUTIES' PARTICIPATION IN THE WORK OF THE SOVIET AND ITS ORGANS

Thus, the deputies take a direct part in the work of the Soviets and their collegiate organs. They must attend the regular sessions of the Soviets and the sittings of the standing committees, the Presidiums of the Supreme Soviets, the Executive Committees and other Soviet bodies if they are elected to them.

Article 11 of the Law on the Status of Deputies specially emphasises the importance of deputies' participation in the sessions. It stipulates: "At the Soviet's sessions, the deputies shall collectively discuss and decide all major questions within the Soviet's competence.

"The deputy must attend each session and take an active part in its work.

"The Presidium of the Supreme Soviet of the USSR, the Presidium of the Supreme Soviet of the Union Republic, the Presidium of the Supreme Soviet of the Autonomous Repu-

blic or the Soviet's Executive Committee shall notify the deputy beforehand when and where the Soviet holds its session. They shall also inform him about the questions suggested for discussion by the Soviet and supply him with the requisite materials.

"When unable to attend the session, the deputy shall inform about it either the Presidium of the Supreme Soviet or the Soviet's Executive Committee, respectively."

Participation in sessions is one of the basic rights of the deputy, since it gives him the best opportunity to represent the wishes and interests of his electorate most fully. Nobody can deprive him of this right. But this is not only his right but his duty both to the electors whose wishes he must represent and to the Soviet of which he is a member.

If the wishes and interests of the electors are consistently represented, the Soviet can carry out its functions as a collegiate organ more effectively. The law or custom establish the quorum below which a representative organ becomes non-representative and, consequently, can no longer function as a plenipotentiary organ of state power.

Unfortunately the regulations on the work of the supreme representative organs of power in force in the USSR, do not always define clearly enough what is meant by a quorum. For instance, Article 5 of the Regulations of the Supreme Soviet of the Latvian SSR stipulates that Supreme Soviet's sessions are competent if they are attended by a majority of the deputies. But it does not specify whether a simple or a qualified majority is meant. The Regulations of the Supreme Soviet of the Lithuanian SSR and the laws on the village, township, district and city Soviets are more explicit on this point. They state that sessions are competent if they are attended by at least two-thirds of the total number of deputies. This quorum is fixed bearing in mind that since the Soviet is a representative organ of the people its every decision must fully and comprehensively express their wishes and interests. To make sure that this happens, it is important that all the deputies take part in the session, except those who cannot attend through illness, a business trip, or for some other reason. The number of absentees must not exceed one-third of the total number of deputies.

The law also establishes the duty of the members of the standing committees to participate in the meetings of these committees. The Regulations on the Standing Committees of the Soviet of the Union and the Soviet of Nationalities of the Supreme Soviet of the USSR (Art. 30) and the Regulations on the Standing Committees of the Supreme Soviets of the Union Republics recognise these meetings to be competent if more than half of the deputies attend them. The Regulations on the Standing Committees of the Local Soviets of the Byelorussian SSR recognise the standing committees' meetings competent if at least half of their members are present. The Laws on the Village and Township Soviets of the Moldavian SSR (Art. 40) and the Turkmen SSR (Art. 34) state that the Executive Committees' meetings are competent if they are attended by not less than two-thirds of their membership.

Apart from the deputies' obligatory participation in the meetings of the Soviet and its collegiate bodies, the law stipulates that other deputies who are not members of the organs in question also have the right to take part in their sittings. Deputies of higher Soviets may take part, for instance, in the sessions of the lower Soviets.¹ This right follows from the principle of democratic centralism: subordination of the lower Soviets to the higher Soviets and the duty of the latter to direct the work of the former.

The deputies of the Soviet who are not members of its standing committees have the right to participate in the sittings of these committees.

Deputies often attend the sittings of the standing and Executive committees because they are interested in the questions under discussion. Presence at these meetings also gives the deputies the opportunity of seeing directly, and not only from their reports, how these bodies are working.

The overwhelming majority of the deputies take an active part in the work of all the sittings of the respective Soviets and their collegiate bodies.

Sociological research shows that the amount of work put in by the deputies depends among other things on sex, age,

¹ Article 28 of the Law of the RSFSR on the Village and Township Soviet of Working People's Deputies of the RSFSR.

education, and the nature of their permanent work. It also depends on how well sessions are prepared and conducted.

The Presidiums of the Supreme Soviets and Executive Committees of the local Soviets inform the deputies in advance about the time, place and agenda of the sessions. Summaries of reports, draft decisions and other documents which encourage activity on the part of the deputies and raise the level of discussion are distributed.

The Soviet deputies have favourable opportunities for developing their talents as statesmen and public leaders and for actively exercising their rights. The legal regulations enable them to exert great influence on the work of the Soviets in different ways, ranging from choice of questions for discussion to the implementation of the decisions adopted.

The deputy's right to make suggestions in the Soviet or any of its organs is guaranteed: the Soviets are obliged to examine such suggestions at their sittings. If a suggestion is considered to be well-founded it will be discussed before any conclusions are drawn.

There are various ways of implementing the right to put forward questions for discussion. The agenda is usually proposed by the organs or persons who are responsible for preparing the sitting. Thus, the Presidium of the Supreme Soviet or the Executive Committee of the local Soviet normally suggests the draft agenda for the sessions of these Soviets. The draft agenda of the sittings of a standing committee or the Executive Committee is usually proposed by those in charge of these bodies.

But the agenda in its final form is adopted by the Soviet, its standing committee and the Executive Committee. Deputies who participate in the Soviet's session may change the session's agenda by excluding some questions and including others.

However, it is not always easy to change the agenda even when there are more urgent questions to be discussed than those already drafted because it takes a certain period of time to prepare a particular question for discussion, to study the situation behind it, etc. Various organisational measures to make the influence of the deputies on the agenda real are

therefore taken, including wide discussion among the deputies of current and long-term plans for the mass organisational work of the Soviets and their standing and Executive committees. The experience of the local Soviets of the Chita Region is of interest. In 1969 a session of the Chita Regional Soviet adopted a plan for the following year of work for the Soviet and its Executive Committee encompassing a wide range of problems. The deputies decided which questions were to be examined during this period and by whom: the Soviet's sessions or the sittings of the standing or Executive committees.

The deputies looked, as it were, into the future. This practice is justifiable in that it co-ordinates specific objectives with the general work of the Soviet and teaches deputies to be constantly aware of the time factor and to keep abreast of current developments. Such plans help the Soviet, its Executive Committee and the deputies to concentrate on the current economic and cultural problems and at the same time to look to the future and to organise and arrange their manpower and energies in a rational way.

Discussing at one session the questions to be put before the next session is an effective way of involving deputies in the drawing up of the agenda. To prevent the approved agenda from being constantly changed the law often specifies that a group of deputies rather than the individual deputy has the right to propose that the agenda be changed. For instance, the Regulations of the Supreme Soviet of the Latvian SSR (Art. 12) state that once the session's agenda has been approved additional questions for discussion can only be submitted by a group of 20 or more.

The right to suggest any topic for the agenda is not restricted in any way provided the question lies within the competence of the given body. The deputies of the Supreme Soviets consequently have the right to suggest that the question of the adoption of a new law or of the repeal or amendment of a current law be included in the agenda. In legal regulations and writings this is called the right of legislative initiative.

When suggesting that the question of adopting a new law should be put on the agenda of the Supreme Soviet's session,

the deputy must substantiate his proposal. If the supreme representative organ is in agreement with the deputy's arguments it can assign a standing committee, an *ad hoc* commission or another accountable organs (such as the government) the task of drafting the law and submitting it to the legislative organ.

As distinct from the proposals on the adoption of this or that legal regulation, made by the deputies at the session, the right of legislative initiative presupposes that the proposals should be included in the agenda as independent questions.

This gives us grounds to define legislative initiative as the right of persons and certain administrative bodies to make suggestions to the legislative organ on the adoption of laws. This definition makes it possible for each deputy to exercise this right widely, and enhances his role in the legislative activity of the supreme representative organs of state power. Such a view of legislative initiative does not deny the deputy the right to display his own initiative in submitting draft laws.

Deputies who are on the Presidiums of the Supreme Soviets, the Standing committees of the Soviets and the Executive Committees of local Soviets also have the right to place suggestions concerning the agenda of the sittings of these bodies. This right follows from the collegiate nature of these administrative organs.

The right to make suggestions for the agenda of the deputies who can attend the sittings of the Soviet and its administrative bodies and participate in their work but have no vote is a special case. This is the case when the deputies of higher-ranking Soviets attend the sittings of lower-ranking Soviets or when deputies who are not members of Presidiums of Supreme Soviets and of the standing and Executive committees can attend the sittings of these bodies. Deputies with a consultative capacity can play an active part at all stages of the session's work except when a question is actually put to the vote.

This by no means reduces the role and authority of members of a respective Soviet, standing or Executive committee since deputies who are present in a consultative capacity

can only *suggest* that this or that question be included in the agenda, while the right to *decide* belongs exclusively to the members of the respective representative body. It will only raise the deputies' authority if they agree with and support the sensible and well-founded suggestions put forward by other people.

The law does not restrict the range of topics which deputies can include in the agenda. The only restriction is the scope of the given organ's legal competence and jurisdiction.

The right of inquiry is also established in the Law on the Status of Deputies.

The deputy's inquiry can be regarded as a demand to give explanations or state one's position at the session on the questions within the competence of a given organ of state power.

The discussion of the deputies' inquiries by the Soviets is an effective means of control over the work of officials and the state administration bodies.

Deputies of the Supreme Soviet of the USSR, the Supreme Soviet of a Union Republic or the Supreme Soviet of an Autonomous Republic have the right to address their inquiries respectively to the Government of the USSR, the Government of a Union Republic or the Government of an Autonomous Republic, or to the ministers and chiefs of other state administration bodies formed by the Supreme Soviet of the USSR or the Union or Autonomous Republic.

Deputies of the Supreme Soviet of a Union Republic or the Supreme Soviet of an Autonomous Republic also have the right to address their inquiries to the chiefs of enterprises, establishments and other organisations of all-Union subordination located on the territory of the respective Republic, on the questions within the competence of the given Republic.

Deputies of the Soviet of an Autonomous Region or National Area, of the territorial, regional, district, city, township and village Soviets have the right to address their inquiries to the Executive committees and the chiefs of enterprises, establishments and other organisations located on the territory of the respective Soviet, on the questions within the competence of the given Soviet.

An individual deputy or a group of deputies can make their inquiries orally or in written form. If the inquiry is made in written form it must be read at the session. The state organ or the official to whom the inquiry is addressed must answer it within the time limits and according to the procedure established by the laws of the USSR or the respective Union or Autonomous Republic.

Article 71 of the Constitution of the USSR states that the Government of the USSR or the Minister of the USSR to whom a deputy of the Supreme Soviet of the USSR addresses his inquiry, must within three days answer it orally or in written form in the respective chamber.

The following statistics illustrate how often deputies use their right of inquiry.

In 1970, they made 47,611 inquiries, including 130 inquiries at the sessions of territorial and regional Soviets, 3,906 inquiries at the sessions of district Soviets, 2,370 inquiries at the sessions of city Soviets, 447 inquiries at the sessions of city Soviets, 447 requests at the sessions of district Soviets in the cities, 3,662 inquiries at the sessions of township Soviets and 37,096 inquiries at the sessions of village Soviets. The right to put forward inquiries helps the Soviets implement their decisions and is an effective means of ensuring that the instructions of the electorate are fulfilled and that enterprises, establishments and other organisations carry out their work properly.

The Law on the Status of Deputies says that "the discussion of the deputies' inquiries by the Soviets is an effective means of control over the work of individual officials and state administration organs". Inquiries made to the chiefs of administrative, economic and other organisations and demanding that they give explanations at the sessions are often linked with the implementation of the instructions of the electorate and the recommendations of the standing committees prompted by a desire to draw the Soviet's attention to some serious shortcomings which must be removed.

Systematic inquiries make it possible to extend the range of questions discussed at the sessions and the number of speakers, to develop criticism and self-criticism and to make deputies more active in their day-to-day work especially

when it is connected with the implementation of the decisions and instructions.

Deputies of most Soviets widely use their right to put forward inquiries. For instance, at the sessions of the Voronovo District Soviet (Grodno Region in the Ukraine) the deputies made seven inquiries in 1969, 14 in 1970, and 19 in 1971. The number of inquiries made in the rural Soviets of this region was 18, 96 and 113, respectively.

Some ten deputies have made inquiries in the Sukhobuzim Village Soviet (Krasnoyarsk Territory) during the last two years, among them tractor driver N. A. Bachurin, milkmaid L. I. Mutovina, teacher A. A. Shestakov and nursery teacher M. S. Leontyeva. The use of this important right helped settle several local problems and eliminate serious shortcomings in the organisation of public services in the village. No wonder inquiries have become common in this Soviet.

This right was explained at the first Deputy's Day after the elections and each deputy received a printed instruction on how to use it. The deputies usually inform the Executive Committee beforehand that they want to address their inquiry to some official while the Executive Committee lets the persons in question know about the content of the inquiry, thereby enabling them to prepare their answer. Regardless of this, at the beginning of each session the Chairman asks whether any deputy wants to use his right of inquiry.

Neither in Soviet law nor in Soviet legal writings on the subject is it made quite explicit as to whether the deputy's inquiry should constitute an independent item of the agenda, although in practice this is usually the case.

In several socialist countries the law stipulates that the deputies' inquiries be included in the session's agenda.

The right of inquiry is thus a variant of the deputy's right to suggest that a particular question should be included in the agenda. Inquiries can only be made by deputies or groups of deputies who are members of the given Soviet.

The procedure of making an inquiry is as follows: in most Union Republics the legal regulations state that deputies can make their inquiries at the sessions. But since the ses-

sions of the local Soviets usually last one day and inquiries can only be made at the session itself, there may not be enough time to prepare and deliver the answer at the same session.

When a deputy formulates his inquiry a few days before the session, he usually acquaints with it the Presidium of the Supreme Soviet or the Executive Committee of the local Soviet respectively. These organs in their turn inform those whom the inquiry concerns and the inquiry is then officially read at the session. This procedure enables the officials in question to thoroughly prepare their answer. The Regulations on the City Soviet of Working People's Deputies of the Azerbaijan SSR (Art. 67) establish that inquiries can be made during the session or 10 days before it. In the latter case they are sent to the City Executive Committee.

The inquiries published in the press are examined in a similar way. They usually are of tremendous interest for the country and as a result of wide publicity they attract public attention and place a great responsibility upon those to whom the inquiries are addressed. Such inquiries are read and answered as a rule at the session.

An inquiry by a deputy at the session addressed to a manager of an enterprise, establishment or organisation is sometimes seen as an ordinary question. The Constitution of the USSR, the Constitutions of the Union and Autonomous Republics and the laws on the local Soviets do not contain any stipulations on this point.

A question by a deputy is neither included in the agenda nor decided on by the Soviet. Whether the answer given satisfies the applicant or not is immaterial. An inquiry, on the other hand, is included in the agenda and the Soviet may open a debate on the subject. The Soviet adopts a decision on each inquiry even if no debate took place. The deputy can thus choose between a question and an inquiry depending on the nature of the problem he is concerned with. An inquiry requires a quorum and must be made and read during the session. A quorum is not necessary for a question to be asked. Questions can also be asked at the session but, apart from those made by the reporter and co-reporters, they are not necessarily read out there. The legislation of several

Soviet Republics requires that a special time be allotted at each session to answer the inquiries and reply to the questions deputies have put to various officials. Moreover, to avoid confusion specific hours are assigned for inquiries, and specific hours for questions.

Once the agenda has been approved, the Soviet or its collegiate organs proceed to examine the matters in hand. Discussion usually includes three stages: a report is given; the topic is debated and then proposals made. Not all questions are, however, discussed in these three stages. Sessions are frequently held without a report.

In such cases the Executive Committees of the local Soviets duplicate the report or its main points and send copies to the deputies together with a draft decision and any other material. Nor need the report be followed by a debate if all points have been covered and the problem is clear. Thus, the Supreme Soviet of the USSR and the Supreme Soviets of the Union and Autonomous Republics do not normally debate the report of the Secretary of the Presidium of the Supreme Soviet on the endorsement of decrees.

When the answer to the deputy's request has been heard the Soviet either opens a debate or takes a decision. The regulations of the Supreme Soviets of the Latvian, Lithuanian and Uzbek Union Republics state that a decision on any question submitted to the Supreme Soviet can be adopted without a debate.

The report, debate and resolutions cannot always be strictly distinguished one from the other since the report and debate may contain resolutions. Resolutions can, however, be made separately.

Deputies' reports are usually made on the assignment entrusted to them either by the Soviet or by its organs, or by the staff of their permanent place of work. They can, however, make reports on their own initiative. For instance, we have said above that deputies of the Supreme Soviets have the right of legislative initiative. When the Supreme Soviet has, on the initiative of a deputy, included in the agenda the question of the adoption of a new act or the repeal or amendment of an old act, the deputy has preference to report on this question. The Regulations of the Supreme

Soviet of the Latvian SSR (Art. 13) establish that a group of at least 20 deputies can nominate its co-reporter. According to the Regulations of the Supreme Soviet of the Lithuanian SSR (Art. 20) this right belongs only to a group of at least 30 deputies. The deputies can ask the reporter and co-reporters to explain this or that point. Article 25 of the same regulations also stipulate that the questions be submitted during the session in written form.

The deputies have the inalienable right to participate in a debate. Since the Soviet, its committees, the Presidium of the Supreme Soviet and the Executive Committee of the local Soviet are collegiate organs, each of their members can express his opinion on the question under discussion and urge the other members to adopt the appropriate decision.

Article 12 of the Law on the Status of Deputies provides that the deputy shall have a deciding vote on all questions discussed at the sessions and shall have the right to elect and be elected in the Soviet's organs.

