CHAPTER: II

HISTORICAL BACKGROUND: POLITICAL HISTORY OF UZBEKISTAN
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Since the earliest times the Uzbek steppes were the grazing grounds for numerous nomadic empires, which rose and fell in Central Asia. Central Asian region was inhibited by various groups which were indifferent from tribes. These (Uzbek, Turkmen, Tadjik, Kirgiz, Kara-Kalpaks and Kazak) groups were known as Khantes, The Khantes were backward feudatories which were ruled by Khans and Emir, and Islam was the main source of political legitimation. The system of administration, land tenure and taxation was based on Perso-Arab administration of Transoxiana (Wheeler 1966: 31). The system of justice was based on the Islamic laws (Shariah) and the customary laws (adat). And this system was headed by the member of the religious elite who was known as Kazi. Intially, the court of Kazi were allowed to operate. But with the introduction of Russian judicial system the Kazi courts were reduced to subordinate status. “Kazi’s were appointed for life and had no fixed administrative district.” But latter the Kaziship acquired hereditary character. The Kazi enjoyed a high social status and considerable economic privileges. Other religious elite was the Mufti who used to be the exponent of Islamic Shariah. The Chief Mufti was the legal and spiritual head of the Khanates (Bacon 1966: 67).

In practice, the dynastic ruler of the Khanates and their subordinate officials did not generally follow the accepted principles and legal norms. The rules of the native Khans and Emirs were cruel and exploitative (Phool Badan 2001: 22).

During the 16th and late 19th centuries, there were three Khanates\(^8\) and Emirate in the region. During medieval period Samarkand and Bukhara were the centers of Islam and Islamic theological studies. There were Khanates of Khiva and Kokand and Emirate of Bukhara. Majority of the Uzbek population is Sunni-Muslim, and belongs to the Hanaf School of thought.\(^9\)

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8 At the end of the 18th century, three so-called Khanates came into being in Bukhara, Khorezm (latter known as Khiva) and Kokand.
9 Hanaf is one of the four (Maliki, Shafi’i, Hanbali and Hanaf) schools of Islam. There are followers of Sufism in the Republic also. The Hanafi school was formed in Kufa, and it preserves many of the older
Political power structure in Central Asia was of feudal nature, similar to the one prevalent in medieval Europe. Hereditary rulers had nominal control, but the provincial Bek (governments) were politically independent and carried on constant wars against their neighbor. The government was tyrannical and oppressive and meted out cruel punishment to its opponents, the clergy enjoyed a high status and respect in a society where illiteracy and superstitions were widespread. The tyrannical government got full support from the institutions like Kazi. The people of the region had no right to participate in political process. They were not even aware of various activities of the government (Phool Badan 2001: 98-99).

Like other underdeveloped societies, these Khanetes and Emirates were also based on a non-democratic unwritten law system. The governing system was autocratic in nature. Amongst such circumstances it was easy for any external power to take control over such territories. Russia, the emerging power near the region grabbed this opportunity and colonized these countries. However, even the Tsarist rule never introduced any democratic practice as it was equally autocratic and authoritarian in nature.

The history of constitution-making in Uzbekistan started only after the Bolshevik revolution. In other words, there is no such independent political or constitutional history of Uzbekistan since it emerged only in the 1920s. However, even during the Soviet period due to extreme suppression of political freedoms, no independent movement or political awareness took place. Therefore, in this study the Uzbek political history is a sub section of the Soviet history. It was only after the collapse of the Soviet state that Uzbekistan emerged as an independent state. The next section deals with the political developments in Uzbekistan during the Tsarist rule.

Mesopotamian traditions. It based its rulings largely on ra'y - results of logic deduction of its scholars. The Maliki school comes from Medina, and it reflects its origin in its decisions too. This school ruled heavily in favour of the practice (sunna) of the local community of Medina, because at the time it was formed, the word sunna did not yet mean "practice of the Prophet". These two schools, especially the Hanafi, were countered by the movement of the Traditionists (ahl al-hadith), who opposed themselves to the exponents of ra'y (ahl/ashab al-ra'y). The traditionists relied only on the Hadith they were collecting at that time.
I

Political History of Uzbekistan during Tsarist Period

On 17 June 1865, the Tsar (Alexander II) captured Tashkent. In the aftermath of annexation of Tashkent into Russian Empire was concluded with, the Tsarist Government’s peace treaties with Khan Khudayar Khan of Kokand and Emir Muzaffar-Eddin of Bukharain in 1868. These treaties gave up the lands conquered by Russia, confirmed their dependent status but gave the Russians highly favourable trade terms (Kaushik 1970: 29). Bukhara and Kokand became vassal states of Russian Empire. Later Khiva was taken over by Tsarist Russia in 1873, and the later whole the right bank of Amu-Darya went into the hands of the Russians. As Khalfin has pointed out that the treaty with Khiva was a typical colonial treaty resembling those imposed by the Western powers on China. This treaty, treaties with Kokand and Bukhara, assured Russia an economic hold over these three Khanates (Kaushik 1970: 25).

It is important to note that the interest of the Tsarist government was merely not limited to military occupation of the territory. The main purpose of the Russian government was to convert Central Asia into a source of supply of raw materials for the Russia metropolitan industries and to open market for Russian finished goods. The main intention of bringing Central Asia under Tsarist control was to exploit the natural resources of the regions. The Tsarist government did not have the immediate intention of controlling the governmental structure of these regions. Therefore, though being under the suzerainty of the Tsarist rule, these Khanates and Emirate enjoyed some sort of autonomy amongst themselves.

The administration of the Central Asian regions was entrusted in the hands of the Governor General of Turkistan, appointed directly by the Tsar. He appointed the nobility and military officers or the Oblast and Uyezd administrative officers. Military and civil, including dispensation of justice, were concentrated in its hands. The Tsarist Government also introduced a so-called popular elective lower village administration by creating the post of the Volost or the lowest administrative unit consisting of a few villages. Nevertheless, the appointments had to be to confirmed by the military
governor and the elected officials also worked under them, having practically no freedom of governing ability (Vaidyanath 1967: 33-34).

However, the governing bodies of these countries were enjoying some functional autonomy. Consequently they were able to maintain their ethnic character based on language, religion or territory. For instance, Tajik appeared as the language of instruction in 1908 when the first ‘reformed school’ was established and by 1914 there were 10 such schools in Bukhara (Patnaik 2003: 20).

Moreover, the Tsarist Government never took initiative of constructing the entire region into one bloc only on account of the strong ethnic lineage thought it was already present. As Patnaik (2003) has noted that “Pan-Turkish and the Pan-Islamic consciousness never held sway among the ordinary people and such ideas were limited to a very few”. Ethnic consciousness was more pronounced and was evident from at least twenty bloody inter-ethnic conflicts in 19th century in the Kokand Khanate and even more in the Khanate of the Khiva (Khazanov 1994: 144). But the Tsar was an autocrat and he certainly did not want different political movements wrecking the empire (Harper 1938: 11).

John Anderson (1997: 16) has commented that although the revolution of 1905-07 left the local population largely untouched, but it played a significant role in stimulating the activities of reformist intellectuals. It was mostly initiated by a small group that remained concentrated within the professional group of miners and railroad workers. Therefore, the strikes that took place during the revolution hit the functions of the mines and the railways badly. Such a movement was first initiated and organised by V. D. Kornyushin, who organised the first social-democratic circle in Tashkent in 1902. But after the end of 1905, the strength of the social democrats withered away. According to John Anderson, ‘central to the spread of new ideas were the activities of the Tatar traders and educators, whose inspiration came from the work of Ismail Bey Gaspirali, better known as Gasprinsky. His associates promoted the spread of secular education and the creation of a common Turkic language. Such ideas were disseminated through a series of newspapers. The attempts were made to create the so called ‘new method’ (usul’ jadid) schools, from where came the word jadid to describe these reformers (Landau 1990: 19).
Like other colonies of the other parts of the world, military mobilisation played a critical role in bringing awareness among the people of Central Asia. Revolutionary students and industrial workers were sometimes drafted and assigned to military units in Central Asia. The 'undesirable soldiers' were transferred there from units in other regions, and civilian exiles were domiciled in all of the main towns. Inevitably these people transmitted their ideas to the land-hungry peasants, disgruntled soldiers and workers, and the frustrated members of the intelligentsia around them. The Russian Government's efforts to neutralise the revolutionary infection by transferring the soldiers to remote, more tranquil regions only served to spread it throughout the empire (Pierce 1960: 235).

There were other attempts to organised people. A party was formed by various ideological followers with the name United Group of Social Democrats and Socialist Revolutionaries. The Russian Social Democratic Labor Party\(^{10}\) (RSDLP) was also established (Schmidt et al 1984: 96). Another group under the tutelage of Evgenii Kataev was established.

It was only after the 'Bloody Sunday' demonstrations in St. Petersburg, did these clusters of political groups found some sort of strength to fight the Tsarist colonialists. On 19 October 1905, in Tashkent, things went out of hand when Cossacks fired on assembled demonstrators. Agitation went to such an extreme that the Russian Duma had to take few strict decisions, such as removing the city commandant; removing as well as putting on trial the military governor; removing Cossacks from Tashkent and abolishing military patrols and so on. During this, the strikes paralysed day-to-day life of the region.

Before the revolution of 1905, the various liberal and intelligentsia (V.I. Lenin, Leon Trotsky, Pavel Dybenko, Alexender Kerensky, Palkhov, Mikhail Brusnev, Vasily Shelgunov, and Ivan Babushkin) of the region raised their voices for freedom and demanded that rule of law be established in Russia. They demanded individual rights and, freedom of speech and right to organise meetings and associations as practiced in Western Europe. They also made demand that a

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\(^{10}\) The RSDLP was formed in 1898 in Minsk. The RSLDP programme was based on the theories of Karl Marx and Fedrich Engelas.
Constitution should be framed by the people through a national parliament (Hazen 1923: 495).

However, the Tsar Nicholas II (1899-1917) was not in favour of accepting these demands. The victory of Japan over Russia in 1905 and Russia's eventual surrender of Port Arthur to Japan reflected the weakness of the Tsarist Government, and aggravated the demands for reforms.

In a way, the 1905 revolution opened the door for a representative assembly in Russia. The Tsar issued a manifesto concerning the representative assembly, which was so vehemently demanded. The manifesto proved a bitter disappointment, as it was more about the necessity of preserving autocratic government than introducing reforms (Hazen 1923: 496). As a result, the agitation further continued. However, due to increasing pressure and other external problem, the Tsar issued a new manifesto on 30 October 1905. It promised the freedom of conscience, speech, meetings and associations, and a representative assembly Duma. The Duma, was to be a law making body and to have a supervision over the state officials.

The elections to the Duma were held in March and April 1906, and resulted in a large majority for the Constitutional Democrats, popularly called the 'Cadets'. The Duma lasted a little over two months. It criticised the abuses of government freely. The Duma demanded effective participation of the people in the government. The Tsar refused it and dissolved the Duma on 22 July, 1906. In 1906, again there were fresh mutinies and uprisings especially in the Trans Caspian region, which spread over in the entire region (Pierce 1960: 256-257).

The second Duma was opened on 5 March, 1907 developing a friction between legislature and executives. Again on 16 June 1907, the Duma was dissolved by infringing upon the Constitutional liberties of the people. The Third Duma elected on a very limited suffrage, was opened on 14 November 1907, comprising a large number of landowners. The Duma existed but the nature of it changed from legislative body to consultative body (Pierce 1960: 257-258).

During the Tsarist period, Russian colonies in Asia and Central Asia enjoyed no Constitutional right. The people of the region were governed by a Governor-General
who was responsible to the Ministry of War. Lenin described the Russian colonies as “Prison Houses” (Lorimer et al at 2002: 5).

The impact of the First World War, which began in 1914, became visible with the direct blow on the economies of the region. Taxes were increased and the cost of living went high very rapidly. There were multiple small uprising places in the region due to weakness of the Russian Army. The Russian forces were fighting on the front. The imperial court passed the labor draft, “drafting non-Russians for labor in the rear of the fighting forces” (Pierce 1960: 271). There were massive protests on this issue in the northern part of Syr-Darya Oblast, the Semirechie Oblast and the Trans-Caspian region. Protestors also spread out into the Kazakh Steppe region.

Nevertheless, the Russian colonial regime suppressed these protest ruthlessly, shooting down the native leaders, taking up extreme punitive measures against those who sided with the rebels and even not sparing the administration of the region, for not being able to control the protestors. As Pierce (1960: 297-298) has pointed out that by the end of December 1916, the native uprisings had run their course considering the population and state of the economy of the region, the loss of life and property had been heavy. Kuropatkin, who was the able military governor of Tashkent, and was responsible in subduing the rebels in the Semirechie Oblast region wrote to the Tsar on 1 February 1917 that the native resistance was at an end in all Oblasts but the reasons for the revolt still existed,. Therefore it could be expected that protest could resumed in the spring in new forms pasture (Pierce 1960: 297-298).

During February 1917 uprising, the Tsar stepped downed on 27 February 1917. As the news reached Tashkent, on 28 February, the 1905 rebellion spirit revitalised amongst the people. This time, not only the rail workers, miners and mutinied soldiers joined the rebellion but also people from the middle and conservative classes joined the revolution. Richard Pierce is of the opinion that those who participated in the revolution were societies of doctors, lawyers, engineers, and other professional people, officials. Even a ‘Society of Sales Clerks’ and a ‘Society of Employee’s in the Governor-General’s office also participated.

Meanwhile, the underground members of the Bolshevik Party also came to the surface and started demanding for a complete Socialist Revolution that would secure a
government not by the ‘bourgeoisie’ but by the ‘tillers’. On 31 March 1917, Kuropatkin was removed by the decision of the Executive Committee and the Soviets and slowly all the political institutions gave way to the growth of commissars, executive committees, and Soviets of the new order. Finally, the Bolshevik triumph in Tashkent on 31 October 1917, and eventual seizure of control over the Kazakh Steppes and Trans-Caspian in the course of the Civil War of 1918-1920 formally ended the Tsarist era. A new era, the age of socialism began in Uzbekistan.

However, even after this, Uzbekistan did not got independence as a separate nation. Uzbekistan stayed with Soviet Union for seven decades. The years of Tsarist exploitation and domination ended in another virtual domination which denied the Central Asian republics the virtues of liberty and freedom. The people of the republic were exploited by the Soviet leaders politically and economically. But the later parts of the Soviet years witnessed a tremendous development in this region. These republics were, virtually, colonies of the central administration of Moscow (Ludwikowski 1996: 18).

II

Constitutional Development Under the Soviet Rule

The 1917 Revolution provided an opportunity to the Bolsheviks to establish a new system in Russia. With the advent of the Soviet rule, the possibility of new Soviet Constitution materialised. Lenin drafted the Russian Soviet Federative Socialist Republics (RSFSR) Constitution in 1918. After the Bolshevik Revolution of 1917, the Central Asian Republic became the indivisible part of the Soviet regime.

The 1918 R.S.F.S.R. (Russian Soviet Federative Socialist Republic) Constitution

The architect of the RSFSR (Russian Soviet Federative Socialist Republic) Constitution, V.I. Lenin saw Constitution as the fundamental law of the state and law governing election and powers to the representative institutions. It also expresses the actual relation of the forces in the class-struggle (Lenin 1970: 336). However, Lenin did not take interest in the Constitutional works. Edward Carr wrote: “the period of
drafting of the Constitution was one of grave and continuous crisis both in economic and external policy, which threatened the existence of the regime and left little for smaller preoccupations... the Constitution, was scarcely expected to last as a working instrument... In these circumstances it is not surprising that the principle leaders themselves took no personal part in the work" (Carr 1969: 134).

On January 28, 1918, the third all Russian Congress of Soviet adopted a resolution "on the federal institution of the Russian Republic," announcing that Central Executive Committee (CEC) would draft the Constitution.

On April 1918, the CEC followed the decision of the Central Committee of the Bolshevik Party. It appointed a Constitutional Committee composed of fifteen members, including Yakov Sverdlov (president of the CEC), Josheph Stalin (the commissar of Nationalities), Nikoloai Bukharin (editor of Pravada), Mikhail Pokrovski (a well known Marxist Professor) and Steklov (editor of Izvestiya). The Constitutional Committee worked for three months and in July 1918 it submitted the text of the Constitution to the fifth congress of the Soviets. It adopted the Constitution on 10 July 1918.

The R.S.F.S.R. (Russian Soviet Federative Socialist Republic) Constitution was the first of a Socialist type in the world. It was based on entirely different principle from Western Constitutions. It was created by the revolutionary proletariat and working peasants under the leadership of Lenin.

The adoption of the first Soviet Constitution was preceded by the issue of a number of Constitutional documents known as the 'October Decrees'. Moreover, many of them were adopted by the Second All-Russia Congress of Soviets on 25 October 1917, the day the Soviet took power. These decrees laid emphasis on the nature of a legal basis for both the 1918 Constitution of the RSFSR and the subsequent Constitutions of the other Union Republics.