The deputy can propose questions for the Soviet's consideration, make suggestions as to the session's agenda, order of discussion and the nature of questions under discussion, on the composition of the organs formed by the Soviets, and on the nomination of officials who are elected, appointed or endorsed by the Soviet. He can also make requests, participate in the debate, ask questions, move drafts and amendments, substantiate his proposals, give references and speak on the reasons for vote.

The deputy has the right to suggest that the session receive an account or information from any organ or official who is accountable to or controlled by the Soviet and can pass on to the Chairman his suggestions and remarks in written form on the questions under discussion.

The resolution of the CC CPSU On the Improvement of the Activity of the Soviets of Working People's Deputies and the Strengthening of Their Ties with the People, adopted in 1957, states that "the Soviets must ensure a broad development of criticism and self-criticism at their sessions, so that deputies can discuss the questions on the agenda thoroughly, without haste, make their comments and proposals,

address their inquiries to the executive organs and business executives and receive comprehensive answers”.

The length of the deputies' debate depends on many objective and subjective factors, both legal and non-legal. Not the least of them are the topicality of the agenda, the urgency of the question under discussion and the points brought up in the report. The depth of analysis and critical approach of the report determine the level of the debate.

Recent years have witnessed an increase in the activity of the deputies at the sessions, reflected in the growing number of speakers. In 1970, for instance, 1,232,211 deputies (59.6 per cent of the total) spoke at the sessions of the local Soviets; over 100,000 of this number were speakers at the sessions of the district Soviets. A total of 72.5 per cent of the deputies of the rural Soviets took the floor.

Life shows that it is clearly insufficient for the deputy to know only the wording of the questions submitted to the Soviet or its organs. He must know what lies behind the question so as to be able to thoroughly prepare for the discussion and make the appropriate decisions. This is the case with the drafts of budgets and of economic plans and supplementary material, which are forwarded in due time to every deputy without exception.

Some jurists suggested recognising accepted practice and giving deputies at all levels the legal right to receive in due time a summary of reports, draft decisions and other material bearing on the questions to be presented to the session.

The regulations of the Supreme Soviets of the Lithuanian and Uzbek Union Republics already stipulate this. Article 9 in the regulations rules that the Presidium of the Supreme Soviet of the Lithuanian SSR must send all the deputies of the Supreme Soviet drafts of laws, of resolutions and of surveys of standing committees and other material not later than a fortnight before the opening of the forthcoming session. Such a practice undoubtedly increases the deputies' activity and raises the level of the Soviets' work.

The Law on the Status of Deputies has, therefore, made it binding on the respective Presidiums of the Supreme Soviets and the Executive Committees of local Soviets to send

the deputies the requisite material on the questions discussed by the Soviets' sessions.

Soviet jurists emphasise that the session's Chairman ought to give the floor to the speakers according to the entries. But in practice this principle is sometimes violated owing, in particular, to the fact that the legislation of most Union and Autonomous Republics avoids this question.

The regulations of the Supreme Soviets of the Latvian and Lithuanian SSR are an exception. Article 14 of the Latvian Regulations states that "as a rule speakers are given the floor according to entries. The Chairman of the Presidium of the Supreme Soviet of the Latvian SSR and the Chairman of the Council of Ministers of the Latvian SSR are given precedence". Article 21 in the Regulations of the Supreme Soviet of the Lithuanian SSR does not contain the reservation "as a rule", thus more explicitly demanding that the established procedure be observed. But it also states that "the Chairman of the Presidium of the Supreme Soviet of the Lithuanian SSR and the Chairman of the Council of Ministers of the Lithuanian SSR are given precedence".

The deputy who wants to make a suggestion or comment on a question of procedure is usually given the floor immediately.

It has been suggested that similar provisions be included in the Regulations of the Supreme Soviet of the USSR, the Supreme Soviets of the Union and Autonomous Republics and the local Soviets.

The deputy's right to take the floor in a debate sometimes comes in conflict with the Soviet's right to end the debate. If we take the subordination of the minority to the majority as our principle we must acknowledge the priority of the Soviet.

Debate is usually terminated by a decision of the majority. This means that some deputies are prevented from giving information of importance or from advancing their arguments.

It has been suggested, on the basis of the experience of the Soviets, that a ruling be included in the regulations which would enable the deputies who had no chance to speak in debate to express themselves either in written form or in a short statement. According to this system a deputy gives a

reference when he has information that specifies, confirms or refutes the point in question. His statement must be relevant to the question under discussion and be limited in time. In contrast to a speech in the debate it must not last longer than three minutes.

The Soviet can decide to prolong the debate if the deputy gives new information that alters the matter under discussion, or if he advances new arguments that merit further discussion.

The introduction of this ruling would make it possible to co-ordinate the principle of the subordination of the minority to the majority with the right of each deputy to express his opinion on the question under discussion. Moreover, it would, on the one hand, spare the collegiate organ excessively long debates, and on the other, it would prevent a one-sided, superficial debate and enable deputies to present information to the session which they think is of vital importance to the question under consideration.

Another important means enabling the deputies to speak at the session is the extension of the length of the session, since it gives the Soviet an opportunity to increase the number of questions under discussion and make the discussion more profound and comprehensive.

The discussion aims at finding the best solution to a specific problem and thus those who deliver or supplement reports and those who take part in the debate, not only give information but also suggest resolutions.

The Law on the Status of Deputies establishes the procedure for the examination of suggestions and comments the deputies make at the session. Article 15 of this Law says:

"The Soviet shall examine the deputies' suggestions and comments made orally at the session or passed in written form to the session's Chairman, or it shall send them to the respective officials or state and public organs.

"These organs and officials must examine these suggestions and comments within specified time limits and report the results directly to the deputy and also to the Presidium of the Supreme Soviet, the Council of Ministers or the Soviet's Executive Committee, respectively.

"The Presidium of the Supreme Soviet, the Council of

Ministers and the Soviet's Executive Committee respectively shall exercise control over the examination and realisation of the deputies' suggestions and comments."

Soviet deputies help locate the shortcomings in the economy and in cultural and public facilities, and suggest how they can be eliminated. At their sessions the Soviets report to the deputies on the measures taken on the basis of the suggestions and criticisms they made at the previous session.

The Soviet takes a decision on each item of the agenda, in accordance with the rights granted it by the laws of the USSR and the laws of the respective Union or Autonomous Republic. Decisions are adopted only at sessions which, to quote Mikhail Kalinin's vivid expression, "accumulate the thoughts of the people and make the wishes of many the will of all".¹ If the session finds that the question under discussion has not been gone into sufficiently and that the draft decision does not reflect the wishes and views of the electorate the Soviet adjourns the session for some time to enable the deputies to consult the people, find out their opinions and examine the question more thoroughly.

This procedure has been established in the Latvian SSR and in some other Union Republics.

The deputies' will must be expressed in a legal act. Lenin emphasised that "a will, if it is the will of the state, must be expressed in the form of a *law* established by the *state*. Otherwise the word 'will' is an empty sound."²

The legal acts put forward by the Soviets are the result of collective effort on the part of the deputies, each of whom, taken separately, is relatively independent of the others. Consequently, the will of one or several deputies can become the will of the collegiate organ only when it is supported by the majority of its members. Support is however assured since the Soviet people are bound by common interests, and united by their moral and political values.

The principle of adopting decisions by a majority vote has been established in the Constitution of the USSR, the Constitutions of the Union Republics, the regulations of the

¹ M. I. Kalinin, *Questions of Soviet Construction*, p. 321.

² V. I. Lenin, *Collected Works*, Vol. 25, p. 90.

Supreme Soviets of the Union Republics and the normative acts on the local Soviets.

The Constitution of the USSR can be amended by a decision of the Supreme Soviet of the USSR provided it has been passed by no less than two-thirds of the deputies in each of the chambers. Similar provisions are to be found in the Constitutions of the Union and Autonomous Republics.

A decision of the Soviet is considered passed if it gets the vote of more than half of the deputies. The acts on village, township, district and city Soviets have already established this ruling. Article 31 of the RSFSR Law on the Village and Township Soviets, for instance, stipulates that the Soviet "shall adopt its decisions by a majority vote of all the deputies".

The right to decide is fundamental since it enables the deputy to turn the people's will into the will of the state. Voting is for each deputy an act of responsibility.

Soviet legislation, as a rule, establishes that voting on all questions should be open. The Regulations of the Supreme Soviet of the Uzbek SSR, however, stipulate that the Supreme Soviet of the Republic can in specific circumstances decide by a secret ballot.

The participation of the deputies in the sessions is vital, but it is not the only form of their work in the Soviets for sessions only last for a specific period of time while the Soviets function permanently. Lenin repeatedly emphasised that the structural and functional organisation of the Soviets and the unity of this system ensure their continuous functioning as representative organs of power. In his theses on Soviet power Lenin said that "the further development of the Soviet organisation of the state must consist in every member of a Soviet being obliged to carry out constant work in administering the state, alongside participation in meetings of the Soviet...".¹ In keeping with Lenin's injunctions the Programme of the CPSU demands that each deputy should take an active part in state administration and be carrying out some definite work.

These propositions are embodied in current legislation.

¹ V. I. Lenin, *Collected Works*, Vol. 27, p. 155.

For instance, the laws on the village, township, district and city Soviets state that the deputy must participate in the work of the Soviet and carry out its assignments.

The deputy has an obligation to do so since he is a member of a collegiate organ. The Soviet is not simply an assembly of individual deputies but it forms a specific qualitative entity, an independent subject of state-legal relations, which enters into legal relations with other subjects, including the deputies. The deputies' work both during and outside the session should therefore be consistent and purposeful.

In determining the organisational principles of the work of the Soviets Lenin said: "Let the Soviets form teams and get down to the business of government."¹ An analysis of major Party documents and normative acts on Soviet construction shows that ever since the inception of Soviet power the principle of drawing the deputies into constant work in administration of the state has been fundamental for the Party and has been effectively applied in practice. With the transition to communist construction it has acquired even greater significance.

The Soviet, by election, appointment or temporary assignment may vest a deputy with a special mandate. The deputy is legally bound to fulfil the commands of the Soviet which means that the Soviet has the right to present any deputy with any commission that is within its power to give.

The Chairmen of the Chambers of the Supreme Soviet of the USSR and the Chairmen of the Supreme Soviets of the Union and Autonomous Republics as the leading functionaries elected by the Supreme Soviets themselves, also have this right. In contrast to the Supreme Soviet, however, they can only distribute commissions to the deputies within limits strictly defined by the law.

The Executive Committees of the local Soviets often appoint deputies to check electors' applications, inspect the work of enterprises and establishments with a view to preparing some question for a Soviet session or an Executive Committee sitting, etc. Article 66 of the Law of the RSFSR on the Village and Township Soviets states that the deputy

¹ *Ibid.*, Vol. 26, p. 294.

can be assigned by the Soviet or its Executive Committee to inspect the work of collective and state farms, enterprises, establishments and other organisations located on the territory of the respective Soviet.

Since the deputy as a member of the collegiate representative organ of power is accountable to it, the Soviet and its leading internal body can order him to carry out definite commissions.

The nature of these commissions varies considerably. They may be of a collective or individual nature. A collective commission is given to a group of deputies when they are elected to the Presidium of the Supreme Soviet or to a standing or Executive committee. Individual commissions include those cases when a deputy is elected as the Chairman of a Chamber of the Supreme Soviet of the USSR, the Chairman of the Supreme Soviet of the Union or Autonomous Republic, the Chairman or secretary of a session. Some commissions can be both collective and individual. A deputy post, for instance, can consist either of one deputy or of a group of deputies. A commission can be either permanent, or temporary, or for one occasion only. A deputy vested with a special mandate in his capacity as a member of the Standing Committee or the Chairman of the Supreme Soviet of the Union or Autonomous Republic, usually holds this office for the whole term of the Soviet. Appointment as Chairman of a session of the local Soviet is for one occasion only.

The Soviets are a school of state administration. Since deputies acquire skill in managing the social and state affairs through the "large" and "small" commissions they are entrusted with, it is essential that all deputies be given commissions and all fulfil them conscientiously. Each deputy should be given a definite commission enabling him to utilise his abilities in the best possible way.

3. DEPUTIES' WORK AMONG THEIR CONSTITUENTS

The Central Committee of the Communist Party of the Soviet Union in its resolution On the Improvement of the Activity of the Soviets of Working People's Deputies and the Strengthening of Their Ties with the People, stated that

"Soviet deputies must always be in the midst of the people, know their needs and sentiments, regularly meet the electors, carefully examine their applications and complaints and help in their solution". It is the moral and legal obligation of the Soviet deputy to live up to these demands.

Deputies are in constant contact with their electorate where the people and the Soviets actively influence one another. By these ties and the deputies' constant organisational and educational work among its constituents a situation is built up where the people and the Soviets actively influence each other. Through their close links with the deputies the people can express their wishes and actively influence, direct and control the work of each deputy and of the Soviet as a whole. The principle of direct communication consequently operates both ways and both the deputies and their electorate are therefore equally concerned with strengthening their mutual relations.

To be able to express the interests and wishes of their electorate, the deputies must know their constituencies well. Circumstances will prompt the measures they ought to take in this direction. It would be very useful for a newly-elected deputy to learn from his predecessor about the specific features of the constituency, the difficulties involved, the outstanding problems, etc. Many deputies of the lower Soviets visit and talk to their constituents. Deputies of higher Soviets can do so only by choice. Deputies of all levels learn much about their constituencies during their reception hours, from the local newspapers, and from the letters they receive from their electorate.

The Law on the Status of Deputies says that the deputies' active work in their constituencies is indispensable if the Soviet is to work efficiently and strengthen its ties with the people.

The deputy shall maintain close contacts with his electorate, inform them of the Soviet's work and of how the plans for economic and socio-cultural construction are fulfilled and how the Soviet's decisions and the instructions of the electorate are implemented. He shall actually participate in the implementation of the laws and the decisions of the Soviet and its organs, study public opinion, inform the Soviet and

its organs about the people's needs and requirements and take measures to satisfy them, make suggestions to respective organs and officials on questions that arise in his activity.

The deputy shall rely on the support and assistance of the Soviet, mass organisations, various public bodies and the collectives of enterprises, establishments and other organisations.

"In our country, as everybody knows, the organs of people's power—the *Soviets of Working People's Deputies*—are the foundation of the socialist state and the fullest embodiment of its democratic nature." Those were the words of the General Secretary of the CC CPSU, Leonid Brezhnev, at the 24th Party Congress. "This, comrades, is a mighty force," he continued. "Today they comprise over two million deputies, who administer the affairs of our state of the entire people at all its levels. With them at the Soviets there is an army of 25 million activists, dedicated voluntary assistants."¹

Deputies at all levels maintain constant ties with the trade union and Young Communist League organisations and with the societies devoted among other things to defence, sports and culture. Deputies of the local Soviets, especially at their lower levels, rely in their daily work on all kinds of societies which number almost 100 and unite millions of Soviet people. In Moscow, for instance, the local Soviets draw on the help of about 500,000 people, 48,000 of them working on house and constituency committees and 30,000 on the parents' committees at schools and the councils at libraries, clubs, cinemas and polyclinics. There are 200 people's universities, 70 clubs at the house management offices, 880 libraries, 390 bookshops and stalls, 486 medical stations and polyclinics, and 20 kindergartens functioning in Moscow on a voluntary basis.

The deputies take advantage of all organisations set up by the initiative of the people. They sometimes join them as members or even supervisors. A deputy is not able however to be a member of all the organisations functioning in his constituency. One of his tasks is skilfully to direct peo-

¹ *Report of the Central Committee of the Communist Party of the Soviet Union to the 24th Congress of the CPSU, Moscow, 1971, p. 91.*

ple's initiative and help the activists use their energy and knowledge in the most effective way.

It is often the deputies who suggest that such organisations be set up in their constituencies. Deputies are responsible for seeking new ways of drawing people into the solution of the pressing problems of the economic, social and cultural development.

Beside the usual channels of communication between the deputy and his electorate there are other methods a deputy can use to get in touch with his constituents depending on whether he wants to contact all of them, a section of the electorate, or individuals. Once the agenda for the forthcoming session has been decided the deputy may, for instance, turn to his electorate for their opinion on some question that is to be discussed. Many deputies also hold talks and meetings with their electorate before the session begins as another way of learning public opinion.

The resolution of the Supreme Soviet of the Latvian SSR On the Convocation of the Sessions of the Local Soviets, adopted on November 16, 1956, recommends that questions submitted to the Soviet sessions should be discussed by the electorate beforehand. It also lays down that the Soviet can suspend the session if necessary to enable the deputies to consult their electorate before a decision is adopted.¹

Lenin taught that "we can administer only when we express correctly what the people are conscious of".² An awareness of public opinion is of paramount importance if a political system is to function in a normal and democratic way. We can express sentiments, views and thoughts, wishes and interests of people only when we are thoroughly acquainted with them. That is why public opinion must be made known in a foolproof and comprehensive way. Only then can representative institutions go forward to express this opinion.

When the constituency is large both in area and the size of the electorate, deputies can consult public opinion through

¹ See *Gazette of the Supreme Soviet and the Government of the Latvian SSR* No. 14, 1956, p. 13.

² V. I. Lenin, *Collected Works*, Vol. 33, p. 304.

the lower Soviets or representative bodies of social organisations.

Democratic centralism presupposes that higher Soviets govern lower Soviets and that the latter participate in the work of the former. Deputies play an important role in this process.

In recent years an ever-growing number of the Executive Committees of the local Soviets have been giving out more information about the questions to be discussed at the forthcoming sessions, asking citizens to send their suggestions either to the Executive Committees or to their deputies. Some Executive Committees also have the report or a summary of its main points, and the draft decision published in the local newspaper or as a separate pamphlet. Deputies use questionnaires, the press, radio, television and other mass media in their attempt to keep in touch with public opinion.