Lenin's earlier decrees were related to issued such as Land, Peace and transferring of all power to the workers and peasants, nationalization of means of production, and turning them into State property. The R.S.F.S.R. (Russian Soviet Federative Socialist Republic) Constitution gave legislative recognition to the gains of
the October Revolution with the fundamental aim of suppressing ‘all exploitation of man by man’, of abolishing forever the division of society into classes, of bringing about the socialist organization of society, and of establishing the triumph of socialism in all countries (Andrew 1923: 12).

The 1918 Constitution aimed at establishing the Russian Soviet Republic on the principles of a free union of free nations, as federation of national Soviet republics (Andrew 1923: 13). The article 4, 5 and 6 dealt with the free self-determination of the nation. The principle object of the 1918 Constitution was to smooth the period of transition with the establishment of the dictatorship of the proletariat. The Constitution further declared the “Russian republic as a free socialist community of all workers of Russia.” Other autonomous regional unions entered in to the RSFSR on a federal basis.

Recognizing the solidarity of the workers of all nations, the R.S.F.S.R. (Russian Soviet Federative Socialist Republic) extended all political rights enjoyed by Russian citizens to foreigners, working within the territory of the Russian republic provided that they belong to the working class or to the peasantry. This document was included in 1918 Constitution of the RSFSR. Working people’s involvement in government was another basic feature of the 1918 RSFSR Constitution. The 1918 Constitution guaranteed democratic rights and freedoms for the working people irrespective of their race or ethnic origins (Kudrayavtsev et al 1986: 58).

The new Constitution of 1918 made the All-Russian Congress of Workers, Soldiers, peasants and cossacks deputies as Congress of Soviets- the highest body of state authority in the country. During the initial years of Soviet Government, the Constitutional system of the Soviet state was characterized by a disproportionate representation of various social groups, with the share of representatives of factory workers in the Soviet and at the Congress of Soviet, being higher than that of peasant.

The novel feature of this Constitution was the provision incorporated in article 2, which provided for depriving individuals and groups of people rights, where such rights were exercised against the Constitution of the other Soviet republics which came to be set up in the territory of former Tsarist Russia.
After six years of the first RSFSR Constitution the congress of Union was held in Moscow on 30 December 1922, at which the two resolutions were adopted. One was the Declaration of the Union of Soviet Socialist Republics, consisting various federal republics of Transcaucasia, Ukraine, Russia and RSFSR (Unger 1981:45). The other resolution was the 'Treaty of Union' consisting of the RSFSR, the Ukrainian SSR, Russian SSR, the Trans-Caucasian SSR concluding a treaty for their union into a single united states, the Union of Soviet Socialist Republic (Conquest 1968:16).

The plan for the formation of such state was put forward by Lenin, who stressed the importance of a voluntary union of equal republics. All Soviet republics had economic and political system of the same type.

The First All-Union Congress of Soviet approved two documents and devised a how few draft of All-Union Constitution, establishing a Constitutional Commission for the purpose. The 1918 Constitution was amended in 1923. After the creation of the Soviet Central Asia by the process of national delimitation scheme in 1924 the Uzbek and Turkmen constituent republics were added in the Soviet Union (Steven 1995: 225).

**Constitution of the U.S.S.R. (Union of Soviet Socialist Republics) of 1924**

On 31 January 1924, the Second Congress of the Soviet of the U.S.S.R. approved the Constitution of the U.S.S.R., which according to the Soviet officials 'reflected the supreme will of all peoples in the country to build socialism and communism.' In 1924, federal Constitution of the former U.S.S.R. was introduced after the civil war and during the New Economic Policy (NEP) period (Churchward 1968:75). The Constitution contained provisions of federal states and the relations between the Union and constituent republics. This Constitution contained two sections, the Declaration on the Formation of U.S.S.R. and the Treaty on the Formation of the U.S.S.R. (Union of Soviet Socialist Republics).

The Declaration laid down the basic features of the nationality policy of the Soviet Government with voluntary accession, equality of rights and right to secede from the Union. Approving and amending the basic principles of the Constitution was

The sovereignty of the Union republics was restricted only with the limits specified in the Constitution. According to Article-3, outside these limits, each union republic exercises its state authority independently, with the U.S.S.R. (Union of Soviet Socialist Republics), protecting the sovereign rights of the union republics.

The main content of the Constitution was the establishment of the fundamental principles of the new Union. Unlike the 1918 Constitution various sections like active and passive suffrage, budget law and other Constitutional matters were either omitted or found a mention in general terms. This difference in structure between the 1918 and 1924 Constitution was due to the consolidation of the Soviet power and its economic position.

The Union Republics were given absolute discretionary power in international matters, together with control of economic planning, the budget, armed forces, transport, the judiciary, and the basic principle of law (The Cambridge Encyclopedia of Russia, 1943: 366-67). Supreme authority was still to be vested in the indirectly elected congress of the Soviets. However, no bill of rights was included in it. The main bodies of the federal Government were the Constitution Central Soviet Congress, Central Executive Committee, Presidium, Central People’s Commissars, and Supreme Court, etc.

So far as Uzbekistan is concerned, Uzbek Soviet Socialist Republic was formed on 27 October 1924 and it adopted first Constitution in 1927. This Constitution formalised the creation of the Uzbek Soviet state. Like the Constitution of the other Soviet republics, the Uzbek Constitution was in full conformity with the 1924 Constitution of the U.S.S.R. (Manz 1994: 103-104).

First of all, it proclaimed the dictatorship of the proletariat. According to article 1 of the constitution of the republic sets itself the task to ensure the dictatorship of the proletariat with a view to once and for all crushing the bourgeoisie, to eliminating the exploitation of man by man, and to building up a communist society (Agzamkhojayev 1982: 21). The Constitution clearly defined the class essence of the Uzbek republic,
emphasizing that the Uzbek SSR is "a socialist state of the workers and peasants of Uzbekistan" and that "power within the Uzbek socialist Soviet Republic, both in the capital and the localities, is rested in Soviet workers', peasants' and Red Army (article 2).

The Uzbek Constitution proclaimed that the land, forests, mineral resources, waters, the factories and plants, and railways, water, air transport and communication were the socialist state property (article 19). This provided the legislative basis for the republic's social system, and the major socio-economic gains to the Uzbek people. Labor was recognized as the duty of all citizens, the criterion for assessing the individual's status in society (Perfilieva el at 1982: 21-22).

The Constitution of 1924 lasted for twelve years. The 17th congress decided to amend the Constitution. The resolutions adopted in the seventh congress of the Soviet of the U.S.S.R. are as follows:

1. The Union of Soviet Socialist Republic's Constitution was to be amended in the following respects.

   a. Democratization of the electoral system by changing the Constitutional structure from unequal suffrage to equal suffrage and replacement of indirect elections by secret ballot.

   b. Adding more condensed definition to the social and economic structure of the Constitution by bringing it into close conformity with the prevailing coordination between class forces in the U.S.S.R..

2. To entrust the central executive committee of the U.S.S.R. with power to elect a Constitution commission which will subsequently be asked to draw up and amended text of the Constitution in accordance with the principle mentioned under clause(1) and to place it for an acceptance in sessions the central executive committee of the U.S.S.R..

3. To hold the future election to the various organs of the Soviet Government in the U.S.S.R. on the basis of the new electoral system (Stalin 1945: 7-8).
The Seventh Congress of Soviets of the U.S.S.R. in 1935 accepted that some changes had to be introduced into the Constitution to reflect the changes which had taken place in the country. The drafting of the new Constitution was entrusted to a Constitutional Commission under the chairmanship of comrade Stalin, established by the Central Executive Committee of the U.S.S.R. On 12 June 1936, after the Commission had finalized its draft, was published for nationwide debate and discussion in which over 50 percent of the country's adult population participated. At least two million addition and amendments were proposed to the draft (Scott 1958: 85-86).

The Congress of Soviet of the U.S.S.R. was the highest state authority body having two subordinated authority, i.e. the Soviet of the Union and the Soviet of Nationalities. The Council of People's Commissars, an executive and administrative body which also had legislative functions, formed by the Central Executive Committee of the U.S.S.R., was the government of the U.S.S.R.. The union republics had their own Constitution which was not subject to approval by the Union, but the republican Constitution should not conflict with the All-Union Constitution (Kudrayavtsev and Lukyanov 1986: 62).

The 1924 Constitution was based on along the 1918 R.S.F.S.R. Constitution. Main defects of the 1924 Constitution were the use of indirect election in the Supreme Soviet by not allowing mass democracy, voting by show hands hampered the free choice of voters, and functional representation instead of territorial representation was adopted. Above all the emergence of Communist Party's supremacy hampered the democratization of Soviet State politics.

However, the 1924 Constitution of the U.S.S.R. was different in many respects from the first socialist Constitution of the RSFSR. It consisted of the Declaration and treaty on the formation of the U.S.S.R.. The national policy of development of the multinational state, since the formation of U.S.S.R. was enunciated on the basis of the true Leninist principle in the Declaration. The voluntary nature of the Union, free access to it for all existing and future Socialist Republics and the right to freely secede from the Union were also emphasised in the declaration (Sharma 1978: 7-8).

The new Constitution was adopted by the eighth Congress of Soviets of U.S.S.R. in December 1936. The first elections were held under the new Constitution in December 1937. The 1936 Constitution contained two important points of distinction from the earlier one. First the socio-economic basis of the state was defined by the Constitution which reflected in the establishment of socialist society in U.S.S.R.. Second, it provided broader democracy, i.e. electoral system.

The Constitution of 1936 contained some of the ideas of the Constitution of 1924. The main changes introduced in the 1936 Constitution were as follows:

1. Universal suffrage replaced a system of restricted suffrage;
2. Direct elections replaced the earlier system of indirect elections;
3. bi-cameral Supreme Soviet replaced the old Congress of Soviets of the U.S.S.R.;
4. The Constitution included an elaborated and expanded statement of democratic rights, and

The 1936 Constitution embodied elements of parliamentary democracy – universal suffrage, direct elections, equal electoral districts and guarantees to individual rights, and so on. However, all these were on paper only, and not in real sense of parliamentary democracy.

There were provisions in the Constitution of 1936: to establish the adult voting system instead of confine voting system, to establish direct election procedure instead of indirect election procedure, to establish open voting system instead of secrete voting system, to establish political institutions according to new social and economic circumstances. The provision of single party system was also made by the Constitution as mandatory (article 134-135 of U.S.S.R. 1936 Constitution).
The Constitution of the U.S.S.R. of 1936 developed the principles of the 1918 Constitution of RSFSR. It expanded the content of the Constitutional text, which contained 13 chapters and 196 articles. The questions of state structures were dealt with a much greater detail in chapter II of the 1936 Constitution. The significant aspect of this Constitution was, that it defined the role of the CPSU and also elaborated the role of Constitutions of the Union Republics.

However, entire usages and methods became irrelevant during Stalin’s rule. The Constitutional provisions were made scapegoats of the CPSU and the Soviet federalism was revealing itself as an interestingly transparent fiction (Fainsod 1970: 370-371).

The Constitution of 1936 reflected the development of the Soviet multinational state. Former autonomous republics of Central Asia; Kazakh and Kirghizia became Union Republics. Even before that, Uzbekistan, Tajikistan and Turkmenistan had joined the U.S.S.R. as Union Republics. The 1936 Constitution defined the role of the Communist Party in the Soviet political system which described ‘the party as the guiding force of all Working People’s organizations both government and non-government’ (article 126 of 1936 U.S.S.R. Constitution). Thus, the Communist Party became guiding and directing force of the Soviet society. The 1936 Constitution expanded the guarantees of citizen’s rights and freedom. The Constitution was adopted by the extraordinary English Congress of Soviet to the U.S.S.R. on 9 December 1936.

The 1936 U.S.S.R. Constitution recorded the principles of Soviet socialist federalism, i.e. the voluntary association to equal Soviet Union republics and the free development of Soviet socialist nations. This Constitution became the basis for restructuring the system of state bodies of authority and administration.

The second chapter of the 1936 Constitution exclusively dealt with the federal structure of the U.S.S.R.. Under Article 13 of the Constitution the U.S.S.R. was described as a ‘federal state established on a voluntary Union of fifteen equal Soviet Socialist Republics.’ These were the Russian Soviet Federative Socialist (RSFSR), Ukrainian SSR, and Belarusian SSR. Uzbek SSR, Kazakh SSR, Georgian SSR,
Lithuanian SSR, Armenian SSR, Azerbaijani SSR, Moldavian SSR, Latvian SSR, Kyrgyz SSR, Tajik SSR, Turkmen SSR and Estonian SSR.

Article 14 has twenty-four clauses which described the power of the U.S.S.R.'s jurisdiction. The Union had the power to protect the 'sovereign rights of the Union Republics'. Each Union republic was having its own Constitution taken independently by the Union republics. But in case of disagreement between the Union Law and Union Republic Law, only the Union Law will be prevailed. As before, a Union republic was free to secede from the U.S.S.R., and could have its own military formations. The Constitution of 1936 provided uniform union citizenship (article 21).

The Constitution of the U.S.S.R. of 1936 became the basis for restructuring the system of state bodies of authority and administration. The Congress of Soviet, elected on the basis of an open and multi-stage election which offered advantages to the working class, were replaced by a system of Soviet of Working People's Deputies. Elections to the Soviet became universal, equal and direct, with secret balloting. All citizens were granted equal suffrage.

The premier organ of state power and sole legislative organ in the U.S.S.R. was the Supreme Soviet of the U.S.S.R., although the 1936 Constitution made the Soviet of Working People's Deputies as the supreme authority as they represented the State authority.

Only the Supreme Soviet of the U.S.S.R. and Supreme Soviet of the Union and Autonomous Republics were the law making bodies. Regional, territory, city, district and rural Soviets, became the local bodies of state authority. The Constitution stipulated that bodies of state administration from the Government of the U.S.S.R. down to the Executive Committees of rural Soviets were formed by corresponding Soviet.

The Soviet of Nationalities too was similarly elected by its citizens voting by the Union republics, autonomous republics, autonomous regions and national areas on the basis of thirty-two deputies from each Union republic, eleven deputies from each Autonomous republic, five deputies from each autonomous regions and one deputy from each National area (article 35).
The Constitution of 1936 was the first legislative embodiment of the role of Communist Party in the political system of the Soviet Society. The party became guiding force and core of the Soviet society. The Power to amend the Constitution was only with the decision of the Supreme Soviet of the U.S.S.R. after a two-thirds majority of the total votes in each of the chambers (article 146). The bicameral legislature of the Soviet federalism was very much similar to bourgeois democratic countries. The Supreme Soviet had two chambers - one was the Soviet of the Union, and other was the Soviet of Nationality. The Supreme Soviet of the U.S.S.R. was elected for a term of four years. The Soviet of the Union of the Supreme Soviet was elected by the citizens of the U.S.S.R..

The two chambers of the U.S.S.R. Supreme Soviet had equal rights to initiate legislation which became law when passed by both chamber by a simple majority vote in each. The session of both the house began and terminated simultaneously. Both the houses had an elected Chairman for each and four Vice-Chairmen who presided and conducted business and proceedings of the houses. The sessions of the Supreme Soviet of the U.S.S.R. were convened by the Presidium twice a year. On the expiry of the term of the office of the Supreme Soviet, the Presidium of the Supreme Soviet was required to order fresh elections within a period not exceeding two months from the date of expiry (article 54).

The Supreme Soviet of a Union Republic could amend and adopt its Constitution in conformity with Article 16 of the Constitution of the U.S.S.R.. It also combined the Constitutions of the Autonomous republics and defined the boundaries of their theories, approved the national economic plan and budget of the republic and decided the questions of representation of the Union republic in its foreign relations (article 60-a).

The 1936 Constitution had given the Council of Ministers of the U.S.S.R. the right to suspend decisions and orders of the Council of Ministers of the Union republics. The Chairman of the Council of Ministers of the Union republics were ex-officio members of the U.S.S.R. Council of Ministers.

It may be argued that the independent and sovereign status of the republics and the regions were very unreal, and the Union was vested with real and colossal powers.
The 1936 Constitution was, thus, more limiting than federal in nature and had highly centralized mechanism rather than decentralized institutions. Stalin's reign of terror often played crucial role in undermining the entire basic features of this Constitution. Stalin's order was in fact like a Constitution provision.

The 1936 Constitution of U.S.S.R., which proclaimed the creation of the foundations of socialism in the U.S.S.R. the Soviet people historic achievement, reflected the fundamental changes in all walks of Soviet life. The adoption of the 1936 constitution made it necessary to draft new Constitution for the Union Republics, and in February and March 1937, Uzbekistan and all the other Union Republics adopted their own Constitutions (Perfilieva el at 1982: 23).