The deputy should take great care to fulfil the instructions of the electorate. These instructions have a long past. It was as far back as 1905, at the time of the first Soviets, that workers first began to present their delegates with instructions containing economic and political demands. Similar instructions were given to the Bolshevik deputies to the tsarist Duma. Peasants' instructions on the land handed to the delegates of the First All-Russia Congress of Peasants' Deputies in June 1917 were subsequently incorporated in the Decree on Land.

The electors have been expressing their will in the form of instructions to the deputies of the Soviets throughout the entire development of the Soviet state. The form and content of these instructions and the way they have been accepted and acted upon has changed in time with the specific demands of each stage in the development of Soviet society.

The term "instruction" does not cover every occasion on which the electors address their deputy. An instruction is a document expressing the *general wishes of the constituents* which the deputy is called upon to put into practice. It is proposals which have been put forward by the electors at their meeting, thoroughly discussed and adopted in the form of a special resolution by the majority vote.

The deputies' implementation of instructions is of great importance because instructions demonstrate the high level of the people's political consciousness, their interest in the state and social affairs, in the solution of urgent socio-economic problems. When they have been discussed and approved at the electors' meetings, instructions acquire social significance.

The Soviets have accumulated a great experience of work to implement the deputies' instructions. The Soviets of the present convocation have undertaken to discharge more than 500,000 instructions. The Law on the Status of Deputies attaches much importance to the instructions expressing the electors' will as to a feature of the socialist state system.

Instructions are addressed to the deputy. But they can rarely be fulfilled by him alone. To act upon demands: to build schools and hospitals, to repair houses, to strengthen public order or adopt a certain law is within the competence of the relevant state organs or social organisations. The deputy therefore can only fulfil his instructions with the help of the Soviet, an organ of state power which has the appropriate powers. The electors, however, hand their instructions to their deputy seeing as he is a member of the organ of state power through which their wishes can be implemented.

The regulations dealing with the Soviets state that deputies have the right to submit any questions that may arise in their activity for the discussion of the Soviet and its Executive Committee. Thus, they may submit questions bearing on the instructions if they themselves are unable to fulfil the instructions. They receive a large number of instructions, especially during the election campaign. For instance, during the 1967 election to the Kalinin Regional Soviet the electorate sent their deputies 560 instructions that covered all aspects of their activity. Therefore if each deputy brought up at the session all instructions or all those requiring the action of the Soviet without preliminary examination and preparation, the Soviet would not have enough time to consider all of them. Moreover, in considering them separately it would be unable to take the most effective and comprehensive decisions on all of them.

Since the deputy can fulfil some instructions by himself or with the help of the public it is not necessary to bring all of them before the Executive Committee.

By the law a deputy must bring to the knowledge of the respective Executive Committee only the instructions which he is unable to fulfil himself. He can also suggest the measures for fulfilling them. This raises his authority and role in implementing instructions.

Since formerly Soviet legislation did not state that the session of the Soviet should examine and act upon the electors' instructions, it was often the Executive Committees that accepted or declined them. The recently adopted laws on the village and township Soviets, as well as the laws on the basic rights and duties of the district and city Soviets, establish that it is the exclusive prerogative of the Soviet to endorse measures for fulfilling the electors' instructions.

According to the Law on the Status of Deputies, each deputy must draw the people into the implementation of the electors' instructions and ensure that enterprises, establishments and other organisations fulfil them.

The respective Soviets shall examine the instructions approved at the electors' meetings, endorse the measures to fulfil them, take them into account in elaborating the plans for economic and socio-cultural construction and in drawing up the budget, and organise and control the actual implementation of the instructions.

The endorsement of the measures for fulfilling the instructions by the session has a number of advantages. In the first place, each deputy is thus able to discuss the measures bearing on the fulfilment of the instructions of his own electors. This makes it possible to discuss in detail the important points, to establish continuity in carrying out instructions and to benefit from the views of the deputies. Secondly, this procedure enables the Soviet to draw many people into the relevant discussions and to get a better idea of how the public might help in putting the instructions into practice. Thirdly, the Executive Committee's responsibility to the Soviet for fulfilling all the instructions is thus raised.

Once an instruction has been endorsed it is included in the Soviet's programme of action. It is also included in the

programmes of action drawn up by enterprises, establishments and organisations accountable to the Soviet and entrusted with the fulfilment of the instruction. Some instructions are included in the economic plan and others in the operative plan of administrative organs accountable to the Soviet, and of the establishments subordinate to them.

There are two cases when instructions can be fulfilled by the lower Soviets and their organs. In the first situation, the Executive Committee which receives the instruction sends it to the Executive Committee of the lower Soviet which includes it in its plan. In the second situation, the Executive Committee does not send on the instruction but includes it in its own plan. If it decides upon action, the Soviet makes it clear in its decision that it is entrusting the Executive Committee of the lower Soviet with carrying the instruction out. In this case it is necessary to discover whether or not the lower Executive Committee considers this feasible and expedient.

If the Soviet supports an instruction which is not within its powers to fulfil, it sends the instruction to the respective organ: either to an administrative body functioning within the territory of the Soviet but not subordinate to it, or to a higher Soviet: the Supreme Soviet, or its Presidium, or the Republican Council of Ministers, or the Executive Committee of the higher-ranking local Soviet. Such instructions are usually sent by the Soviet to a higher-ranking administrative organ, or to an organisation not subordinate to it, in the form of a request.

Most instructions are formulated during the pre-election meeting attended by the candidate and the electorate. Electors can also hand instructions to their already elected representatives at meetings called to inform constituents about the work of their deputy and the activity of the Soviet.

Practice shows that the overwhelming majority of the Soviet deputies attach great importance to fulfilling the instructions of their electors, and it is not usually they who are to blame if a particular instruction that the Soviet has decided to act upon remains unfulfilled. It should be borne in mind, however, that individual cases of non-fulfilment of instruc-

tions are enough to undermine the electors' belief in their deputy and in the decisions of the Soviet.

The first thing the Executive Committees of the local Soviets usually do with the instructions is to send them to the respective departments and boards which examine them, weigh their potentialities in this respect and give their conclusions on the measures that should be taken. The Executive Committees and the Soviets study these conclusions and opinions put forward by the departments and boards and see if they are well-grounded.

Difficulties often arise when instructions are entrusted to organisations that are not subordinate to the Soviet.

The procedure by which the Soviet goes about putting these instructions into practice is as follows. The Soviet's Executive Committee sends them to the chiefs of respective enterprises and organisations who examine thoroughly the respective questions, discuss action with the higher-ranking relevant administrative bodies and write to the Executive Committee as to whether and within what period of time they will be able to fulfil the given instruction. The chiefs of the respective organisations are also invited to the session where they will have the opportunity of taking part in discussing the particular instruction. Any decisions adopted by the session are binding on the organisation in question.

There are certain difficulties involved in carrying out instructions. One problem is the correlation of these instructions with the national economic development plan. The draft of the plan which is handed the deputies indicates in general terms how many square metres of dwelling space are to be built, what sums are to be allocated to public services and amenities, how many schools, shops and kindergartens are to be built, etc. The deputy is not to know if the plan has included the instruction on putting in watermain in such and such a street, on the repair of such and such a house or on the opening of a shop in such and such a district, and it would be hardly expedient to raise all these questions before the Executive Committee at the session. The best solution would be for the practice employed in several Moscow's districts a few years ago to be taken up generally. The deputies were handed the Soviet's draft decision on the approval

of the development plan of the local economy and a list of housing projects, capital repairs, and accommodations and the list of polyclinics, schools, kindergartens, and shops to be built. The time limits for construction and the addresses of those responsible for the projects were also specified.

When the deputies possess information both of a general and detailed character they can see whether the plan reflects the instructions filed by their electorate and suggest the correct sequence in which particular projects should be tackled.

The deputies in socialist countries in contrast to those in bourgeois countries not only take decisions but actively participate in carrying them out. Lenin said that the Soviet deputies "themselves have to work, have to execute their own laws, have themselves to test the results achieved in reality, and to account directly to their constituents".¹

The Soviets themselves determine the main ways for ensuring that their decisions are acted upon. They see to it that the people concerned are equal to their tasks that the funds are allocated correctly, that all possible resources and reserves are mobilised and all the potentialities revealed. They rely on broad masses in the implementation of their decisions. Only this approach to the problem can assure success.

The expression "execution of decisions" should not be understood literally. The decisions of the Soviet are binding on all citizens but it is the deputies who should set an example in this respect. So when we speak of the deputies' duty to execute the decisions of the Soviet we see the deputies not merely as executors but also as *organisers*.

The deputies carry out the Soviet's decisions through the standing and Executive committees and deputies' groups. They can also do it on their own which will be dealt with in detail below.

The deputies must inform their electors of the decisions of the Party and Soviet organs and explain what is involved. This means that they are called upon to mobilise the people with a view to make sure that these decisions are put into practice in the quickest and best possible way.

¹ V. I. Lenin, *Collected Works*, Vol. 25, p. 424.

The means used to carry out a decision depend on the content of the decision. At times it is essential to ensure that the respective state or public organisations or their officials act in a certain way or refrain from certain action. At other times it is important to persuade individual citizens to observe certain legal norms. At still other times it is necessary to encourage citizens to take some action, etc. But in most cases a whole complex of measures is required to achieve this end.

When a deputy initiates a *voskresnik* (voluntary unpaid work on Sunday) or other activities in his constituency that are on a voluntary basis, he is organising the execution of a decision. But in many other cases he is unable to do it directly. He can only help the executive and administrative bodies in implementing the decisions adopted.

The electorate must obviously know of the decisions passed by the Soviet before they can act upon them. The deputies therefore play an important part in using the mass media to inform the people about the work of the Soviet. This does not mean that they need not explain the content of the decisions adopted, since they do not declare a particular decision passed but interpret its essence and significance and see that it is adapted to the local conditions and to the interests and tasks of the constituents. Bringing a decision to the people involves explaining its aim suggesting the methods and ways of carrying it out and showing the advantages it will bring.

The mass media are used because people are reckoned to pay attention to information thus transmitted. Some electors, however, owing to a variety of reasons, may not take in this information and the deputies' explanations are therefore of great importance because they are aimed, among other things, at influencing certain sections of the electors.

The psychological importance of the contacts between the deputy and his electors must also be taken into account. Lenin, it will be recalled, said that "personal influence and speaking at meetings make all the difference in politics. Without them there is no political activity. . . ."¹

The deputies' duty is to explain the decisions of the Soviets and their Executive Committees as established in the

¹ V. I. Lenin, *Collected Works*, Vol. 34, p. 325.

acts passed by the local Soviets and in other legal enactments.

The deputies use various ways of explaining the decisions of the Soviet organs. The most common method is the deputy's speech at the electors' meeting held usually soon after the session. This meeting does not require any definite quorum but it is in the interest of the deputy that as many electors attend as is possible. If the constituency is small, a joint meeting may be held for the electors of several constituencies. In such cases it is not necessary for each deputy to take the floor; one speech is enough. But if the constituency is large, several meetings are held.

Another method is to give lectures, reports and talks. Such method is convenient for the deputy with a small constituency, since it gives him an opportunity to adopt an individual approach to his listeners, and to take into account their professions, the extent to which they are informed about the developments, level of consciousness, and their interests.

Deputies also use the press. They make newspaper reports on the sessions of the Soviets and sittings of the Executive and standing committees and inform the reader of the decisions taken and the relevant measures adopted.

Lenin considered the invention of radio—the newspaper without paper and without distance—to be of great importance. There are millions of radio sets in the Soviet Union, from which the people learn of the plans and activities of the Soviets. Radio stations broadcast sessions of the Soviets, interviews with the deputies, programmes discussing the decisions adopted, etc.

Television is also of great help to deputies. Almost everybody can watch TV programmes in the Soviet Union. In its resolutions *On the Improvement of Soviet Broadcasting and On Further Development of Soviet Television*, adopted at the beginning of 1960, the CC CPSU recommended that deputies and functionaries of the Soviets and chiefs of various organisations should regularly use the radio and TV to speak on various matters and answer questions and letters referring to housing construction, public services and amenities, trade, medicine, etc. Sessions of the Soviets are sometimes televised, too.

Legal norms cannot prescribe which decisions are to be taken up and which methods used in explaining them. The deputy must take subjective and objective factors into account when he is making his decision.

We have dwelt on the deputies' duty to explain to the electors the decisions of the Soviets and of the executive and administrative bodies. But some decisions of the Soviets refer to the work and tasks of certain enterprises, establishments and organisations. They must, therefore, be brought to the knowledge of the collectives concerned. This can best be done by those deputies who belong to these collectives.

Much organisational work is required daily for the Soviet's decisions to be executed effectively and in good time. To say that a deputy is a "good organiser", that he keeps his word, and successfully implements the adopted decisions is therefore the highest praise. Although the deputy's role is important, organisational functions are, however, largely carried out by the Executive and standing committees and other Soviet organs.

Some constituents may complain, say, that a particular shop is not observing the sanitary rules; others may refer to the Soviet's decision on construction with the request for children's playgrounds; and still others may want a pavement built. There is often no need to appeal to higher-ranking organs to cope with these tasks. Everything can be settled on the spot, provided the deputy finds the correct approach and consistently and skilfully directs activity. Experienced deputies know how this should be done.

Soviet deputies are not professional politicians. They make their contribution to the common cause of building a communist society both by serving in the Soviets and working in production. The deputy must therefore see that the Soviet's decisions bearing directly on his factory, office or collective farm are consistently carried out, and must set an example of conscientious and creative attitude to work. He must also show himself as a skilful leader when vital questions in the life of his enterprise have to be decided. If he maintains close contacts with the Party, the trade union, and Young Communist League organisations and also with scientific and technical societies, he can hold general discussions

on the common questions of training the personnel, raising the labour productivity and improving the working conditions, safety mechanisms, education and public facilities, and co-ordinate efforts to solve these problems. Many deputies are skilful at bringing the various voluntary groups dealing with questions of production into the work of carrying through the decisions of the Soviets. They are active on the production conferences, assistance groups, local trade union branches, public design offices, etc.

The deputy takes an active part in seeing that decisions are carried out properly. Lenin held that control is not the special duty of separate administrative bodies but a necessary component of the work of any link of the Party or state apparatus and of every social organisation, and should be exercised by every public officer whatever post he occupies. "*To test men and verify what has actually been done*—this, this again, this alone is now the main feature of all our activities, of our whole policy," he said.¹

The process of controlling and checking brings in information that is "fed back" to the management and makes it possible to see whether the management's policy is working out in practice, and to ascertain the merits and demerits of the adopted decisions. It ensures that any unfavourable deviations from the planned course are put right in time, and that the different workers and whole collectives work together towards their common goals.

The laws on the village and township Soviets of Working People's Deputies adopted by the republican Supreme Soviets, in particular Article 66 of the Law of the RSFSR, and the laws on the main rights and duties of the district and city Soviets, provide that the deputy can, on the commission of the Soviet or its Executive Committee, check the running of collective and state farms, enterprises, establishments and other organisations located within the territory of the respective Soviet, and make any appropriate suggestions.

The new Law on the Status of Deputies fully establishes this right. "... On the commission of the Soviet or its organs, the deputy can check the running of the state organs, enter-

¹ V. I. Lenin, *Collected Works*, Vol. 33, p. 226.

prises, establishments and other organisations on the questions within the Soviet's competence, and acquaint himself with the necessary documents. He shall report the results to the respective state organs, enterprises, establishments and organisations and, if necessary, make suggestions on the improvement of their work, elimination of the revealed shortcomings and bringing to responsibility the persons who violate state discipline and laws.

"The deputy can propose to the Soviet or its organs that the running of state bodies, enterprises, establishments and organisations be checked."

To say that the deputy cannot verify the execution of decisions on his own initiative would be at variance with the actual state of affairs and a number of norms of operative legislation, including the right of inquiry. But to verify the fulfilment of decisions involves being in the actual place where the fate of what has been planned is decided and where the situation can be most fully understood.

Information in the form of documents and statistics ought to be available. Deputies ought to have the right to acquaint themselves with the actual state of affairs at enterprises, establishments and organisations, to have access to the factory floor, to documents and statistics. Article 66 of the Law of the RSFSR on the Village and Township Soviet, however, denies its deputies this right.

There is certainly no need for every deputy to have the right to make on his own initiative an inspection of any establishment or enterprise located within the territory of the given Soviet regardless of the constituency it comes under. This state of affairs could result in the same organisation being too frequently checked, and its normal functioning consequently being impaired.

The Soviet and its organs must plan and co-ordinate the ways in which control is exercised. But they hardly need to do this in the case of the deputy checking on how the enterprises and establishments located in his constituency are implementing the decisions of the Soviet. The instructions issued by his electorate serve to guide the deputy in his action. He supervises control and makes sure that the organisations entrusted with carrying out the instructions fulfil their duty

properly and in good time. It is impossible to do this if he cannot take the initiative in acquainting himself with the actual state of affairs in the respective organisations. And since it is his direct responsibility that the collective where he works organises to implement the Soviet's decisions, he must have the requisite legal status.

Taking into account the relations between the deputy, on the one hand, and the enterprises, establishments and other organisations located within the territory of his constituency, on the other, some Soviet jurists support the idea that legislation should provide the deputy with the following rights: the right to demand that the respective organisations supply him with necessary material, information on and explanations of their activity. This idea was reflected in the Law on the Status of Deputies, which says that the industrial enterprises, establishments and other organisations located in the given electoral district shall, on the deputy's request, give him reference materials and other information necessary for carrying out his activity.

These rights will enable the deputy to effectively control and supervise the execution of adopted decisions and will make his role more important.