The Uzbek Constitution

The new Constitution of the Uzbek SSR was in full conformity with the 1936 Constitution of the U.S.S.R.. Like all the other Union Republics, Uzbekistan had a common economic and political basis. At the same time, the 1937 Uzbek Constitution reflected the republic's national, economic, political and historical features. For example, the unification of the alienated strata of the Uzbek people into a sovereign socialist state of workers and peasants, which in itself was a historic development for the people of the Uzbekistan. The Constitution also pointed out that the socialist economic system and socialist ownership of the means of production had been established as a result of the elimination of the capitalist and feudal and economic system. As survivals of the feudal attitude towards women were very strong in Uzbekistan, the Constitution contained special articles stipulating legal responsibility for those opposed to the genuine emancipation of women (Agzamkhojayev 1982: 23-24).

Between 1927 and 1936, fundamental changes took place in Uzbekistan as they did throughout the U.S.S.R. As a result of the Leninist policy of socialist industrialization, the Uzbek SSR overcame its backwardness and became an industrial-agrarian republic based on advanced science and technology. The remnants of the exploiter classes (the beys and kulaks) and the urban bourgeoisie were eliminated. As a result two roundly classes – the workers and collective-farm peasantry and also the working class intelligentsia emerged.
The 1977 Constitution of the U.S.S.R.

Under rule of Stalin, the Soviet Union had made an impressive progress in every field and soon became a world power, with the equal status of the United States of America. Explaining the basic reasons for drawing up the new Constitution of U.S.S.R., Leonid Brezhnev, the then General Secretary of the CPSU said ‘the 1936 Constitution was adopted when we had in fact, just completed the creation of the foundations of socialism... what we now have the Soviet Union, is an advanced, full-fledged socialist state. Major changes of fundamental importance have occurred in every aspect of public life’. After 41 years, the Soviet Constitution was changed in the year 1977 nonetheless; the centralization of the power existed as ever.

A committee of 96 members under the chairmanship of Leonid Brezhnev was appointed. The committee placed the new draft of the Constitution before the Central Committee of the CPSU in its session on May 24, 1977. The Central Committee accepted the draft and recommended its circulation for national debate. The draft was widely discussed by every section of the Soviet society in groups and meetings. The press took an active role in this direction accumulating public opinions. About four million of proposals amending the draft were received by the Constitutional Commission. On the basis of these proposals of the Commission amended 110 articles of the draft and added some new articles.

A special session of the Supreme Soviet of the U.S.S.R. was convened on 7 October 1977 to adopt new Constitution which became effective from the same day. The Brezhnev’s Constitution of the U.S.S.R. had 179 articles under 21 Chapters. The main characteristics of the Constitution of 1977 were as following: the Constitution of the socialist state was considered of the whole people, Constitution based on popular Sovereignty, Supremacy of Constitution in peculiar sense, supremacy of the parliament in limited sense, rights and duties of citizens viz. right to work, right to education, right to equality, and religious and political liberty, etc (Phool Badan 2001:87).
Fundamental Characteristics of 1977 Constitution

The Constitution of the U.S.S.R. of 1977 was based on the concept of developed Socialism, advanced by the party. The new Constitution was to guarantee the continuity of the ideas and principles contained in the previous Soviet Constitutions (Feldbrugge 1979: 7). The 1977 Constitution reflected the basic principles of state and all social life where all power was vested in the working people. It also gave the leading role of the CPSU in the society and its political system, the predominance of public ownership of the means of production and the management of the economy on the basis of state plans; the supremacy of the Soviets within the state mechanism, which were the political foundation of the U.S.S.R.. The development of the Soviet state strictly was to abide by the principles of 'democratic centralism' and 'socialist legality'.

Chapter one was concerned about the state and its political system, in particular, it defined the role of the CPSU. The 1977 Constitution contained a new chapter on social development and culture, not found in any of the previous Constitution. The 1936 Constitution had no preamble and it opened with the article defining the nature of power in the state but the 1977 Constitution had a preamble which contained the achievements of the Soviet people since the Socialist Revolution in the country further narrating the essence of the developed socialist society and proclaiming the supreme goal of the Soviet state - the building of a classless, communist society (Topornin 1980: 20-21).

The 1977 Constitution was marked by a relevance to the exercise of power in developed socialist society. Article 2 spoke of people's power in the U.S.S.R.. Many articles of the Constitution were concerned about the sovereign rule of the Soviet people. The notion of people was presented in detail in many articles about working class, the peasantry, and intelligentsia, in other words, all classes and strata of developed socialist society. Article 19 dealt with the social basis of U.S.S.R., the forms of ownership, and the forms of single public property.

Another basic feature of the 1977 Constitution was the focus of the machinery of popular rule was the CPSU, the political leader of the people, the nucleus of all state governments and public organizations (Article -6 of 1977 U.S.S.R. Constitution). The
basic and most important aspect on the Soviet political system was, according to 1977 Constitution, was Soviet of People's Deputies replacing 1936 Constitution's Soviet of Working People's Deputies, which constituted the political foundation of the U.S.S.R. (art. 2[11]). All other states bodies were under the control of and accountable to, the Soviets of People's Deputies. Article 3 spoke of the importance of democratic centralism for central leadership with local initiative. Article 7 of the 1977 USSR Constitution exclusively described about the public organizations, such as trade union, the young communist league, co-operative societies, and other associations of working people.

The 1977 Constitution of the USRR contained principles of the personal property of citizens which included articles of everyday use, personal consumption and convenience, a small holding, a house, and earned savings. The personal property of citizen and the right to inherit it was protected by the state, but citizens were required to make rational use of their personal property. Even the Constitution provided the state making regulations for individual labor for their family member.

Chapter 3 of the 1977 Constitution had incorporated the provisions of 'social development and culture' with the unbreakable alliance of the workers, peasants, and intelligentsia (article 19). The state helped eliminating class differences bringing all round development of the U.S.S.R.. In the U.S.S.R., state system of health protection, social security, trade and public catering, communal services and amenities, and public utilities operated and being extended to all Soviet citizens. Article 25 suggested above uniform system of public education, which was being constantly improved for intellectual and physical development of the youth, and trained them for work and social activity. The state was concerned itself with protecting augmenting and making extensive use of society's cultural wealth, for raising Soviet people's cultural level (article 28).

On the foreign policy front, the 1977 Constitution dealt with extensively strengthening Leninist policy of peace and security of nations through broad international co-operation. The main features of Soviet foreign policy included from building communism, safeguarding state interests, consolidating world socialism to supporting struggles for national liberation, preventing wars of aggression, achieving complete disarmament with the principle of the peaceful coexistence (article-28).
Article 33 provided the uniform federal citizenship of the U.S.S.R. Every citizen of the Union Republic was a citizen of the U.S.S.R. Citizens was equal before the law, without distinction of origin, social or property status, race or nationality, etc. Women and men had equal rights in the U.S.S.R..

Chapter 7 of the 1977 Constitution ensured one of the prominent aspects of individual, i.e. the basic rights, freedoms and duties of citizens of the U.S.S.R., dealing from article 39 to 69. Article 39 declared that citizens of the U.S.S.R. enjoy in full the social, economic, political and personal rights and freedoms proclaimed and guaranteed by the U.S.S.R. Constitution and by the Soviet laws. Citizens of the U.S.S.R. had the right to protection by the courts against encroachments on their honor and reputation, life and health, and personal freedom and property (article 57).

Many articles ensured individual freedoms and the autonomy of their native language also. However, these provisions were never implemented. The native language of Central Asian republics was not totally Russian. There was no judicial safeguard for the personal liberties though the Constitution loudly upholds this dignity. There was no opposition or dissident group to share power in the political system (Fainsod and Merle 1970: 57-58). The central legislature was responsible for making of laws. Every Union republic and the autonomous republic of the U.S.S.R. had their own unicameral legislatures.

These legislatures were to look into the administration of the republics. Soviet judicial system was integrated in nature. The Supreme Court was responsible for the matters associated with the different republics. In the civil society institutions such as, media, labor organizations, and other social groups were allowed to function formally but in reality, they were controlled by the CPSU. A peculiar feature of the Soviet system was its bureaucratic structure. The Soviet bureaucracy was responsible for the implementation of all development activities.

The Communist Party of the Soviet Union played a vital role in legitimizing the centralization of power. The Soviet Constitution, according to tradition, provided a special place to the CPSU in the political system of the country (article 6). There were specific articles, which stressed the promotion of native languages, education, and preservation of the cultural heritage of various nationalities, however, there

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Constitutional provisions were never came into practice, only remained in a theoretical definition.

It also provided rights and freedoms to the Soviet citizens but they could not use these rights against the Soviet system. This was due to the fact that the Constitution clearly stated that the exercise by citizens of their rights and freedoms was inseparable from the performance of their duties and obligations.

The foundation of the economic system of the U.S.S.R. was the socialist ownership (article 4) of the means of production in the form of state property, and collective farm\textsuperscript{11} and cooperative property. Socialist ownership also embraced the property of trade unions and other public organizations related provisions were mentioned in the Constitution.

However, in reality there were no rights and freedoms in the U.S.S.R. In fact these rights appeared only on paper. This means that whenever the people raised their voice with regard to their rights the state machinery would immediately act to suppress their claims. Important feature of this Constitution was the change in the age for eligibility for election to the Supreme Soviet, which was reduced from 23 to 21 for the Supreme Soviet and 18 for other Soviets. The Constitution of the U.S.S.R. also ensured equal rights for both women and men.

The institutional structure of the Soviet Union was legally embodied in the Declarations of Rights of Working and Exploited People, signed by Lenin and adopted at the historic Third All Russian Congress of the Soviets in January 1918. Chapter 8 of the 1977 Constitution exclusively dealt with the federal nature of the Union of Soviet Socialist Republics. The chapter at first reiterated the federal nature describing the U.S.S.R. as ‘an integral federal, multinational state’ formed on the principle of socialist federalism as a result of the free self-determination of nations and the voluntary association of equal Soviet Socialist Republics (article 70).

Like previous Constitution each Union republic were empowered the right to secede from the U.S.S.R.. Therefore, the Soviet Union was not merely a sovereign

\textsuperscript{11} Soviet Constitution provided the land occupied by the collective farms is made over them for their use for an unlimited time, that is, in perpetuity.
state, but a Union of Sovereign States known as Union Republics. The sovereignty of a Union Republic was guaranteed by the provision of the Constitution of the U.S.S.R. under which the territory of a Union Republic could not be altered without its consent while the boundaries between the Union Republics might be altered by mutual agreement of the republics concerned, subject to the ratification by the U.S.S.R.. The laws of the U.S.S.R. retained the same force in all Union Republics but the law of the U.S.S.R. was supreme comparing with the Union republican law. The Union republics were given the right to participate in deciding the question of Union jurisdiction in the U.S.S.R. Supreme Soviet, its Presidium, the U.S.S.R. Government and other Union bodies (Ludwikowski 1996: 24-25).

The Constitutional status of an Autonomous republic was equal to the all Union republics, as an Autonomous republic was given the right to deal independently with matters within its jurisdiction. Article 76 provided the Union republics to exercise their economic, social and political power independently, baring those falling within the jurisdiction of the U.S.S.R.. In matter of jurisdiction, the Constitution gave the Union sole power to decide upon the admission of new republics to the U.S.S.R., to endorse the formation of new autonomous republics, and autonomous regions within Union republics, to determine the state boundaries between Union republics.

Under 1977 Constitution the highest organ of state power and the sole legislative organ in the U.S.S.R. was the Supreme Soviet of the U.S.S.R. (art. 108). The Supreme Soviet of the U.S.S.R. was empowered to deal with all matters within the jurisdiction of the U.S.S.R.. According to tradition, the Chairman of the Presidiums of the Council of Ministers of all Union republics were the ex-officio members of the U.S.S.R. Council of Ministers. The Presidium of the Supreme Soviet of the U.S.S.R. could revoke decisions taken by the Council of Ministers of the Union Republic. The Presidium of the Supreme Soviet of the U.S.S.R. envisaged with extensive powers to promulgate decrees and adopt decisions.

The article 126 was based on Supreme Soviet's supervision over the works of all state bodies which were accountable to it. Article 169 was dealt with the U.S.S.R. Procurator-General who was appointed by the Supreme Soviet of the U.S.S.R., was responsible to it. The Procurators of Union Republics and Autonomous Republics were appointed by the Procurator-General of the U.S.S.R.. The last Chapter 21 laid
down the amendment procedure in article 174 of the 1977 Constitution. The Constitution of the U.S.S.R. could be amended by a decision of the Supreme Soviet of the U.S.S.R. adopted by a majority of two-thirds of the total members of deputies of each of its chambers. In practice, the 1977 Constitution stood for a centralized structure. The Constitutional provisions were not often respected by the members of the C.P.S.U. (Communist Party of Soviet Union) members who were regarding themselves supreme to the Constitution.

Soviet Union had a bicameral legislature (Soviet of the Union, and Soviet of the Nationalities), established by the 1924 Constitution. The central legislature was responsible for making of laws. Every Union Republic and the Autonomous Republic of the U.S.S.R. had their own unicameral legislatures. These legislatures were to look into the administration of the republics. Soviet judicial system was integrated in nature. The Supreme Court was responsible for the matters associated with the different republics. In the civil society institutions such as, media, labor organizations, and other social groups were allowed to function formally but in reality, they were controlled by the C.P.S.U. (Communist Party of Soviet Union).

A peculiar feature of the Soviet system was its bureaucratic structure. The Soviet bureaucracy was responsible for the implementation of all development activities. The Communist Party of the Soviet Union played a vital role in legitimizing the centralization of power. The Soviet Constitution, according to tradition, provided a special place to the CPSU in the political system of the country (article 6). There were specific articles, which stressed the promotion of native languages, education, and preservation of the cultural heritage of various nationalities, but these Constitutional provisions were never came into practice, only remained in a theoretical definition.

Uzbek Constitution of 1978

the new Uzbekistan Constitution (Edward 1990: 307). The 1978 Uzbek SSR Constitution had 183 articles grouped in two parts and was divided into 24 chapters. The provisions of these Constitutions dealt with the foundation of socialist system, politics of the state and individuals, and national, state and administrative territorial structure. These documents further contained Soviet of People's Republic, local states of economic, financial, and judicial system with flag, anthem and capital of the republics.

In the subsequent twenty-five year after 1937, the people of the Soviet Union, led by the Communist party, carried out profound social and economic reforms, upheld the gains of socialism and build a developed socialist society. The Soviet state emerged as the dictatorship of the proletariat, subsequently developed into a state of the whole people, and these changes were reflected in the new Constitution of the U.S.S.R. adopted in October 1977.

Accordingly, new Constitution was adopted in Uzbekistan and the other Union Republics. They stated that, in the U.S.S.R., national socialist statehood had entered the stage of development involving the rule by the whole people. Thus, article 1 of the new Constitution of the Uzbek SSR declares: “the Uzbek Soviet Socialist Republic is a socialist state of the whole people, a state expressing the will and interests of the workers, peasants and intellectuals, of the working people of all the republic's nations and nationalities” (Agzamkhojayev 1982: 23).

Uzbekistan was the first of all the Union Republics to adopt, on the basis of the December session of the Supreme Soviet Session of the U.S.S.R., a new law on the organization of the Courts and also new Codes of Criminal Law and of Criminal Procedure. The debate, introduced by a report by A. Makhmudov, was short, and the reports published in the press allow for an assessment of a few essential points. The law on the organization of the courts (published in Pravda vostoka 29 May 1959) envisaged periodical reports, not only of the People's Judges to their electors but also of the higher Courts, including the Republican Supreme Court, to the Soviets which have them; Makhmudov stated that this would strengthen the supervision of justice by the general public. Article 9 of the law mentioned the Constitutional ruling that 'judges are independent and subject only to the law'. On the other hand, the Supreme Court of the Republic enjoyed not only the right to supervise the lower Courts but
also that of introducing legislative proposals to the Supreme Soviet.

III

Institution Building in Soviet Union

_Formation of Soviet federal system_

The Union of Soviet Socialist Republics was a federal state of 15 constituent republics called Union Republics. The Union Republic constituted the highest form of statehood in the U.S.S.R. and was formally a sovereign state with the right to secession. The conditions necessary for a given territory to achieve Union Republic status were set forth by Stalin at extraordinary eighth all Union Congress of Soviets on November 25, 1936.

The criterion of the suitability of an area to be established as an autonomous unit was that of nationality, in practice, this had become identified with language. There were a number of national minority groups whose autonomy derives simply from the fact of their having their own written language. The administrative territorial units in descending order of size and importance were the Krai( territory) Oblast ( region), Raion (District), town, village (or rural locality) and urban – type settlement which may be classified as a workers’ settlement (rabochii poselok, health resort (Kurortny Poselok) or a residential summer resort (dachine poselok).