The appeals the electorate make to their deputy are one of the channels through which they keep in constant touch with each other. Appeals can be subdivided into several types depending on their content and the form in which they are made. For instance, electors often ask their deputy how to act in the various situations that arise at work or in their private lives, etc. They turn to him not because of his legal status but because of his authority as someone with a rich experience of dealing with people. Though the deputy's advice does not have any legal standing, these appeals are of great importance.

The suggestions put forward by electors to their deputy constitute another type of appeal. The decree of the Presidium of the Supreme Soviet of the USSR of April 12, 1968, On the Procedure for the Examination of the Citizens' Suggestions, Applications and Complaints, states that by putting forward suggestions on political, economic and cultural matters and on the improvement of legislation, people can par-

ticipate in state administration, thus improving the work of the state apparatus and strengthening the control over its activities. This is one way to fight against bureaucracy and red tape and to strengthen socialist law.

Some suggestions, owing to a lack of necessary information or special knowledge on the part of those who put them forward, express, wittingly or unwittingly, a selfish, parochial viewpoint rather than the social interest. In such cases the deputy must bring to bear his knowledge, objectivity and principles. He must act not only as the spokesman for the wishes of some or all of the electors in his constituency, but as a member of the organ of state power which expresses the interests of the electors not only in the given constituency, but in the other constituencies, in the given district, region, republic and in the Soviet Union as a whole.

Besides instructions to the deputy or written applications to the state organs, suggestions can also be made orally at the electors' meetings, in the organisation of which the deputy plays a prominent part. At the meeting attended by the constituents of the Bauman Electoral District of Moscow on June 11, 1971, Leonid Brezhnev said: "It is far from enough to have many activists outside the Soviets. The task is to ensure constant ties between the Soviets and the mass of electors. . . . The key questions in the life of districts and towns must be discussed by the working people at the enterprises, and in the organisations, and in their place of residence. The newly-elected deputies are duty-bound to make this a rule, a norm in the activities of the Soviets."

Suggestions are similar to instructions but differ from them from the legal point of view. An instruction is made by all or most of the electors of a particular constituency; it is voted on and takes the form of a special resolution. A suggestion, on the other hand, can be made by one or several electors, and there is no specified way in which it has to be expressed.

Since suggestions do not express the wishes of all or a majority of his constituents, they are not binding on the deputy. In examining the suggestions put forward the deputy must display political maturity and skill in determining whether or not they are in accord with the wishes and interests of a majority of the electorate.

An application is another form of appeal. It was first established by the decree of the Presidium of the Supreme Soviet of the USSR of April 12, 1968, On the Procedure for the Examination of the Citizens' Suggestions, Applications and Complaints. The term "application" is applied to an appeal made to the appropriate state or social organ over any social or personal matter excepting those concerning violation of the applicant's subjective rights and interests.

Complaints as opposed to applications are usually made when there has been some violation of the rights or interests which are established in legislation or follow from the principles of socialist legality, and the rules of socialist community living or other personal interests that are not in contradiction to the social interests. Though the deputy does not possess legal powers, the electors appeal to him with a view to urging him to defend and restore their subjective rights and personal interests which have been violated.

Appeals can be made either in written or oral form. Some deputies, particularly those serving on the Supreme Soviet, work and live far from their constituencies. This makes personal contact more difficult, but does not exclude it altogether, since the deputy periodically visits his constituency and is available to his electorate. It may be more convenient however to present a written appeal. The deputy's postal address (whether his home address or that of his place of work, as he himself chooses) must be made known to the electors. He can also tell the numbers of his home and office telephones. Letters from constituents must be received and examined personally by the deputy.

The Soviet legislation in force regulates the order in which the deputies at all levels receive their electors. In practice this applies to deputies at all levels.

A deputy fixes the time and place for receiving his electors. Deputies of the rural Soviets may be considered an exception, though not all of them but only those who reside in the locality of their electoral districts.

However, when a deputy resides in one village and his electoral district is in some other area, at a considerable distance from his place of residence, and he cannot often meet all his electors at work, it would be advisable that special

reception hours be fixed. But much depends on the local conditions, and therefore the village and township Soviets decide in each particular case whether it would be expedient to fix definite hours and a special place for reception.

Legal norms do not regulate how frequently the deputies should receive their constituents. In practice this varies. The deputies of the Minsk District Soviet (Minsk Region), for instance, receive their electors two or three times a month.

We think that it would hardly be expedient to establish a binding legal rule on this question. Once a month would as a minimum be frequent enough. Either the Soviet or the deputies themselves can decide to increase the number of receptions on their own initiative or on the initiative of their electorate.

In considering the electors' suggestions, applications and complaints the deputies can make use of some of the provisions of the decree of the Presidium of the Supreme Soviet of the USSR (1968) mentioned above. Thus, Article 2 of the decree provides that the state organs should settle citizens' suggestions, applications and complaints in keeping with their range of powers established by the Constitution and other legislative acts of the USSR and the Union and Autonomous Republics. For instance, all-Union organs settle citizens' appeals referring to the questions which it is only in the power of the Union to settle. With a view to examining citizens' appeals in good time the decree states that suggestions and applications should be placed with the officials or the state organs, enterprises, establishments and organisations which are competent to settle them. Complaints should be presented to the organs or officials who stand directly over the state organ, enterprise, establishment, organisation or official in question.

Thus, in making appeals, the extent of the powers of the state and social organs applied to should be taken into account. This principle could also govern the norms that would recommend the electors to bear in mind the competence of the Soviet when they appeal to their deputy.

It would hardly be wise to send suggestions on the improvement of legislation to a deputy of the rural or even regional Soviet. Such suggestions would be better sent directly to

the deputies of the Supreme Soviet of the USSR or the Supreme Soviets of the Union and Autonomous Republics. There is no need, on the other hand, to complain to a deputy of the Supreme Soviet of the USSR about the actions of the principal of a secondary school. This complaint could be examined by a deputy of the local Soviet.

This approach does not raise the role of some deputies at the expense of others, it simply renders the social activities of individual deputies and of the Soviet as a whole more rational and effective.

Different state and social organs may be competent to decide questions electors raise in their appeals. Then what is the deputy to do?

His decision depends on many circumstances including the validity of a suggestion, application or complaint. Many deputies, therefore, before they express their opinion towards a particular letter or oral appeal, ask for and study additional material, talk with experts or survey the locality involved.

But deputies cannot personally check each application or complaint. Moreover, in many cases it is the state organs that have the power to verify the validity of these matters. For instance, the courts and the Procurator's Office alone have the right to check on the complaints about unlawful decisions and verdicts of the court. That is why deputies forward many applications and complaints to the authoritative state and social organs.

The legality of the appeals is also of great importance. The deputy can only support demands which are not in contradiction to the law. It is essential therefore for the deputy to know the fundamental laws on labour, housing, pensions, etc.

The Executive Committees of the Soviets, the administration of enterprises and organisations, the courts and other juridical bodies must help the deputy in tackling the legal questions that arise in his work.

The deputy is supposed to know whether the questions raised in the elector's suggestions, applications and complaints are legal and just, before he can define his attitude to them.

Electors apply to their deputies on different questions. Some of them are concerned with public affairs and point out

various shortcomings in the work of enterprises and organisations, others make suggestions to improve legislation, and still others seek advice or make requests. This is not accidental since the Soviet deputies are influential and experienced people vested with broad rights.

When he receives his electors and examines their letters the deputy must be very attentive and considerate and, if the request, complaint or application is well-grounded, he is duty-bound to support it, to intervene and achieve justice. Separate facts, the so-called minor matters, sometimes conceal the questions of great social significance.

Some people are apt to believe that the deputy must indiscriminately support any suggestion, application or complaint.

This is not so, however. Hero of the Socialist Labour A. Chuyev, a deputy to the Supreme Soviet of the USSR and a worker of the Baltic Works in Leningrad, has the following to say in this connection: "Thoughtfulness and scrupulousness are very important qualities in the deputy. People often consult us on personal matters, and the deputy's help or refusal may affect the man's whole life. This is what I understand as a statesman's approach.

"Once I received the mother of a prisoner. She asked me to intercede for her son who had been sentenced to ten years of strict isolation. 'He's been in prison four years, is completely reformed.' I learned that her son had robbed several people four years before and had been twice under trial. Moreover, he had poor record in the place of imprisonment. I had a long talk with the mother trying to explain to her that her son did not deserve pardon. There was no guarantee whatsoever that her son would not continue robbing or would not even commit a murder.

" 'Yes, of course, you are right,' she sighed.

"I was keenly aware of the mother's sorrow and sincerely sympathised with her. I wanted to help her badly but decided not to succumb to sentiment and refused to support her request. I believe that my decision was just and humane. I acted in the state and public interests.

"Yes, one must not succumb to one's sentiments. One must have enough courage to refuse, however regretful it is."

The deputy is called upon to help, to appeal, to support but

only when he is convinced that a given suggestion or application is legal and just. In this case he must use the broad powers granted him as the people's nominee.

When a deputy cannot form a definite opinion on an elector's letter or oral appeal he usually asks competent organs to examine it and make the results known either to the elector, or both to the elector and himself, or only to himself. The information the deputy receives on the measures adopted enables him to control the length of the examination, and the fundamental solution to the question. But if he disagrees with the decision adopted the deputy can ask for the re-examination of the question, or take other measures: he can make an inquiry at the session of the Soviet, write a letter to the higher body, etc. When he is convinced that the suggestion, application or complaint in question is valid, legal and deserves his support he should implement it consistently by all the means at his disposal.

The deputy should deal with applications and complaints with the skill of a statesman, i.e., he should seek behind isolated facts and "trifles" questions that are of great importance for many people. He should learn to see the needs of the inhabitants of a street, district or village from a single complaint. In order to see the big behind the small, the general behind the particular, the deputy should systematically analyse and summarise what motivates the appeals he receives; he should discover why it is that citizens apply to him and not to the respective officials. Such an analysis will enable him to raise general questions in the Party and Soviet organs, make criticisms at the sessions, sittings of the Executive Committee, etc.

Apart from dealing with the appeals they themselves receive from their electors, deputies also help check up the various complaints and applications sent by their electors to the Presidiums of the Supreme Soviets or the Executive Committees of the local Soviets. It is considered very important to check the validity of the facts cited in the application or complaint at first hand, in the actual constituency. To do this, leaders of the Presidiums of the Supreme Soviets or of the Executive Committees of the local Soviets write to the deputy asking him to verify matters and report the out-

come to the Presidium of the Supreme Soviet or the Executive Committee, which then adopts a final decision.

The participation of the deputies in checking these appeals not only gives them a better knowledge of how matters stand in their constituency, but also enables them to speed up the business of verification whilst ensuring its objectivity and efficiency. In addition it reduces the volume of work of the Presidiums of the Supreme Soviets and the Executive Committees of the local Soviets and with it their personnel.

Individual forms of deputies' work among the population exist side by side with collective forms. These collective forms are the deputies' groups, or deputies' councils. They are usually formed by the district, town (in towns without districts), village and township Soviets to serve a definite area, for example, a residential area, a constituency for elections to the higher Soviet, an area covered by a housing management office, a township, a block of flats, etc.

Deputies' groups include from 3 to 30 or more deputies, with larger groups often forming subsections, each to deal with its own specific activity. From among their members the deputies elect the group's chairman, vice-chairman, and secretary. The chairman is then approved by the Soviet which has formed the group.

Why are deputies' groups set up? Deputies of adjacent constituencies have many problems in common, and if they act in isolation the work is duplicated. When they come together in a group they can co-ordinate their work, and by co-operative effort deal with some of the complex matters a single deputy often cannot cope with. By acting together they can carry out the electors' instructions on such matters as the building and repair of schools, hospitals, enterprises and public facilities; on the improvement of streets and roads, and on controlling and helping to improve the work of enterprises and establishments located in the micro-district.

Article 26 of the Law of the RSFSR on the Village and Township Soviet of Working People's Deputies of the RSFSR provides that "deputies of the village or township Soviet elected from adjacent constituencies can combine into deputies' groups for joint work among the electors". A similar

procedure is laid down in the legislation on the district and city Soviets. This entails the conclusion that deputies' groups are a special form of deputies' voluntary organisations, created on their own initiative, into which a deputy may or may not enter at his own discretion. Deputies' groups do not rule out the deputy's acting individually in his own constituency.

Deputies often place before various state and social organs, enterprises and establishments matters concerning the fulfilment of their functions. Their appeals are mostly in the form of requests and suggestions arising in connection with the fulfilment of the Soviet's decisions. They can also ask these bodies to supply them with necessary information.

Soviet legislation emphasises the importance of the deputy's appeal and establishes additional guarantees that ensure a due examination of the deputies' requests and suggestions. This is because the deputy is the representative of his electors and acts on their behalf. Moreover, he is a member of the organ of power, which also increases the importance of his opinion on various questions.

The right to appeal follows from the Soviet's competence. This means that the deputy can appeal to various organs located in the area of the given Soviet and subordinate to it. When the question transcends the bounds of the Soviet's competence the deputy can act through the Executive Committee of the Soviet or a deputy of the higher Soviet.

When the electors raise before their deputy questions that exceed his powers he must either explain this fact to them and advise them as to whom they should apply to, or must himself send on their requests or suggestions to a competent organ or person. But this action does not imply additional guarantees established by the law for the deputy's appeal. The Law on the Status of Deputies gives the deputy the right to apply on questions pertaining to his work, to the state and public organs, enterprises, establishments and organisations and to people in office who must consider the question raised and answer the deputy within the time limits specified by law.

The deputies' proposals on the most important questions must be examined by the Executive Committees of the So-

viets, the collegiums of ministries and departments, the Councils of Ministers and the Presidiums of the Supreme Soviets. The deputy can take part in the discussion by these organs of the question he raised. He shall be informed of the day of discussion beforehand.

Deputies can appeal in oral or written form or both. Recent years have seen the publication of their appeals in the press. An oral appeal usually implies that a deputy visits the chief or some other responsible worker of the establishment in question, who is required to receive and listen to him.

The Law on the Status of Deputies stipulates that when the deputy applies on matters concerning his work, he must be received without delay by the chiefs or other officials of state organs, industrial enterprises, establishments and organisations which are subordinated to or controlled by the Soviet.

When the deputy explains his request or suggestion orally at the reception the official who receives him must write it down in brief in the reception journal and also note the Soviet to which the deputy belongs and to what address a reply must be sent.

Deputies are now widely using the telephone to contact the official in question. The latter must listen to the deputy, put down the essence of his appeal and also his address or telephone number for a reply.

As far as the deputy's written appeals are concerned, they have found their legal expression at least in the case of the deputies of the Supreme Soviets. For instance, on April 12, 1968, the Presidium of the Supreme Soviet of the USSR adopted a special resolution On the Procedure for the Examination of Letters of the Deputies of the Supreme Soviet of the USSR. Similar resolutions have been adopted by the Presidiums of the Supreme Soviets of the Union Republics.

Some suggestions and requests contained in the deputies' letters are not given due consideration, and there are instances of inexcusable delays in settling the questions raised. Additional guarantees have been established with a view to improving the examination of the letters of the deputies of the Supreme Soviets. The chiefs of state and social organisa-

tions, enterprises and establishments are responsible for this. The questions raised must be settled within a month or immediately if they do not require additional examination and verification. It is recognised as expedient that the most important suggestions made by the deputies of the Supreme Soviet of the USSR should be discussed by the board of a respective ministry or department or by the Executive Committees of the local Soviets, which must adopt appropriate decisions on them. The resolution of the Presidium of the Supreme Soviet of the USSR of April 12, 1968, stipulates that "if necessary a deputy can participate in the discussion by a board of the question he has raised". This resolution does not clarify whether the "necessity" is determined by a minister, or chief of department, or by the deputy himself. In reproducing this norm, therefore, the resolution of the Presidium of the Supreme Soviet of the RSFSR of July 15, 1968, supplements it by saying that "the deputy must be informed of the date his suggestion will be examined not later than three days before the sitting".

This implies that on receiving the information the deputy can himself determine whether his participation is necessary in the board's sitting where the questions he has raised will be considered. This order is clearly advantageous to him.

The resolutions of the Presidiums of the Supreme Soviets establish that the managers of the respective organisations must inform the deputy of the Supreme Soviet about the results of the examination of his appeals and the decisions adopted on them. Answers to the suggestions published in the press are usually given in the same organs of the press.

The new Law on the Status of Deputies gives the deputies broad powers which enable them to actively influence all aspects of public life, including the socialist law and order.

Soviet deputies are socialist statesmen and they must, therefore, be principled and consistent in furthering the strict observance of legal norms. They must decisively combat the violations of the Soviet laws, irrespective of the forms they take or of the ranks and titles of the persons who defy the law.

"The deputy must stand on guard of Soviet laws, actively combat legal offences and foster in people high conscien-

tiousness, the feeling of civic duty and a strict observance of the socialist laws." (Art. 25.)

The deputies are able to fulfil this duty. In particular, they have the right to actively influence the work of the Soviets by submitting questions to the agenda of the sessions of the Soviet, its standing and Executive committees.

Admittedly, the sessions have recently discussed the problems of law and order more often.

The collective discussion at the session gives the deputies a general idea of the state of affairs in this field and helps them reveal shortcomings, disclose the causes of violations and work out measures to eliminate them. These forums are of great educational significance because they draw the people's attention to important problems.

Such facts are many but it is the general regularity rather than individual facts that matters. Law and order are being undoubtedly consolidated where the deputies, together with the representatives of the militia, the court and the Procurator's Office, discuss the questions of the socialist law seriously and in a business-like manner.

Sessions are the principal but not the only form of the activity of the Soviet. The deputies come to their forum once in a few months whereas there are many instances when urgent steps must be taken to implement legal injunctions. In this case the deputies can apply to the Soviet's Executive Committee. They can also use the assistance of its standing committees, in particular the committees for the observance of the socialist law and the maintenance of public order.

These committees have a vast scope of activity. They combat criminal offences, campaign for observing the traffic rules, for safeguarding socialist property and observing labour legislation, examine and settle complaints and carry on the propaganda of the law. They make accent on the control over the execution of the laws and the Soviet's decisions and work in close contact with the court and the Procurator's Office.

The new Law on the Status of Deputies establishes that when the deputy has discovered cases of infringement upon the citizens' rights and lawful interests or other violations

of the law, he can, as a representative of state power, demand that these violations be stopped and, if necessary, demand that respective organs or officials cut them short.

The Law also stipulates that the officials of state and public organs, the management of enterprises, establishments and organisations and also the militiamen to whom the deputy addresses his demands must take urgent measures to eliminate the violation and, if necessary, to start a case against those responsible.

CHAPTER IV

**HOW THE RIGHTS
OF THE DEPUTY ARE GUARANTEED**

1. SOCIAL AND ECONOMIC GUARANTEES

Because private ownership of the instruments and means of production has been abolished, the exploiting classes eliminated and the people vested with supreme power, the conditions necessary for the development of socialist democracy have been created. Large-scale participation in social and state administration, the most important guarantee that the deputies' rights will be respected, now exists.

Under socialism the mass of people, for the first time ever, take an "*independent* part, not only in voting and elections, *but also in the everyday administration of the state*".¹ The Communist Party of the Soviet Union considers the citizens' active participation in the management of social affairs one of the main spheres of the development both of statecraft and of the people's communist education.

With the triumph of socialism millions of people have been drawn into active political life. Socialist society legally guarantees equal political rights and freedoms to all its members. In the interest of the people there are also material guarantees to supplement the system of political and legal guarantees of socialist democracy. Real possibilities are thus created for making use of the rights and freedoms proclaimed by Soviet power. The extent to which these guarantees are operative is however dependent on the success of socialist and communist construction, on the development

¹ V. I. Lenin, *Collected Works*, Vol. 25, pp. 487-88.

of social production and on the economic and cultural levels of society. Proletarian democracy of the transition period did not have the same possibilities as exist now, after the complete and final victory of socialism in the USSR and the transition to communist construction.

As the proletarian state developed into a state of the whole people, Soviet democracy underwent a qualitative change and became a democracy for the entire people. Much has been achieved, but much is still to be done to involve Soviet citizens in social activities to an even greater extent.

The Communist Party and the Government of the Soviet Union are encouraging various individual and collective forms of popular participation in communist construction.

"The transition to communism," it is pointed out in the Programme of the CPSU, *"means the fullest extension of personal freedom and the rights of Soviet citizens.* Socialism has brought the working people the broadest guaranteed rights and freedoms. Communism will bring the working people further great rights and opportunities."¹ This means that the rights and freedoms of the Soviet people will be extended still further.

The Soviet citizens' rights and freedoms under the socialist social and state system are strengthened by economic, political, legal and other guarantees, which together determine the degree to which these rights and freedoms are operative.

The Soviet deputies discharge their social functions while maintaining their normal jobs and therefore their social activities have to be carried out in their free time. Increased spare time helps people to effectively combine productive work with participation in social affairs.

This conclusion is borne out by the Estonian and Irkutsk scholars' sociological research into the work carried out by the local Soviets' deputies.

According to Estonian scholars, about 50 per cent of the deputies, for various reasons, find difficulties in exercising their powers. They have insufficient time at their disposal.

¹ *The Road to Communism*, Moscow, 1961, p. 552.

This raises the vital problem of how best to allocate time to the various members of society, including the deputies, according to their age, sex, family status, and qualifications or according to other factors.

This problem can be solved on the basis of comprehensive studies and recommendations of economists, jurists, sociologists, physicians, psychologists and other specialists. A scheme of the most rational distribution of time makes it possible to fix the maximum amount of time a deputy needs to properly exercise his powers. This, in turn, makes it possible to determine scientifically the amount of work that can be expected from Soviets of different levels and from their bodies, and to establish a tentative estimate of the general and special powers that deputies can be expected to carry out without their being released from their main occupations.

The deputies usually carry out their social duties in their spare time. But it often happens that deputies need leave from work during sessions or sittings of the Executive or standing committees.

The Law on the Status of Deputies states that the deputy shall be released from his production and business duties and retain his average pay (wages) in the place of permanent work, when he attends the Soviet's session or performs his duties in other cases specified by the law.

The decree of the Presidium of the Supreme Soviet of the USSR of April 8, 1968, On the Basic Rights and Duties of the Village and Township Soviets of Working People's Deputies (Art. 9), stipulates that deputies should have leave from work during sessions or sittings of the Executive Committees to which they are elected. Similar provisions are laid down in other legal acts as well. If a deputy has been made Chairman or secretary of the Presidium of a Supreme Soviet, Chairman of a Chamber of the Supreme Soviet of the USSR, chairman, vice-chairman or secretary of the Executive Committee of a local Soviet, this entails a great amount of work which cannot be done in his spare time. Consequently the deputy is released from his job. Only when the duties exercised by the chairmen or vice-chairmen of the Executive Committees of local Soviets are relatively light or the persons elected to these posts have a considerable amount of

free time (if they are, for instance, pensioners), can these duties be combined with other jobs.

The Programme of the CPSU has proposed that the role of the standing committees of the Supreme Soviets be increased and that they should be more active in controlling the work of the ministries and departments and in helping to implement the decisions adopted by the respective Supreme Soviets. The Programme points to the necessity of introducing "the deputies' periodical release from their jobs for work in the committees". It is most significant that the Communist Party should see this measure as a means of improving the work of legislative organs and strengthening control over executive organs.

To implement these decisions the Supreme Soviet of the USSR adopted, on October 12, 1967, Regulations on the Standing Committees of the Soviet of the Union and the Soviet of Nationalities of the Supreme Soviet of the USSR, which stipulate that members of the standing committees should be released from their jobs not only for committee sittings but also to enable them to carry out their assignments.

The question may arise as to whether it is necessary to release deputies from work on the days they make reports to their electorate.

The deputies' reports are given at meetings of the electorate in the constituencies. During 1970, for example, 97.3 per cent of the deputies of the local Soviets reported to the electorate at least once, and 57.7 per cent reported more than once.¹ Of course, when the deputy lives in his constituency it is not necessary to release him from work to enable him to meet his electors, since he can report to the electors in his spare time. But what is to be done when a constituency consists of several residential areas and several meetings have to be held to enable the deputy to report to as many electors as possible? This is the situation that faces the deputies of territorial, regional and Supreme Soviets. In such cases and also when the deputies go to other residential areas to have a talk with their electors, the management usually gives them time off work with average pay.

¹ *Soviets of Working People's Deputies* No. 6, 1971, p. 83.

Let us now consider an aspect of Soviet life that has considerable influence on the amount of time the deputy has to spend in carrying out his duties. The research of Estonian sociologists showed that many deputies were short of time because they had many other social commitments besides their work as deputies. Of those who answered the questionnaire, for 172 people (17.6 per cent) their work as deputies was their only permanent commitment, 24.1 per cent had one additional commitment, 21.2 per cent two, 16.2 per cent three, 9.9 per cent four, 3.7 per cent five, 2 per cent six, 0.9 per cent seven, and 4.4 per cent eight and more commitments.

It is difficult to express in figures the maximum amount of social work that a man can cope with because this depends on personal ability and on the specific nature of the work in question. While the amount of work carried out by deputies serving on the same type of Soviet is approximately the same, their other social commitments may differ greatly in their complexity. When analysing this question it is useful to study concrete facts. In reply to the question "Do you have enough time to carry out your activity as a deputy?" posed in the questionnaire distributed by the editorial board of the journal *Soviets of Working People's Deputies*, many deputies noted that they overworked themselves to fulfil their commitments, and gave evidence of this fact.

For their work in the Soviets and in their constituencies the deputies do not receive remuneration. It would, however, be unjust if they had to pay the travel expenses they incurred on deputies' business out of their own pockets or if they lost pay for the time they were at the sessions of the Soviet or while carrying out their commitments.

That is why both Soviet state law and labour law stipulate that when it is necessary for deputies to be released from work, they should retain their salary or average wage at their place of work.

Average wages for all workers, including piece-workers, are calculated on the basis of the norms laid down in labour legislation. Similar procedure operates in the case of deputies from collective farms, they receive the average wages either in money or in workdays.

The deputies have also the privilege of free transport.

The Law on the Status of Deputies establishes that deputies of the Supreme Soviet of the USSR, deputies of the Supreme Soviet of a Union Republic and deputies of the Autonomous Soviet of an Autonomous Republic have the right of free travel of all air-, road-, and water-ways and by all types of municipal transport (excluding taxis) within the territory of the USSR or the territory of the respective republic.

Deputies of the Soviet of an Autonomous Region and National Area, of a territorial, regional, district, city, township or village Soviet have the right to free travel by road and water transport of the republican subordination and by all types of municipal transport (excluding taxis) within the territory of the respective administrative unit. Deputies of the Soviet of an Autonomous Region and National Area and of a territorial, regional, or district Soviet can also travel by rail free of charge.

The Council of Ministers of the USSR and the Councils of Ministers of the Union Republics establish the procedure and terms for the free travel of the deputies of the Supreme Soviets of the Union and Autonomous Republics and local Soviets. They also establish the procedure of settling accounts with the transport organisations. Hotel, postal and other expenses incurred by the deputies of the local Soviets are paid by the Executive Committees when the appropriate documents are produced.

Deputies of the Supreme Soviets often have to use the telephone, the telegraph and the post, some of them need the service of a secretary for book-work, dispatching correspondence and other technical operations. All this entails certain expenses, the reimbursement of which is made difficult partly by the scale of work carried out by the deputies of the Supreme Soviets and partly because their place of residence may be far from the capital cities where the Presidium of the respective Supreme Soviets are located. Therefore the law of the USSR and of the Union and Autonomous Republics stipulates that the deputies' expenses connected with the execution of their duties should be reimbursed in the form of a regular monthly sum.

2. POLITICAL AND ORGANISATIONAL GUARANTEES

The leadership that the Communist Party gives to all state and social organisations is one of the most important conditions enabling the Soviets as a whole and each deputy individually to carry out their duties successfully. Party leadership is established in the Constitution of the USSR.

As far as the Soviets' work is concerned this means that every question is approached from a political point of view and that a political perspective is sought with the interests of communist construction, the direction and result of social development in view.

The Party has various ways of directing the Soviets' work. Most important are the instructions it gives which guide and determine the nature and direction of the Soviets' work; the correct selection, appointment, training and ideological education of Soviet cadres; and the control it exercises in checking that Party directives are being fulfilled by Soviet organs.

The relationship between the Party and the Soviets is based on the directive of the 8th Party Congress that "the Party must carry out its decisions through the Soviet organs, *within the framework of the Soviet Constitution*. The Party tries to *direct* the Soviets' activities but not to replace them."¹ This idea has been repeatedly confirmed by subsequent Party documents.

In his report to the 23rd CPSU Congress Leonid Brezhnev said: "Party bodies must completely eliminate their petty guardianship of the Government bodies and the practice of overriding them, which gives rise to irresponsibility and inertness on the part of the officials. It is the duty of Party organisations to develop the activity of the Soviets in every way, support their initiative and exercise constant care for the selection and promotion of people for posts in the Soviets and also for the observance and further development of the principles of socialist democracy."²

¹ *The CPSU in Resolutions and Decisions of Congresses, Conferences and Plenums of the Central Committee*, Russ. 8th Edition, Vol. 2, Moscow, 1970, p. 77.

² *23rd Congress of the CPSU*, Moscow, 1966, p. 129.

Successful activity of any Soviet is directly dependent on its composition, i.e., on those who are elected as its deputies. The Party wants therefore to ensure that the most esteemed representatives of the workers, peasants and intellectuals are elected to the Soviets. The Party guides the Soviets mainly through the Communist deputies. The Party Rules provide for the organisation within the Soviets and their Executive Committees of Party groups. Such a group includes all the Communist members of the representative organ and is subordinate to either a District Party Committee, a City Party Committee or any other Party Committee depending on the level of the Soviet. All members of the Soviet's Party group are registered in the Party organisation at their place of work. The group is, as a rule, guided by the secretary or a member of the respective Party Committee.

The Soviet's Party group usually meets to examine such important matters as organisational questions, submission of problems for the consideration of the first sessions of the Soviet of a new convocation, the leading role of the Communist deputies, improvement of the deputies' participation in organisation and keeping a check on activities and the introduction of the Leninist spirit into the work of the Soviet, into its departments and into the activity of each deputy. Communist deputies have recently begun to give more frequent reports on their work in the Soviet and their constituencies to the Party groups.

The guiding role of the Party in the Soviets can be increased by improving the work of those deputies in the Soviets who represent the Party. Party organisations recommend their members as candidates, canvass for them, give them support at elections, take constant interest in their work after election and help them whenever necessary. They hear reports of the deputies on their work at the Party meetings and at the sittings of the Party Committee or Party Bureau.

Both the grass-root and higher Party organisations are concerned with the work of the Communist deputies.

The Communist Party of the Soviet Union does not show concern, or offer help to the Communist deputies alone. Non-Party deputies who appeal to the various Party organisations, always receive advice, help and support.

The Party has always attached great importance to the communist education of the working people. With this in mind many measures have been taken with a view to helping the deputies and other public workers who take an active part in deciding state and social affairs.

To raise the deputy's political consciousness means to increase his efficiency. Party organisations use the press, radio and television, besides organising meetings, to develop among the deputies and all involved in the Soviets the sense of responsibility towards the people and the understanding of the importance of their work.

While the Communist Party extends political guidance to the Soviets, their bodies and deputies, direct organisational control is exercised by the Soviet in relation to its deputies and organs concerned and by the higher-ranking Soviets in relation to the lower-ranking Soviets.

The Soviet controls its deputies. It has the right to independently decide questions concerning its organs, to issue decisions that are binding on all its deputies, and so on.

The Soviet has to see that each deputy fulfils his duties, maintains ties with his electors, works in his constituency and in the various organs of the Soviet, and of the Executive Committee, and carries out his other commitments. This control assumes various forms. Many local Soviets in the Latvian SSR instruct their Standing Credentials Committees first of all to check up on the deputies' work in the constituencies and, if necessary, to bring up before the Soviet the question of a certain comrade's work.

It is the full Soviet, however, that during its sessions decides the principal question of the deputies' activity. But being standing organs, the Soviets must be prepared to give directions at all times. Moreover, it is especially necessary to guide and co-ordinate the deputies' activity between sessions when the deputies are scattered and combine their social activity with their permanent work.

The chairman of a session confines his guiding role to the sittings, within the limits strictly regulated by procedure. Thus the work of guiding the deputies' activity during sessions extends beyond the powers of the session's chairman. Hence the need for an internal organ to organise and

guide the work of the deputies and various organs of the Soviet.

At present this internal guidance is exercised during and between sessions by the Chairmen and vice-Chairmen of the Chambers of the Supreme Soviet of the USSR, and also by the Chairmen and vice-Chairmen of the Supreme Soviets of the Union and Autonomous Republics.

Between sessions of the Supreme Soviets, some directive and co-ordinating functions concerning the activity of deputies are carried out by the Presidiums of the Supreme Soviets, though this is not explicitly stipulated in the law.

As laid down in their constitutions, many socialist countries have internal directive collegiate bodies of their supreme representative organs of power: for instance, the Presidium in the Polish People's Republic and the German Democratic Republic, and the Bureau in the Socialist Republic of Rumania and the People's Republic of Bulgaria. According to Polish law, the Sejm Presidium defends the Sejm's interests, represents the Sejm in other organisations, interprets the Sejm's Regulations and makes sure that they are correctly observed. It is responsible for seeing that silence and order are maintained during the Sejm's sessions, and that the deputies observe their duties. It directs the Sejm's relations with foreign parliaments.

The structure of the local Soviets does not provide for permanently functioning internal directive organs. The session's chairman and secretary are elected only for the duration of the session and their functions are confined to directing its sittings. Between sessions directives are often issued by the Executive Committees of the local Soviets. They fix the time and place for the forthcoming session, choose the questions to be submitted for its consideration, inform the deputies of the agenda, and print news in the local press. With the standing committees, deputies and voluntary assistants, they prepare questions, examine and publish draft decisions, and see that the deputies are familiar with the material on the questions submitted for the Soviet's consideration.

It should be noted that the Executive Committee plays an important part in distributing amongst the deputies the

preparatory work. Many Executive Committees form special teams consisting of deputies and members of the Executive Committee to check on or investigate the work of the office or enterprise in question. Before starting their work the members of such a team are invited to an instruction meeting to the Executive Committee which works out tentative questionnaires.

The Executive Committees do much to organise the deputies' work, to help and support them in implementing the electors' mandates and in maintaining continuous ties with the people. They organise conferences for the deputies, explain to them their rights and duties, work out plans and other material for them and hold consultations on the major theoretical and practical questions of Soviet construction. They help the deputies with their reports to their electors: provide them with data, reference material and other information, give electors due warning about the meeting and provide premises for the purpose. They arrange for the deputies to discuss their work, give them instructions and advice, and decide many questions on how the deputies ought to discharge their duties.

By such means the Executive Committees of the local Soviets guide the general work of the deputies. According to the Constitution, however, the Executive Committee is formed from among the Soviet's deputies as its executive and not as its directive organ. Soviet legal writings point out that the legal status of the Executive Committee is at variance with its actual status within the Soviet. The Executive Committee dominates the Soviet as the deputies' assembly and thus in practice the Soviets are unavoidably subordinate to their Executive Committees, although according to the constitutional legislature they should direct the work of their executive organs.

The problem of changing the existing relationship between the Soviet and its Executive Committee in the advantage of the former is therefore connected with altering the relations between the Executive Committee and the deputies. But since guidance is a necessary function what organ can exercise it except the Soviet itself?