Apart from the krai the highest administrative – territorial unit was the Oblast, which was to be unit of complex economic character containing both manufacturing industry and agriculture. The Krais, of which there were six, all in the RSFSR, were of Oblast status but usually, also contain an autonomous Oblast. The only exception was the Primorski (maritime), krai, which probably owes its designation. It was formed in 1938 by the division of the former Far Eastern Krai, the rest of which became a krai of the normal type. Six of the 15 Union Republics were divided into administrative Oblast. There were the RSFSR, the Ukrainian SSR, the Byelorussian SSR, the Uzbek SSR, the Kazakh SSR and the Kirghiz SSR.
The remaining Union Republics were divided, like the Krai and Oblast, into 
raions. The raions were organised in such a way as the trace account of the need to 
provide guidance on socialist large scale agriculture and the local industry compete 
with it. It was the main link, the nodal point, of socialist construction across the 
country. At the lower level of the administrative territorial scale were the settlements 
(poselki), which have grown up in certain localities, often around industrial 
enterprises.

The Soviet Legislature

The basic governmental unit of the Soviet system was the Soviet, means Council. The 
original Soviets were established by workers and peasants during the 1905 revolution. 
The first Soviets were simply local councils of worker or peasant delegates. They 
were spontaneous creations of the masses and owed little or nothing to the conscious 
policy of any revolutionary parties. During the 1905 revolution, Lenin recognized the 
importance of the Soviets as proletarian agencies which could be used to overthrow 
the Tsarist Government. However, these first Soviets had been suppressed by the Tsar 
regime since the beginning of 1906.

The Soviet Structure

The system of Soviets was established in the former USSR. It was created at two 
levels. It consisted of two chambers: Supreme Soviets of the union of Republics and 
of the Autonomous Republics, down through the province and city Soviets to the rural 
and urban district level, and to the smallest village and hamlet. In the Union Republics 
and Autonomous Republics, these Soviets were unicameral. At each level, from the 
highest to the very lowest, there is an elected Soviet that serves to legitimize 
governmental authority.

Yet all of the Soviet, irrespective of their territorial jurisdiction, were said to 
constitute a single unified system that supposedly gave substance to the claim 
regarding the unity of the Soviet state and people. The centralism that characterised 
Communist Party organization had been extended to the government, and the lower 
Soviets were strictly subordinate to the higher Soviets. At the same time, all Soviets
including the Supreme Soviet or the U.S.S.R. were, in fact subordinate to the Communist Party organization at each jurisdictional level.

The Soviets embodied the principle of the fusion of legislative and executive power that was the basic characteristic of the Soviet political system. Thus, Lenin was quoted as having asserted in 1917 that “there cannot be two powers (vlasteri) in a state” while a differentiation of function and competence was recognized as existing between legislative, administrative and judicial bodies, it was claimed that state authority was unified.

The Soviets were said to control the executive because the executive body (the council of ministers of the U.S.S.R. and of the various republics level) are elected by them and consist of persons from their membership. However, legislative initiative rested with the executive and untimely, with the party organization, which is the embodiment of the fusion of powers. And the executive committees of the Soviets below the republic level (Karpinsky 1952: 111-116).
Diagram: 2.1

Structure of Supreme Soviet

Supreme Soviet of U.S.S.R.

Soviet of Union

Soviet of Nationalities

PRESIDIUM

U.S.S.R. Council of Ministers

Republic Supreme Soviet

PRESIDIUM

Republic Council of Ministers

Provincial Soviet

Executive Committee

City of country Soviet

Executive Committee

Village Soviet

Executive
Powers and Functions of the Supreme Soviet

Article 108 of the U.S.S.R. Constitution described the Supreme Soviet as ‘the highest organ of state power in the U.S.S.R.’, while article 32 stated that, ‘the legislative power of the U.S.S.R. was exercised exclusively by the Supreme Soviet of the U.S.S.R.’. The presidium, however, is accounting has been regularly performed. The Constitutions also entrusted the Supreme Soviet with the appointment of the Council of Ministers (article 122 (4)).

The Supreme Soviet of the U.S.S.R. was elected after every four years usually in March. It was a bicameral body and each chamber had identical powers. According to the Constitution of the Soviet Union it was necessary to that session at least twice a year was. The normal session lasted only two to four days. This meant that the Supreme Soviet was not generally in session.

However, the Supreme Soviet was never the main legislative body in the Soviet Union. On the other hand it was not merely a collective rubber stamp for the automatic registration of decisions arrived at elsewhere. Many provisions of the Constitution related to the Supreme Soviet had never operated. Thus, Article 46 provided those extraordinary sessions of the Supreme Soviet may be convened on the demand of the Union Republics`. In fact all the sessions had been convened by the Presidium of the Supreme Soviet. The Constitution provided for a double dissolution in the event of a continued. But no deadlock ever occurred in the Soviet system.

The Supreme Soviet fulfilled the following functions in the Soviet state system

a. It appointed the presidium and the council of minister.

b. It ratifies decrees of the presidium of the Supreme Soviet, including replacements to and changes in the structure of the council of ministers.

c. It passed the limited number of important laws.

d. It passed the state budget and the state economic plan.

e. It maintained an active committees system.
f. It provided an agency for asking questions of the government

The Constitution of the Soviet Union had given the legislative power exclusively to the Supreme Soviet along with the power of delegated legislation of the presidium and the Council of ministers (article 121 and 122). As far as the power of initiating legislation is concerned, it was possessed by the following bodies:

i. Each of the chambers of the Supreme Soviet of U.S.S.R.
ii. The presidium of the Supreme Soviet of the U.S.S.R.
iii. The Council of Ministers of the U.S.S.R.'s Supreme Soviet
iv. Commission of both chambers of the Supreme Soviet of the U.S.S.R.
v. Deputies of the Supreme Soviet, either individually or in groups
vi. The Supreme Court of the U.S.S.R., the Procurator General, the AUCCTU, and the Supreme Soviets of Union Republics

Actual legislative power was in the hand of the presidium, the Council of Ministers and individual ministers were also involved in the affairs. But in reality only the Supreme Soviet of U.S.S.R. had the complete legislative power including the power of Constitutional amendment.

The Committees system of the U.S.S.R.'s Supreme Soviet

The committee system of the Supreme Soviet of the country was considerably more developed than the Australian parliament and less than the United State congress or even the British parliament. In Supreme Soviet each chamber had the following standing committees and commission:

Credentials - 21 members in each
Budget - 39 members in each
Foreign affairs - 23 members in each
Legislative proposals - 31 members in each

The Soviet of Nationalities also had an economic commission with 31 members.
Questions

The final function of the Supreme Soviet of the U.S.S.R. was to allow deputies to ask questions to the government or to individual ministers. Many time groups of deputies had asked question on foreign affairs. Whether arranged of or not, these questions permitted the foreign minister to make a statement on foreign policy and allow a limited discussion on issues related to the foreign affairs. The Supreme Soviet did not provide question time like a British parliament. However, deputies' the seldom asked questions publicly during session. It was generally the deputies discussed the local problems with the concerned ministry. Deputies of the Supreme Soviet, like deputies of lower Soviet were not required by law to make regular reports back to their electorate and were expected to maintain regular contracts with either electors.

Lastly, following points can be sad about the role of Supreme Soviet:

1. The Supreme Soviet was not the main legislative body of the U.S.S.R.. But it played a key role in the law making as distinct from a law ratifying agency was certainly increasing.

2. The Supreme Soviet did not afford the possibility of extensive debate on domestic and foreign policy because the sessions were too short. The debates were restricted and few deputies participated in the debates in the Supreme Soviet.

3. The Supreme Soviet did allow for a limited discussion on government policy and it did played an important secondary role in legislation.

4. Finally in assessing the legislative role of the Supreme Soviet of the U.S.S.R. work of the standing commissions as the session of the Soviet itself must be borne in mind. If only 5-8% of deputies participate in the discussions on policy in the Supreme Soviet one out of every two deputies participate in the work of the standing commissions, and a bigger percentage was involved in committee work if the various temporary committees were included.
Law enforcement body

Soon after the revolution, the Bolsheviks claimed that justice had been the objective of the Socialist government. They argued that the efforts of the West to create a system of courts independent of the legislative and administrative branches of government and to provide a fair trial were designed solely to disguise the injustice of the western systems.

The Soviet court system had been borrowed from Germany and sub statute from the jury of the Anglo – American common – law court. Together with single professional judge, chosen in the manner just indicated, there sit for each civil or criminal case two lay judges. This is the rule not only in the people’ courts at the bottom of the judicial ladder but also for each of the higher courts, including the supreme court of the republic when these higher courts sit as a court of original jurisdiction (Karpinsky 1952: 133-137).