The existing system of organising the deputies' work

requires a definite centre which could effectively supervise the way deputies carry out their functions and evaluate their experience. These centres which are already functioning in some Soviets should be special Organisational Committees of the local Soviets. The search undertaken in the Irkutsk Region to discover the best ways of organising the deputies' work has made it possible to test experimentally the effectiveness of the Soviet's Standing Committee for Organising the Work of the Deputies.

Some authors hold that many of the functions of organising and controlling the deputies' work could be carried out by the Credentials Committees. But we consider that if a standing committee of the local Soviet were vested with the function of supervising the deputies' work, this would put it in an unequal position with regard to other committees. Moreover, since the Organising or Credentials Committee consists of deputies resident in different areas, the continuous co-ordination and control of the deputies' work would thus be complicated.

We hold that it would be more useful, as has been proposed in Soviet legal writings, to set up Presidiums of the local Soviets, which would act together with the Executive Committees rather than as a substitute for them.

Instructions are one form of assisting the deputies. The Soviet deputy is not a professional politician; nevertheless he should have, besides general knowledge and a grasp of his profession, certain legal knowledge and an understanding of economics and politics to enable him to carry out his duties as deputy. The effectiveness of his work largely depends on the extent to which he masters this knowledge and can apply it in practice.

The deputy should above all be acquainted with his rights and duties. His success in applying the norms that regulate his legal status depends largely on his personal abilities and the concrete situation. But it is also determined by his knowledge and use of the forms and methods of realising these legal norms that have been worked out by the Soviets in their many years of experience. He daily deals with the various branches of law concerning labour, collective farm, the family. To find his bearings the deputy

must understand the fundamental workings of the law. This enables him to observe legal principles strictly and to see to it that officials and citizens also obey the law.

Various methods are used to inform the deputies of legal acts. In recent years seminars for the deputies of the local Soviets have often been held at which members of the Executive Committee, judges, procurators, barristers and notaries have given lectures on Soviet laws.

At these seminars, the forms and methods of the deputies' works are usually discussed and experiences exchanged. Those of the head of the Executive Committees and their departments give the deputies information about the state of affairs in their district (region, city) and about the decisions adopted by the Executive Committees and higher Soviet organs. Some seminars consist of a single session while others, often called schools of Soviet activists, are permanent seminars. The latter spread over a period of time and have fixed curricula. Such schools are now functioning in most Republics and regions.

Similar training is provided by the public institutes for the legal education of deputies. The curricula are aimed at meeting the deputies' interests and requirements and the course extends over two years, i.e., the term of office of the deputies, and covers those theoretical and practical problems that face the deputy in his work.

The Executive Committees organise Deputy's Days which may vary in content but have one aim: to enable deputies to exchange their experiences and to make them familiar with the theory and practice of law, and with the modern forms and methods of working. Specialists and leading workers give lectures and deputies report on their work.

The way in which questions are asked and answers given is of interest. The Executive Committee of the Ovsyankovo Village Soviet (Amur Region), for instance, suggested that the deputies should send their questions beforehand so that there would be time for the reporters to prepare answers. As a consequence, the Deputy's Day was particularly interesting and instructive. It clarified a number of complex problems and thus helped the deputies and the Executive Committee solve some urgent economic questions.

On such days deputies are also given legal consultations and visit factories, collective and state farms, and study the work of successful deputies.

Some Executive Committees organise special deputies' rooms where codes of laws and legal regulations, decisions of the Soviets and the Executive Committees, literature on law and material on the work of the Soviet and its organs (plans of work, electors' mandates, etc.) are kept. The deputies' Room of the Biisk City Soviet has a large and well-designed board displaying photographs of the best deputies of the past and present convocations and giving detailed description of their work.

Some magazines publish material under the heading "Help to Lecturers" and "Help to Students". Talks are also often organised. Although hard work has been done, it is widely held that yet other forms of study should be introduced.

The courses of the district and rural schools last for two years, i.e., the term of office of the local Soviets. The question arises as to what is to be done, when there are both new deputies and officials coming to serve in the Soviets? To repeat the programme from scratch would be dull for those who have already gone through it, while newly-elected deputies would find advanced courses difficult to understand. The schools are above all directed towards the newcomers while at the same time attempt is made to cater for those who have been elected deputies for a second term. Deputies who missed many lessons during previous years, are advised to repeat the course if this tells on their work. Those who previously studied regularly need attend only classes that deal with new methods of work or new laws. More advanced students of previous years may be invited to the seminars as lecturers or to speak about their work.

Publishing houses put out reference books on law for workers in the local Soviets.

Some Executive Committees of the local Soviets themselves publish collections of operative acts applying to the local Soviets and make them available for those deputies they most concern. Deputies are sent gazettes published by the Supreme Soviet of the USSR and the Supreme Soviets of the Union and Autonomous Republics to keep them in-

formed about acts of the Supreme Soviets and their Presidiums. The Executive Committees of many regional and territorial Soviets once published special bulletins which contained the decisions and instructions of the respective Soviets and their Executive Committees, and also articles on work in these Soviets. At present such bulletins are published by the Executive Committees of the Moscow City, the Moscow Regional, the Leningrad City and some other Soviets. It is now proposed that all Executive Committees of Regional and Territorial Soviets should publish bulletins for distribution among the general public.

The paper *Izvestia of the Soviets of Working People's Deputies* publishes articles and official material including acts of the Supreme Soviet of the USSR and the Council of Ministers of the USSR, and reports and notes on the work of the Soviets and their organs. Since 1957 an all-Union journal, *Soviets of Working People's Deputies*, has been published.

Izvestia and *Soviets of Working People's Deputies* both have a circulation of several millions. To keep deputies up-to-date about the normative acts and spread information about new forms and methods of work, leading Soviet organs try to see that these publications are available to all deputies.

The improved quality of the deputies' work will more than compensate for the expenses involved.

Many Soviet deputies are young. They are active in the Soviets, speak at the sessions and participate in the work of standing committees and the deputies' groups. But they do not always have adequate knowledge and experience and they need help.

The Soviets' Standing Youth Committees initiated by the CC CPSU help to provide this service. The first joint sitting of the Youth Committees of the Soviet of the Union and the Soviet of Nationalities of the Supreme Soviet of the USSR (May 22, 1969), discussed the very important question: "The work of the Local Soviets to draw the youth into the activity of the Soviets of Working People's deputies". The Committees proposed that the local Soviets enlist more young people in the economic and social and cultural

development and submit more questions to the sessions and the Executive Committees, relating to the education, vocational training, work, everyday life and leisure of the younger generation. On September 2, 1969, the Bureau of the CC YCL discussed how the YCL organisations could further strengthen their ties with the Soviets of Working People's Deputies and improve the work of young deputies. A comprehensive decision on these questions was adopted. The Bureau also discussed the experience of the work among young deputies.

The Bureau expressed its approval of the work of the Georgian, Kazakh, Latvian, Lithuanian, Ukrainian and Estonian Republican YCL organisations and recommended that the YCL organisations and the Soviets render concrete help to young deputies. The YCL and the Soviets were called upon to foster qualities of leadership in young deputies, give them a greater role in settling questions of the work, leisure and everyday life of young people, do everything to support their initiative in submitting questions to the Soviets, and inquiries and suggestions to the executive organs and economic managers.

The YCL and the Soviets must see to it that the young deputies study hard and actively defend the interests, needs and aspirations of the young electors, meet them regularly and keep them informed about the work of the Soviets and their own activities. The YCL committees must:

strengthen the ties between the young deputies and the YCL members, organise deputies YCL members to give reports to the YCL organisations of factories, building sites, collective and state farms, educational establishments and at the plenums and meetings of the YCL Committees;

supervise the studies of the young deputies and see to it that these deputies understand the pressing problems facing young people both at work and in life generally and keep in touch with the activities of more experienced deputies; set up permanent schools and seminar courses for the young deputies, hold Young Deputy's Days, organise lectures and regular reports from people actively involved in the YCL;

see to it that the young deputies are able to carry out their work; raise their general educational and political level,

help them acquire professional knowledge, and recommend the finest of them for YCL or Party membership:

carefully study the work of the young deputies and consistently improve the old and search for new ways of perfecting it, set up young deputies' councils and groups at the YCL Committees and spread the example of the most successful of them.

The YCL organisations regard the activity of YCL members in the Soviets as a most important commission.

The Georgian YCL Committees have much experience of work among the young deputies. They have co-operated with the Soviets in summarising and spreading the young deputies' experience, called conferences of young deputies where the problems of carrying out the decisions of the Communist Party are discussed, and agreed on ways to increase the young deputies' role in settling the questions of the work, leisure and everyday life of young people.

The most usual educational opportunities offered the young deputies in the Georgian SSR include seminars, people's universities with faculties of law, young deputies' schools and days, meetings with older deputies, and the provision of sections of young deputies in the deputies' room at factories.

In the Ivanovo Region of the RSFSR it is traditional to hold a Young Deputy's Day.

The Regional Executive Committee and the YCL Committee have worked out a curriculum of study for the young deputies and organised their meetings with the leading workers of the Executive Committee, and talks with prominent scientists, art and cultural workers. Their outlook is thus broadened and they are able to perform their duties better.

Apart from instructional help, young deputies are also provided with the necessary facilities and aid in organising certain measures, particularly on constituency work.

This aid is provided by the Presidiums of the Supreme Soviets or the Executive Committees either directly or through the Executive Committees of lower Soviets. The enterprises where deputies work and public organisations

are also involved. For instance, the enterprise or office where a deputy works provides premises for the reception of electors or for an electors' meeting. Many Executive Committees see to it that notices giving the time and place of the deputies' receptions are printed and posted up at various places in the electoral district. When deputies meet their electors, the Executive Committees of the local Soviets, often with the help of some public organisation, print and distribute invitation cards. The Executive Committees and above all their organisational-instructional departments thoroughly analyse the deputies' work and find the best ways for facilitating its organisation, as the necessary condition of its effectiveness.

The work of the best deputies and Soviets is carefully studied, and any useful hints passed on.

Reviews, notes, references and other material, prepared by the organisational-instructional departments and published in bulletins and journals, play a definite role in spreading information. These departments collect various examples of the work of the best Executive Committees, Soviets and deputies, add their suggestions and recommendations and send them out as notes of the organisational-instructional department. The organisational-instructional department of the Executive Committee of the Krasnodar Territory provides a good example of this practice.

So far we have dealt mainly with the help extended to the deputies of the local Soviets. But the deputies of the Supreme Soviets also need assistance. The Presidiums of the respective Supreme Soviets may render such assistance either on their own initiative or at the deputies' request. More than 900 deputies were given instructions on various economic, legal and other matters during the first and second sessions of the seventh convocation of the Supreme Soviet of the USSR.

The Presidium of the Supreme Soviet of the USSR also gives considerable help to the deputies between sessions. It sends on their suggestions to ministries and departments, controls their implementation, assists the deputies in their work among the electorate and deals with questions concerning the deputies' fulfilment of their duties.

Other organisations which offer help, include the enterprise or office where the deputy works and which nominated him a candidate and the public organisations to which he belongs or which function in his constituency.

Candidates are nominated by the workers' collectives, who naturally are concerned with their deputies' work and give them help. They often provide premises for the reception of the electors and for various meetings, or transport and other help if it is required for some social purpose, such as a *voskresnik*. They also arrange lectures, concerts and other events for the electors. A lot of work, for instance, went into a meeting of the Party organisation of the Osh Silk Mills (Kirghiz SSR). The meeting heard reports of deputies, explaining what had been achieved and the difficulties involved. The Communists gave useful advice and made suggestions. After the meeting the Party organisation sent speakers and propagandists to the constituencies and helped the deputies involve people in planting trees and shrubs, repairing houses, etc.

Public organisations, including those that are voluntary, help deputies to fulfil their instructions of the electors, to organise meeting with the electorate and carry out their other duties.

With a view to providing guarantees of the deputies' activities, the Law on the Status of Deputies makes it binding on state organs, enterprises, establishments, organisations and their officials to help the deputies execute their powers. If respective officials fail to help the deputies, the Soviet or its organs may, according to the established procedure, take disciplinary measures against these officials or recommend that appropriate organs adopt disciplinary measures in relation to them, up to releasing them from office.

3. INVIOIABILITY OF THE DEPUTY

Inviolability of the person is the inalienable democratic right of the Soviet citizen. No one can be arrested except by decision of a court of law or with the sanction of a procurator. This basic guarantee against being unlawfully restricted or deprived of personal freedom is established in

Article 127 of the Constitution of the USSR, which says that the citizens of the USSR shall be guaranteed inviolability of the person. To unlawfully deprive someone of freedom is a serious crime.

The observance of the law is secured by special as well as general legal guarantees. The law provides specific means by which legality can be restored and its violators brought to account. This prevents a breach of law or ensures that any breach becomes known and immediately eliminated.

Additional legal guarantees can be established with regard to the specific nature of the legal clause in question.

The Soviet deputy is the subject of such special regulations. Additional legal guarantees cover those legal relations strictly defined by the law. The law establishes the principle of the deputies' inviolability.

The Law on the Status of Deputies establishes that the deputy of the Supreme Soviet of the USSR, and the deputy of the Supreme Soviet of a Union Republic cannot be brought to trial for a criminal offence, arrested or subjected to administrative measures meted out by the court, without the consent of the Supreme Soviet of the USSR and the Supreme Soviet of the Union Republic respectively, and in between their sessions, without the consent of the Presidium of the Supreme Soviet.

The deputy of the Supreme Soviet of an Autonomous Republic cannot be brought to trial for criminal offence, arrested or subjected to administrative measures imposed by the court, within the territory of the respective Republic and within the territory of the Union Republic of which the given Autonomous Republic is a part, without the consent of the Supreme Soviet of the Autonomous Republic, and between its sessions, without the consent of the Presidium of the Supreme Soviet of the Autonomous Republic.

The deputies of the Soviet of an Autonomous and National Area, and of a territorial, regional, district city, township and village Soviets of Working People's Deputies cannot be brought to trial for a criminal offence, arrested or subjected to administrative measures imposed by the court, within the territory of the respective Soviet, without the

consent of the Soviet in question, and between its sessions, without the consent of its Executive Committee.

The higher Soviet can annul the decision taken by the lower Soviet or its Executive Committee on the given question and bring it before the Soviet a second time. If the Soviet confirms its decision, the matter can be settled in substance by the regional or territorial Soviet or the Presidium of the Supreme Soviet of the Autonomous or Union Republic, according to the representation made by the Procurator of the region, territory or republic in question.

Before 1968 inviolability of the deputy extended only to criminal procedure. But practice made it necessary to introduce additional legal guarantees to cover the sphere of labour relations as well.

As a member of an organ of power the deputy cannot overlook shortcomings at the factory or office where he works. He is duty-bound to help strengthen law and order as well as labour discipline and set an example of the communist attitude to labour.

The Soviet or its standing committee may order the deputy to take part in checking the work of his enterprise or office. He can offer criticisms at a session of the Soviet or at a sitting of a standing or the Executive committee, and enjoys the right of inquiry. His actions are, however, open to the wrong interpretation.

The labour legislation in force in the USSR guarantees that the management cannot dismiss a worker as long as the factory or local trade union committee withholds its consent. This provision seems to guarantee the labour rights of the deputy as well. But since the trade union committee may not be aware of the real reasons behind the management's desire to dismiss a deputy, this provision may be abused. After all it may be the deputy's work outside his factory or office, his speech at a Soviet session or at a sitting of the standing or Executive committee, that has influenced the management's decision. A mistake can naturally be put right in the court but such proceedings can distract the deputy from his work and affect his authority.

The Law on the Status of Deputies, therefore, provides for additional guarantees of the deputies' labour rights.

The management cannot dismiss the deputy from his enterprise, office, organisation or collective farm or transfer him to a lower-paid job as a disciplinary measure, without a preliminary consent given by the Soviet, and in between sessions, without the consent of the Soviet's Executive Committee or the Presidium of the Supreme Soviet.

When the deputy's term of office in the elected organ terminates he shall be given his former job (office) from which he was released to be able to carry out his powers and if it no longer exists he shall be given another equal job (office) at the same or at another enterprise, according to his wish. The term of the deputy's work in the Soviet's organ is included in his former service record.

Jurists are now making comprehensive research into the problem of inviolability of the deputy since it touches the legal regulations concerning state, criminal, labour and collective farm laws.

CHAPTER V

**ACCOUNTABILITY, RESPONSIBILITY
AND INCENTIVES**

I. DEPUTY'S ACCOUNTABILITY

The close tie the deputy has with his electors, his accountability to them and the control they exercise are some of the most important democratic principles on which the organisation and activity of the representative organs of power are based in the USSR.

In *The State and Revolution* Lenin wrote that the parliamentarians, deputies, have to be directly accountable to their constituents.¹

This principle has been consistently practised since the Soviets were first established. Article 142 of the Constitution of the USSR states: "It shall be the duty of every deputy to report to the electorate on his or her work and on the work of his or her Soviet of Working People's Deputies; every deputy may be recalled at any time upon a decision taken by a majority of the constituents in the statutory manner."

Similar stipulations are included in the Constitutions of the Union and Autonomous Republics, in regulations of the Supreme Soviets of the Union Republics and in the laws and provisions on local administration.

The principle of the deputies' accountability was further developed in the Programme of the CPSU: "It is necessary to ensure in full the regular accountability of Soviets and deputies to their constituents and the right of the electorate to recall ahead of term deputies who have not justified the confidence placed in them."²

¹ See V. I. Lenin, *Collected Works*, Vol. 25, p. 424.

² *The Road to Communism*, p. 549.

The CC CPSU Report to the 23rd Party Congress also stressed the need to ensure that deputies reported to their electors.¹

It would be correct at this point to make a regularly summary of the material on this question.

The first question to discuss is: on whose initiative is this process put in motion?

The Instructions to the Deputy of the Local Soviets say: "The Deputy shall report to his electors on his own initiative, at the request of the social organisation that nominated him as candidate, on the decision of the Soviet or at the recommendation of the Executive Committee." They do not specifically mention the electorate as an initiator, though this right was included in several acts on the local Soviets which were previously in operation. Article 55 of the earlier Regulations on the Rural Soviet of Working People's Deputies of the Byelorussian SSR thus stated: "The deputy of the rural Soviet must give a report whenever his electorate so demands." Some other regulations on the local Soviets contained similar stipulations.

Newly-adopted laws on the village and township Soviets also establish the right of the electorate to summon their deputy.

But the law must obviously specify exactly how the electorate's right to demand a deputy's report should operate. The right cannot belong to each elector as an individual. The law must stipulate the number of electors whose demand for a report the deputy should comply with. Such provisions, it should be noted, were in existence before.

This number should vary depending on the level of the Soviet in question. Electors can demand a report either by a written application or at the meeting at which the deputy reports to his electorate.

When and how often must deputies report to their electors? Until recently regulations on the local Soviets gave different rulings on this point.

Soviet jurists have different suggestions to make on this question. Some of them held that the deputies of the village,

¹ See *23rd Congress of the CPSU*, p. 128.

township, district and city (in cities without districts) Soviets should report not less than twice a year, and deputies of all other Soviets at least once annually. Others believed that the deputies of the local Soviets should report four times a year and the deputies of the Supreme Soviets at least twice.

The laws on the village and township Soviets establish that the deputies of these Soviets must report to their electors at least twice a year and any time their electors demand an extra report.

According to Article 47 of the Regulations of the Supreme Soviet of the Lithuanian SSR, the deputy of the Supreme Soviet must report at least once a year.

Taking account of the accepted practice, the new Law on the Status of Deputies stipulates that "the deputies of the Supreme Soviet of the USSR, the Supreme Soviet of a Union Republic and the Supreme Soviet of an Autonomous Republic must report to their electors on their own work and the work of their Soviet at least once a year, while the deputies of the Soviet of an Autonomous Region and National Area, of a territorial, regional, district, city, village and township Soviets must report not less than twice a year.

"The deputy must report whenever the working collectives and public organisations that nominated his candidature demand this, or on the insistence of the electors' meeting in the place of residence.

"The deputy shall inform the Soviet of the report he made and of the electors' proposals."

The concluding report is another practice worth mentioning when a deputy has finished his term of office (two years in the local Soviet and four years in the Supreme Soviet). This ensures the necessary continuity in the work at the Soviet and that worthy candidates are nominated. The electors stand in judgment, as it were, of their representatives and decide which are capable of fulfilling the office of deputy.

It seems quite clear that the deputies' duty to report to the electors means that they report to the *electors in their respective constituencies*. This is expressly stated in Article

142 of the USSR Constitution and in the respective articles of the Constitutions of the Union and Autonomous Republics. Some writers however maintain that a deputy should report both to the meetings of his electorate and to the workers of the factory or establishment which nominated him for election.

This idea is not incorrect but is badly put, since it places on one level two reports that are somewhat different from the legal point of view. When a deputy reports to the electors of his constituency he is reporting as the person who represents them in the Soviet, as the spokesman of their wishes and interests, and he is therefore responsible and accountable to them. He is duty-bound to report to those who elected him. But his report to the working people's collective of which he is a member or which nominated him for election (they need not always coincide) is different, since the workers' collective will include people from many constituencies.

Article 62 of the Law of the RSFSR on the Village and Township Soviet of Working People's Deputies rules that the deputies must maintain constant ties with their electors, *informing* them of the decisions of the Soviet and its Executive Committee. Article 67 of this Law says that deputies must give a *report to the electorate* on their work and the work of the village (township) Soviet of Working People's Deputies. There are similar rules in the laws on district and city Soviets.

A deputy ought also to meet his electorate after each session to explain the results and the decisions adopted. This is however not a report. The functions of these two procedures are delimited by the resolution of the CC CPSU of January 22, 1957, On the Improvement of the Activity of the Soviets of Working People's Deputies and the Strengthening of Their Ties with the People. A section of the resolution emphasises that the deputies must account to their electors, and another, that "after each session the deputies must, as a rule, meet their electors, inform them of the decisions adopted and carry out organisational work to put these decisions into practice in their constituencies". It is true that when the deputy reports to his electors, he is to

some extent giving them information and that when he tells about the work of the Soviet he could be said to be accounting for his activity, but these two functions must be distinguished.

The reports to the electorate must comply with definite regulations which we could summarise in this way.

1. The deputy must report to those who elected him. His report is valid provided a specified number of the electors attended the meeting (or the several meetings if necessary).

2. His report covers a definite period of his term. If he is reporting for the first time he must account for the period from his election. If he is reporting to the electorate for the second or third time it is not necessary for him to dwell in detail on matters that were covered at the preceding meetings. In this case he should concentrate on the achievements and setbacks since the previous report, although, if necessary, the meeting can refer to the work the Soviet or the deputy carried out during an earlier period.

3. In accordance with the Constitution of the USSR and the Constitutions of the Union and Autonomous Republics, the deputy must report both on his own work and the work of the Soviet to which he is elected.

He should tell his electorate about the main problems that have faced the Soviet during the period under review and give them detailed information of how the Soviet, its standing and Executive committees have been tackling these questions. It is essential, moreover, that he highlights the role of individual deputies who have displayed initiative and mentions those who prevented some duty or other from being carried out.

The part of the report dealing with the deputy's own activity is also very important for the electors since it is he who represents them in the Soviet. In general his report must be business-like and concrete, educational and politically oriented.

4. The report is followed by a discussion which will be the more business-like, the more objective and self-critical the report is.

The electors not only assess the work already done, but offer new suggestions which are discussed in turn. If these

suggestions are supported by the majority of those present they are considered as electors' mandates.

5. The meeting usually adopts a resolution on the deputy's report, appraising the work of the Soviet and of the deputy. If any mandates have been agreed upon, they will be included.

The question can arise of whether or not a general meeting has the right to make an appraisal of the work of the Executive and standing committees as well.

A general meeting has this right. If it has the right to pass judgment on the work of the Soviet as a whole it surely has the right to pass judgment on the work of its various organs, especially since it is quite possible that while a general meeting will approve the running of the Soviet, it will recognise the work of the Executive Committee or of some standing committees as unsatisfactory.

6. The deputy's report is registered in the minutes. If the minutes are written correctly, they give one a full idea of the report and may be useful for showing how these reports can be best conducted and how the work of the Soviet as a whole can be improved.

The necessary conditions are offered to the deputy, to enable him to report to and meet with his electors. To this end, the Executive Committee of the respective Soviet, the administrative staff and the social organisations of enterprises, establishments and organisations, provide premises and inform the electors when and where the deputy will meet, receive or report to his electors, and help the deputy in other ways.

On the deputy's request, the Presidium of the Supreme Soviet or the Executive Committee of the Soviet to which he belongs, as well as the Executive Committees of the Soviets located within his electoral district, shall supply him with references, information and other materials he needs to prepare his reports to and meetings with the electors.

The practical question can arise of who or which organisation is entitled to declare a report invalid. At present, in most Union Republics it is the Executive Committees of local Soviets that organise reports. They arrange the dates of reports, and, with the help of social organisations, find

premises for the meetings, ensure attendance, keep and study the minutes, etc. They are among other things responsible for timely and thorough examination of mandates, criticisms and suggestions put forward by the electors on hearing the deputies' reports.

Some experts hold that the organisation of the reports would be improved and the deputies' sense of responsibility heightened if the Credentials Committees had to inform the Soviets about these reports. They maintain that these committees can take a more objective approach to scheduling the time and place of reports, and to summarising instructions and criticisms of the Soviet, its Executive and standing committees and other organs, made at the meetings.

We have already mentioned that it would be more rational to set up Presidiums of the local Soviets and make them responsible for this work; as to the Supreme Soviets, this right could be given to their Presidiums.

A number of problems arise in connection with the deputies' reports. First, there is the question of the attitude to be taken to group reports. Electors from several constituencies are often invited to a meeting to hear the reports of several deputies from the same Soviet or from Soviets of different levels (district, city, or regional). Such meetings are conducted in different ways. Sometimes one deputy dwells in detail on the work of the Soviet, and the rest speak about their own activity as deputies; at other times only one or two deputies take the floor and the others just sit and listen.

It seems to us that while the system of one deputy-one constituency exists, any form of group reports should be rejected since the electorate sit passively at such meetings and the discussion and appraisal of the work of several deputies and even several Soviets is only formal. Besides, this is a violation of the principle of the deputies' personal responsibility to their electorate.

In examining the problem of the deputies' accountability to their electorate we should like to raise another important question, viz., what legal consequences does the decision of the electorate's meeting to recognise the work of the respective Soviet or deputy unsatisfactory entail?

First of all we want to stress that an evaluation of the work of the Soviet and an evaluation of the work of the deputy are connected but are not one and the same thing. The Soviet as a whole can be working well, while the work of an individual deputy may be judged unsatisfactory. On the other hand, although this is less frequent, it might happen that the work of a deputy or a group of deputies is acknowledged to be satisfactory but the work of the Soviet unsatisfactory. It is also possible that the work of the Soviet as a whole is praised while the work of its separate organs is found to be lacking. Let us examine this last variant. Suppose that a meeting judges the work of the Executive Committee or some standing committee to be unsatisfactory. It can of course suggest that the deputy and the Soviet take measures to eliminate the shortcomings. But sometimes this is not enough. In our opinion the electors' meeting can also suggest that the deputy at a Soviet session raise the question of (a) hearing a report from the Executive or standing committee, (b) the re-election of the whole or part of the Executive or standing committee. Such a demand should be binding on the deputy.

When a meeting recognises the work of the whole Soviet to be unsatisfactory, the Soviet must examine this resolution at its next session and take some decision. It may, however, disagree with the arguments advanced in relation to individual decisions or to its work in general. A vote of disagreement would be legally possible, since the Soviet is a representative organ of power and expresses the interests and wishes not of the electorate of a single constituency but of all the voters of an administrative-territorial district or a Republic.

The duty of the deputy to report to his electorate is established in the Constitution and is determined by the representative nature of the Soviets. Are there any other occasions on which the deputy must give a report on his work?

The deputy besides representing his electorate in the Soviet is a member of the Soviet, and is both entitled and obliged to take part in the work of this body. The Soviet can naturally demand that he should report on his work, on how he is fulfilling his duties as its member. This right

has been established in the Law on the Status of Deputies which stipulates that "the Soviet can receive the deputies' reports on how they execute their duties and fulfil the decisions and commissions of the Soviet and its organs".

The Soviet has the right to assign a deputy special work and see that it is done. The deputy's report to the Soviet is one way that control over his work is maintained.

While the deputy is obliged to report to his electorate, he reports to the Soviet only at their request. The question of some deputy giving a report to the session can be raised by the Soviet, by its organs, or by the individual deputy or a group of deputies.

A report of this kind differs somewhat from a report to the electorate. When reporting to the Soviet the deputy does not have to answer for the work of the Soviet as a whole. The session wants to know how the deputy is carrying out his work in the Soviet, its organs and his constituency. But the Soviet also wants to know how the deputy is fulfilling some special duty, serving some particular post.

The Presidium of the Supreme Soviet, a standing committee of the Supreme Soviet, the Executive Committee or a deputies' group can also receive reports on how a deputy is implementing his special powers as a member of these bodies. For instance, deputies' groups in Gorky and Kalinin hear the reports of some members on their work both in the constituencies and on their special assignments.

To enable the Soviet to exercise an efficient and constant control over the deputies' work it would be advisable to introduce the ruling that the deputies made periodical, perhaps annual, written reports to the Soviet. This would make it possible to have a fuller idea of the work of each individual deputy and of the Soviet as a whole. Such reports would enable the Soviet to see its shortcomings, offer help to some deputies, put others back on the right track, summarise and make known successful methods of activity.

It would also be advisable for the Soviets to discuss the summarised results of written reports and examine the conclusions and suggestions made in them.

Such control over the deputy's work would no doubt exert

a beneficial influence on the work of individual deputies and of the Soviet as a whole.

The deputies often report to the meetings of workers of the factories or institutions where they work or which nominated them as candidates to the Soviet.

What is the essence of this practice? It will be recalled that according to the election regulations workers in factories and institutions, army men from military units, peasants in collective farms and villages and state farm workers have the right to nominate candidates at their respective meetings. Moreover, the law gives them the right to recall their deputies. The collective which nominated one of its members as a candidate, is naturally anxious to see that he justifies its confidence, and to offer him help when necessary. The meetings of the deputies with their co-workers help strengthen ties between the Soviet and the different factories and institutions within its area. Such ties are essential. The speech made by A. V. Mamonov, deputy of the Berdyansk City Soviet (Zaporozhye Region), at the meeting of the workers and office employees of the Pervomaisky Agricultural Machinery Plant which nominated him helped foster such links.

The initiative was taken by the Berdyansk City Soviet of Working People's Deputies in extending this experiment. At its third session held on July 26, 1963, after a talk was given by the Secretary of the City Executive Committee about this meeting, the Soviet adopted a special decision on the strengthening of ties between the deputies of the City Soviet and the working people's collectives which nominated them. The Soviet recommended that the deputies maintain constant ties with the collectives in which they work and which had nominated them. The decision emphasised that the deputies must keep their collectives systematically informed about their work in the constituency and about the work of the Soviet. After the session the deputies must explain the decisions adopted, particularly those directly concerning the given factory or institution.

Moreover, the deputy must not only inform the workers about the decisions adopted but also organise the people to carry them out. The Soviet further pointed out that closer

ties between the deputies and their work collectives would be sure to improve their work in the constituencies.

We spoke in detail about the experience of the Berdyansk City Soviet for two reasons. Firstly, we wanted to show that the deputies must establish permanent contacts with the collectives where they work and that this duty must be legally binding. Secondly, this example shows that the deputy speaks at a meeting of his plant not only when he has to give his report to his electorate.

The Pervomaisky plant employs people who reside in various constituencies and they cannot be regarded as Mamonov's electorate. Consequently, this speech does not count as report to his electorate which under the Constitution of the USSR and the Constitutions of the Union and Autonomous Republics he is obliged to give. A report to the electors obviously involves a report to those who voted for a given deputy. But the law gives various organisations the right to nominate candidates and also the right to recall them. It is not only meetings of workers from enterprises and establishments, soldiers in military units, collective farmers and state farm workers who have these rights but also the Republican, territorial, regional and district bodies of social organisations and workers' societies.

Consequently, all those involved in such organisations have the right to hear the deputies' reports, regardless of whether or not they nominated the candidate in question. This right, like the right to nominate candidates and to recall deputies, is conditioned, not by the representative nature of the respective deputy but by the representative nature of the Soviet and the fact that a deputy belongs to a collegiate organ of power which expresses the will of all the electors in the given administrative-territorial unit or a Republic. And it is in his capacity as a member of this collegiate organ that the deputy reports to the workers' collectives and the social organisations.

2. DEPUTY'S RESPONSIBILITY

From the recognition of the deputy's responsibility it follows that the socialist state, the electorate and the public

take social measures and state sanctions against those deputies who have violated the Soviet's rules of work.

Responsibility can be legal and non-legal depending on the nature of the measures used.

By non-legal condemnation we understand that which is not covered by the law and is regulated by public pressure rather than state sanctions.

Many deputies are members of the Party, the trade union, the Young Communist League and other organisations which take a constant interest in how the deputy is carrying out his work, offer him help if necessary, and they can bring him to responsibility according to the procedure laid down in their Rules if he does not justify their confidence. The deputy can be brought to legal responsibility if his actions or non-activity is in contravention of the law.

The Constitution of the USSR establishes the general principle of the deputy's responsibility to his electors but does not specify the grounds on which he can be recalled. The law defining the procedure of recall states merely that a deputy may be recalled at any time "if he has not justified his electors' confidence or has acted in a way incompatible with his high title of deputy".

But the grounds for condemnation must refer to concrete actions or cases of non-activity. Moreover, the legal grounds for condemnation must define which specific duties were violated. If this is not done, the deputy will be unable to make use of his right to explain the circumstances behind the events which have led to the question of his recall to be raised.

According to the present legislation, the deputy can be recalled for not carrying out his duties. In the past the deputy was deprived of office on a number of occasions for the breach of some legal duty.

A distinguishing feature of the legislation now in operation is that it establishes a common sanction for the violation of the legal norms, namely, deprivation of office mandate. This sanction is applied not by state bodies but by the electorate who take a direct part in exercising power.

In deciding which measures should be applied in the case of a guilty deputy, his breach of a single or several

clauses of the law is not examined formally but in the context of his activity as a whole, taking into account how he carried out his duties in the past, how he carries them at the present time.

We have noted above that legal condemnation implies that the deputy is guilty of breaking one or several legal norms. In contrast to general legal condemnation, the deputy's legal status implies that he is answerable for violation of the specific duties he has as a deputy. Consequently, he cannot be theoretically held answerable in his capacity as deputy for violating the norms of, say, civil or labour law. But in practice deputies are deprived of office mostly because they have violated legal or moral norms in their professional work or in everyday life, even when they are carrying out their duties in the Soviet and constituency. Why is this the case? The Soviet people elect the best representatives who must justify the confidence placed in them not only by properly fulfilling their functions as deputies but also by observing the moral and political norms. They must promote law and order as well as labour discipline in factories, support all that is progressive, and set an example of the communist attitude to labour and to the laws and customs of socialist community life.

Who is the deputy legally answerable to? According to the present Soviet legislation, he is responsible *only* to the electorate of his constituency.

In the past Soviet legislation established the deputy's responsibility both to his electors and his Soviet. The Soviet had the right to deprive a member of his deputy's credentials and bring up the question of his recall before his electorate.

We think that this practice is quite justifiable because it follows from the nature of the deputy's office and from his place in the system of the representative institution.

The deputy is a member of the Soviet. He cannot be considered in isolation from it and must observe the rules of joint work.

A representative organ which has the right to give its deputies various commissions must also have the effective means of influencing those deputies who do not carry them out, or who fail to properly fulfil their duties in the Soviet.

When the Soviet considers that a certain deputy is unworthy of the confidence placed in him it must have the right to raise the question of his recall via the electorate. This practice is established in present Soviet law.

But the recall of a deputy is an extreme measure. That need not be resorted to in the case of minor breaches, although these breaches should not be ignored. For instance, the fact that a deputy misses a session of the Soviet without a plausible excuse is not alone enough to warrant raising the question of his recall. The deputy should however be publicly reprimanded. Sometimes moral influence is enough; sometimes other measures will need to be taken.

To ensure that the deputies properly carry out their duties in the Soviet and its organs, the Soviet must have the right to use these measures, including the right to raise the question of the deputy's recall before his electors when he systematically violates the established procedure of the Soviet's work. The Soviet must also take certain disciplinary measures in regard to deputies who, elected to its standing committees or the Executive Committee, break the rules of these organs.

Public reprimand, on the other hand, can be made by the constituents, by social organisations and workers' societies and by the collectives where the deputy in question works or where he was nominated to the Soviet.

Lenin attached great importance to the principle of the deputy's responsibility to his electorate and immediately after the October Revolution drafted a decree on the right of recall. It said in part: "No elective institution or representative assembly can be regarded as being truly democratic and really representative of the people's will unless the electors' right to recall those elected is accepted and exercised."¹

The provision that the electors have the right to recall their deputy and hold new elections was included in the Constitution of the RSFSR (1918) and the Constitutions of the other Union Republics.

A resolution On the Recall of Deputies adopted by the All-Union Central Executive Committee on July 23, 1928,

¹ V. I. Lenin, *Collected Works*, Vol. 26, p. 336.

further developed the electors' democratic right to recall their representatives.

At present this right is established in Article 142 of the 1936 Constitution of the USSR, in the Constitution of the Union and Autonomous Republics, and in the acts on the procedure of the deputies' recall.

In the early years of Soviet power the grounds for the deputies' recall were largely of a political nature. The right of recall was mainly aimed at suppressing the resistance of the old, exploiting classes. A number of elected organs such as the Constituent Assembly, municipal and Zemstvo organisations established before the revolution were still in existence. Some deputies were not defending the interests of the people and therefore it was of vital importance for the working people as the electorate to be able to defend the rights granted them by the Soviet government. The electors used the right of recall to drive the hostile elements out of the Soviets. This was of utmost significance in the period of intense class struggle and helped to make other deputies take up a more responsible attitude to their work and to the work of the Soviet as a whole. The use of the right of recall during socialist construction clearly showed that the assertions of bourgeois scientists, who tried to belittle this vital principle of the Soviet state and prove that the recall of deputies was of no consequence in Soviet political life, had no foundation.

The electors could use the right of recall as an important means to strengthen their control over the deputies' activity and improve the work of the local Soviets. This right is now rarely exercised. Thus, in 1968, 541 deputies of the local Soviets were recalled, of whom four were deputies of regional Soviets, 69 deputies of district Soviets, 46 of city Soviets, 12 of city district Soviets, 370 of village Soviets and 40 of township Soviets. In 1970, 476 deputies were recalled, of whom eight were deputies of regional Soviets, 70 of district Soviets, 43 of city Soviets, 13 of city district Soviets, 305 of village Soviets and 37 of township Soviets.¹

¹ *Soviets of Working People's Deputies* No. 5, 1969, p. 96, and No. 6, 1971, p. 83.

Few deputies need to be recalled while in office since the electors send to the Soviets their finest representatives who are staunch in their defence of the people's interests.

The Programme of the CPSU requires that the principles of socialist democracy be rigidly observed and constantly perfected, and considers the deputies' regular accountability to their electors and the electors' right to recall ahead of term their deputies, be an essential part of the Soviet system.¹ It is therefore necessary to improve the insured procedure of recall, in order to "elect and recall deputies by methods which are easier and more accessible to the workers and peasants".²

The Constitution of the USSR and the Constitutions of the Union and Autonomous Republics take the Leninist position in emphasising that the electors can exercise this right at any time. But in establishing the right of recall the Basic Law does not regulate its implementation, while some legislative acts establishing the principles and procedure of recall, which were passed during the early years of the Soviet state, became outdated, and no longer corresponded to the changed situation and in particular to the new system of Soviet representative organs. Therefore sometimes cases of recall have been of a rather improvised character.

Life itself urgently demanded new laws. K. Y. Voroshilov in his speech at the 20th CPSU Congress emphasised this need. He said: "We do not always adhere to the constitutional provision under which deputies who have not justified the confidence of the electorate shall be recalled. This is to some extent due to the lack of proper rules concerning recall of deputies."³

In accordance with the directives of the 20th Party Congress work was started on drafting these rules. At the end of 1957 the Presidium of the Supreme Soviet of the Moldavian SSR approved the Regulations on the Procedure for the Recall of Deputies of the Local Soviets of Working Peo-

¹ *The Road to Communism*, p. 549.

² *The CPSU in Resolutions...*, Part I, Moscow, 1953, p. 415.

³ K. Y. Voroshilov, *Speech at the 20th Congress of the CPSU*, Moscow, 1956, p. 18.

ple's Deputies of the Moldavian SSR. On October 30, 1959, the third session of the fifth convocation of the Supreme Soviet of the USSR adopted the Law on the Procedure for the Recall of a Deputy of the Supreme Soviet of the USSR. Similar acts on the Supreme and local Soviets were adopted in all-Union and Autonomous Republics.

The laws now in operation define the subjects who have the right to raise the question of the deputy's recall. In the case of recalling deputies of the Supreme Soviet of the USSR and the Supreme Soviets of the Union and Autonomous Republics, this includes social organisations and workers' societies: Party organisations, trade unions, co-operatives, youth organisations and cultural societies as represented by their central, republican, territorial, regional, area, district and city organs. General meetings of industrial enterprises and institutions, of peasants in the collective farms and villages and of army men in the military units are also counted as having this right.

The laws on the procedure for the recall of deputies of the local Soviets grant the right of recall to the general meetings of workers in factories and workshops, establishments and shops, to the meetings of peasants in the villages, collective farms, collective farm teams or state farm sections and to army men meetings in the military units and subunits.

The laws on the recall of deputies of the local Soviets adopted in the Ukrainian, Byelorussian and some other Republics establish that the electors' general meetings have the right to raise the question of recalling deputies. The legislation of the RSFSR, Azerbaijan, Lithuania and Tajikistan does not establish this right.

We maintain that the electors and in particular those present at the meeting where a deputy makes his report ought to have the right to raise the question of recalling the deputy who has not justified their confidence. To defend the deputy against certain unruly persons attempting to settle some personal account it would be necessary to establish a specific number of electors who must be in favour of recalling the deputy before this right can be granted. Previous legislation on the local Soviets set this number at

10 electors. But we think that this is too low and does not preclude groundless recalls.

The right of recall must also be given to the administrative bodies of social organisations and workers' societies which are on the lower level than the Soviet to which the deputy belongs, and likewise to those higher organs and also collectives where the deputy works or which nominated him as a candidate.

Many jurists hold that the Soviet ought to be included among the subjects having the right of recall. We are in complete agreement with this view since it follows from the fact that deputies are members of collegiate organs of power.

In our opinion, if the Soviet finds that deputy does not properly fulfil his duties and particularly those duties entrusted him by the Soviet, the latter must have the right to put the question of his recall before the electors. This will increase the deputy's responsibility to the Soviet and give the Soviet an effective means of influencing the deputies who are not putting enough effort into their work. The local Soviets had this right in the past. For instance, Article 32 of the Regulations on the Local Soviets of the RSFSR (1931) and Article 42 of the Regulation on the City Soviets of the RSFSR (1933) state that the rural and city Soviets could raise the question of deputies' recall before the electorate. Similar norms should be included in contemporary legislation. To prevent abuse of the right of recall the laws stipulate that the social organisations or workers' meetings raising this question must inform the deputy of their action and state the reasons. The deputy has the right to give oral or written explanations on those circumstances that have given grounds for this discussion.

Is it essential in all cases without exception to fulfil the legal prescriptions stating that the deputy must be given the reasons why the question of his recall has been raised?

For instance, a District YCL Committee's Bureau, on hearing a report of the YCL deputy on his work, can recognise the work as unsatisfactory and decide to raise question of his recall. In this case there is no need to tell him the reasons for recall since he has already given explanations

of his conduct in his report and during the following discussion and they have been recorded in the minutes. Extra information is also unnecessary when the question is raised at a meeting where a deputy of a local Soviet reports to the electors, and where, as for example in the Ukraine, the electors have the right to raise the question of recall.

But when a social organisation or workers' meeting raises this question without a preliminary hearing of the deputy's report, it is of course necessary to let the deputy know the reasons for his recall.

Explanations can be given orally or in written form. But in all cases the deputy must have the right to attend the workers' meeting or the meeting of the respective social organisation and present his explanations in person. The social organisation or workers' meeting that raised the question of the deputy's recall must send their decisions to the Presidium of the respective Supreme Soviet or to the Executive Committee of the local Soviet. This is established in Article 4 of the Law on the Procedure for the Recall of the Deputy of the Supreme Soviet of the USSR. This Article also provides that other documents must also be submitted, including a copy of the minutes of the workers' meeting or the meeting of the social organisation, and the deputy's explanation, if it is given in the written form. If given orally, the explanation is included in the minutes.

The Presidium of the Supreme Soviet or the Executive Committee of the local Soviet does not assess whether the charges brought against the deputy are substantiated. It is their duty to check on whether the rules of law were observed when the question of the deputy's recall was raised, i.e., whether an appropriate subject raised the question, whether there was the necessary quorum, whether the deputy was able to give an oral or written explanation, etc.

Thus, the Presidiums of the Supreme Soviets of the Executive Committees of the local Soviets by no means have the final say on the question of recall; they merely see to it that legal norms of procedure are observed.

When the Presidium of the Supreme Soviet or the Executive Committee of the local Soviet has established that

the rules of the law have been observed it organises the voting.

The law allows social organisations and Soviet citizens to campaign either for or against the recall.

Before coming to any decision the electors must know the factual and legal grounds on which the question of the deputy's recall has been raised, and must be acquainted with the explanations of the deputy. The deputy must therefore have the right to give his explanations to those present at the meeting orally or in written form. The meeting must thoroughly discuss all pertinent material including the deputy's explanations and vote by a show of hands.

In large constituencies several meetings are usually held. The minutes, which are signed by all the members of the meeting's Presidium, record the time and place of the meeting, the number of those present, and the votes for and against the recall. They are then sent within the space of three days to the Constituency Commission for Organising the Voting on the Deputy's Recall.

If the majority of the electors in the constituency voted for recall, the deputy is considered recalled.

Similar procedure exists in most socialist countries, although very different legislation exists in some countries. For instance, Yugoslavian, Rumanian and Polish law establishes the same procedure for recall as for election. And in these countries voting is always secret.

Some Soviet scholars hold that in the USSR the process of recall ought to correspond to the process of election in the USSR as well, and that the secret ballot should be consequently introduced in the case of recall, too. It will be remembered that much attention was paid to this question when the bill on the recall procedure was under discussion. Some people argued that the recall procedure ought to be similar to but less complex than election procedure. They suggested introducing the vote by a show of hands for recall and a secret ballot for election since people are putting their trust in those whom they elect to implement their will.

The existing system of voting by a show of hands is organisationally simpler than a secret ballot, but an organisa-

tional approach can hardly be the main criterion for assessing the procedure of the deputy's recall, which is of political importance.

When the question of recall is raised at a factory meeting, for instance, many electors are unable to express their opinion since in the case of pensions they do not work or they work in factories or institutions outside the constituency in question, where meetings on this question will obviously not be held. Moreover, workers who are not registered in the constituency can take part in the voting at these meetings of workers' collectives. Besides, voting by a show of hands may sometimes owing to various subjective and objective circumstances prevent free expression of opinion.

The right of recall involves the right of re-election, i.e., the electors' right to deprive the deputy of his office gives them the right to send another deputy to the Soviet in his place. The legislation on recall must combine these two aspects and establish the procedure for the election of a new deputy.

3. INCENTIVES

There are norms other than purely legal stipulations that encourage the deputy to fulfil his legal duties. As Soviet society develops towards communism the importance of such norms will no doubt increase.

"Proper combination of material and moral labour incentives is a great creative factor in the struggle for communism."¹

This fundamental programme proposition of the Communist Party of the Soviet Union is reflected in the norms of the labour legislation, and particularly in such measures of incentive as public recognition of merit, the rewards, and the marks of respect paid by society to workers for their achievements.

The norms of the administrative law and of the respective branch of legal science include provisions on incentives to be granted to civil servants.

¹ *The Road to Communism*, p. 535.

But the science of public law has to elaborate further the question of incentives in the development of public law relations. Lenin wrote that the new socialist society will be built "not directly relying on enthusiasm, but aided by the enthusiasm engendered by the great revolution, and on the basis of personal interest, personal incentive".¹

This refers both to those who get pay for their work, and to those who, like Soviet deputies, carry on unpaid voluntary work.

While in a society building communism moral incentives are important in all spheres of work, their role is especially great when it comes to the unpaid, social work.

Elections act as a moral incentive. People place their trust in the deputy, and rely on him to put forward and support their interests. This gives the deputy a high sense of duty and a desire to justify people's confidence. The public knowledge of and comments on his activity also act as an incentive to work well.

Up till recently, the deputies of the Supreme Soviet alone had the right to wear deputy's badges. These badges do not give any additional rights, let alone privileges. They exert a beneficial psychological influence on the deputy's behaviour. The badge acts as a reminder of the confidence placed in him, of his legal and moral duties, of the public interest on his life and work.

When they discussed the ways of improving the deputies' legal status, many deputies and Soviet and public workers proposed to introduce badges for the deputies of the local Soviets in order to encourage them in their work.

The new Law on the Status of Deputies provides that all Soviet deputies shall have deputy's certificates and badges during their term of office.

The badge for the deputies of the local Soviets was introduced to meet the growing demands made by people on their representatives in the supreme bodies of state power.

The deputies also enjoy other moral incentives. Thus, at a session of the Kolomna City Soviet (Moscow Region) it was decided to extend official thanks to 20 deputies and to

¹ V. I. Lenin, *Collected Works*, Vol. 33, p. 58.

enter the names of three deputies into the Book of Honour of the City Soviet for their active participation in the Soviet's work over many years.

In a resolution of September 20, 1970, the Konakovo City Soviet (Kalinin Region) established the following norm:

"The City Soviet at its session can express its thanks to the deputies who have particularly distinguished themselves in their work, award them diplomas or decide to put their photographs on the Board of Honour.

"Similarly, the standing committees and deputies' groups can give official thanks to their members and request the City Soviet to award them with a diploma or place their photographs on the city Board of Honour."

Among the incentive measures of encouragement to be taken by village and township Soviets the Konakovo District Soviet also mentioned awarding the title of an Honourable Citizen of a village or township.

Orders and medals are also conferred on the Soviet deputies who especially distinguished themselves in their Soviets and constituencies.

Moral incentives will help further improve the work of Soviet deputies.

The session of the Supreme Soviet of the USSR, which discussed the draft of the Law on the Status of Deputies in the USSR, noted that the deputy's work requires much energy and strain. Each deputy, therefore, must be constantly aware of the support of public organisations and labour collectives which he represents in the supreme body of power. This largely determines the success of the deputy's work.

The Law on the Status of Deputies is an important step in the development of socialist democracy and Soviet statehood. It is a new proof of the concern taken by the Communist Party and the Soviet state about the deputy, and of their desire to further raise the role of the Soviets as sovereign representative bodies.

The Supreme Soviet of the USSR discussed the draft of the Law on the Status of Deputies on the eve of the 50th anniversary of the Soviet Union. This is a noteworthy fact

since the Soviets have played a key part in consolidating the Soviet peoples into a multinational socialist state.

The Central Committee of the CPSU stressed in its resolution On the Preparation to the 50th Anniversary of the Formation of the Union of Soviet Socialist Republics that the Soviets were closely linked with all sections of the working people and therefore they were instrumental in uniting many millions of peasants and working people of all nationalities around the working class. The Soviets' internationalist nature urged the working people in the national republics to form a single union state. The Soviets have shown that workers and peasants can administer the state on the basis of broad and consistent democracy and full national equality.

The 50th anniversary of the USSR is a new and striking manifestation of socialist democracy and the unbreakable friendship of the Soviet peoples.

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This work throws light on the latest opportunist theories which are misrepresenting the Marxist teaching on the substance and form of socialist democracy, people's self-administration under socialism, and the role the Communist Party and the socialist state play in scientific guidance of society. The authors show the contribution made by the Communist Parties in various socialist countries to the theoretical elaboration of the questions of building the state and developing people's democracy by the Marxist-Leninist classics.

Anatoly Bezuglov, Cand. Sc. (Law), is a Soviet specialist in state law, who has written a series of books on the rights and duties of a Soviet deputy.

On the basis of Soviet legislation and legal practice, the author deals here with questions of the legal status of all Soviet deputies, from those involved in rural Soviets to those who sit in the Supreme Soviet of the USSR. He explains the political and legal nature of the deputy's mandate and analyses the extensive rights and diverse duties of Soviet deputies, and also the major political, material and legal guarantees that these rights and duties are honoured.

This clear and readable description of the democratic nature of the Soviet electoral system is designed for the general reader.