This was rule also for the Federal Courts, including the Supreme Court of the Soviet policy maker again demonstrated their readiness to withdraw from the general pattern of protection espoused by all democratic people those cases which in their opinion maintain such exceptional method until 1956 was the mere mark able because of the opportunities they had to control the final outcome of any case.

Through the appellate courts, the courts have had the opportunity to bring an undesirable decision of a lower court before judges chosen for the appellate courts because of their extensive political training. There was no danger in permitting a defendant real on in which his trial occurred. The appellate bench for the people court was when it sat as a court of original jurisdiction goes to the supreme court of the Republic concerned. Perhaps in recognition of the protection provided by the appellate procedure, Stalin’s heirs made their decision in 1956 to eliminate the political exceptions ordinary procedure right in doing from they have probably won praise from those who do not appreciate the control system.
Diagram: 2.2

Judicial System of Soviet Union

Courts and prosecutors in USSR

Supreme Court of the U.S.S.R.

Military Courts

Supreme Court of the Republic

Prosecutor of the Republic

Provincial Prosecutor

District Prosecutor

Provincial Court

Peoples' Court
The Communist Party

The key to the Soviet political system was the Communist Party of the Soviet Union, which was not answerable to the formally elected parliament and for which the vast state machine represented merely an administrative channel.

At its second congress in 1903, the Russian Social Democratic Workers’ party split into two main factions, i.e. Bolshevik and Menshevik. The main issue behind the split was the question related to the membership of the party. Lenin envisaged a narrow, close body of dedicated, disciplined and revolutionaries, strictly subordinate to centralized direction and operating as the militant vanguard of the working masses. The name Russian Social Democratic Workers’ Party was changed to the Russian Communist Party (Bolsheviks), at the seventh party congress of the Bolsheviks in March 1918. Subsequently, on the formation of the Soviet Union, its name was further changed to the All Union Communist Party of the Soviet Union (Bolsheviks), and at the 19th congress in 1952 the designation ‘Bolsheviks’ was dropped as being no longer necessary for the party’s identification.

The party organisation of all constituted republics was subsequently incorporated in the CPSU on the same footing of complete subordination to its Central Committees. The party comprises 14 republican, 155 territorial (Krai) and regional, 10 area, about 43,00 city and district, and above over 396,000 primary organisations (Kaushik 1983: 91). The Republican Party post as they are to posts in party organisations of several republics. However, there was a nominal concession to nationalist sentiment in the sense that the first secretary of the Republican Central Committee was usually a native of the republic.
Diagram: 2.3

Structure of the Communist Party of the Soviet Union
The authority of the party in the Soviet state was not given Constitutional recognition until 1936. But the party's monopoly of power was never in doubt. The guiding principle of the organizational structure of the party was stated in concept of 'democratic centralism', which was defined as given in article 19 of the party statutes.

a. The election of all leading party bodies from the lowest to highest level.

b. Periodic reports of party bodies to their party organizations and to higher bodies.

c. Strict party discipline and subordination of the minority to majority.

d. Absolutely binding character of the decisions of higher bodies for lower bodies.

The election of secretaries of an okrug city or raion party committee was followed in accordance with the party statutes. It was essential to be confirmed by the committee of an Oblast or krai or by the central committee of a republic (article 49). One of the chief functions of the party Central Committee secretariat, according to article 38 of the statutes, was the selection of cadres i.e. those occupying command posts in the party.

The party election was not less than election to Soviets. They were arranged not as expression of free choice, but as advice for registering assent to decisions arrived at a higher level. The single list system was in practice and, as in the case, of state elections, the authorities were at intervals to calm to recurrent doubts democratic. The instructions for the conduct of elections of leading party organs, approved by the CPSU Central Committee in March 1962, it laid down the procedures for party elections from the level of primary organization to the Republic Central Committee. But it did nothing about procedure for elections to the CPSU Central Committee or its organs.

According to the party statutes (article 1) the membership of the Communist Party of the Soviet Union was open to any citizen of the U.S.S.R. who accepted the party's programme and statutes, actively participated in the construction of
communism, works in one of the organizations of the party, fulfilled party decisions, and paid membership dues.

The Constitution, on the other hand stated that those who, voluntarily united in and politically conscious citizens, and the practice of recruitment likewise open a more restrictive policy of admittance to period of one year as candidate member. To qualify for this, he or she must be subside recommendations from three party members who had a party standing of at least five years and who know him from having worked with him for not less than one year.

The object of the probationary period was stated to be to give applicants an opportunity to familiarize themselves with the party program and statures and the tactic of the party and to enable party organ to test the candidate’s personal qualitative (article 14). The duties demanded from a party member were manifold and exacting. The party member is also stated in article 3 of the statutes to have certain rights to elect and be elected to party bodies to discuss party policy at party meetings or in the party press, and uphold his opinion as long as the party organization concerned has not adopted a decision, to criticized any party member irrespective of his position at party meetings, to be present when his own conduct is under discussion, and to put questions, statements of views or proposals to any party body, up to the Central Committee (Conquest 1968 101-102).

The Electoral system during the Soviet period

The Constitution of 1918 and 1924 granted electoral rights and procedure and arranged for the primary purpose of reinforcing an avowed class dictatorship. Before 1936, only the lowest level of the Soviets were elected directly. At higher levels there were Congresses of the Soviets, extending through the various territorial stages to federal level. The town Soviets elected delegates directly to all the congress of Soviets in the case of delegates representing rural areas, however, a multi stage system operated.

Moreover, the norms of representation favored the urban workers: the apportionment of delegates was based in urban areas on the number of voter, in rural areas on the number of inhabitants. The ratio of urban voters to rural inhabitants
appearing generally as 1 to 5, a ratio which ensured a preponderance of urban representatives in the congress of Soviet at all levels. The age of eligibility for election to the Federal Supreme Soviet was 18 years. But by an edict of the presidium of the Supreme Soviet of 10 October 1945, it was raised to 23. By a similar edict exactly a year later the age of eligibility for election to the Supreme Soviets of the Union and Autonomous Republics was raised to 21. It is interesting to note that until saner judgment prevailed, Soviet jurists used to boast of the absence of any distinction in Soviet Union between the right to elect and the right to be elected.

The 1936 Constitution proclaimed that the Soviet at all levels were chosen by the electors on the basis of universal, equal and direct suffrage by secret ballot (article 134). To test the truth of this statement, it was necessary to examine, in particular, the system of conducting elections, the method of nominating candidates for election and the actual voting procedure.

In elections to the Supreme Soviet of the U.S.S.R. each voter used his vote in two constituencies of different sizes. In case of living in Autonomous area, the voter could cast three votes. Thus, a voter in an Autonomous Republic would cast votes, at the same polling station and at the same time, for deputies to represent him in the Council of the Union, 2 in the council of nationalities as a habitant of a Union Republic, 3 in the council of Nationalities as an inhabitant of Autonomous Republic. The various votes were distinguished by ballot forms of different colors.

**Electoral Commission**

In Soviet Union (U.S.S.R.), the election was entrusted to electoral commissions, created by taking representatives from a list almost identical with that of organizations which were given the right to nominate election candidates, namely Professional Organizations of Workers and Employees: Co-operative Organizations; Communist party organizations; Youth Organizations; and also meetings of workers and employees by enterprises, of servicemen by units meeting of peasants by collective farms and villages and of state farm workers and employees by state farms.

The elections were conducted by the Election Commission of the U.S.S.R.. Its main duties were to ensure that all eligible voters were included in the register and
informed of the time and place of voting, to count the votes cast and to present the
documentation on the results to the respective electoral commission. The constituency
electoral commission established the election result for the constituency, issue
certificates of elections to the successful candidates and then hands over the relevant
documentation to the Central Electoral Commission.

Nomination of Candidates

The U.S.S.R. Constitution state that the ‘right to nominate candidates was secured to
Public Organizations and Societies of the Working People, Communist Party
Organizations, Trade Unions, Co-operatives, Youth Organizations and Cultural
Societies (article 141). The electoral regulations extended this list to include
assemblies of workers and other employees at their place of work, collective farmers
and state farm workers on their farms, and servicemen in their units. The nominations
were sifted at pre-election constituency conferences of representatives of the various
collectives which had nominated candidates which, it agreed, always produced one
satisfactory candidate.

Procedure for voting in the U.S.S.R.

In the U.S.S.R. voting took place usually on Sunday in between 6 am to 10 pm. When
the voter entered the polling station it was mandatory to show his/her passport,
collective farmer’s book, trade union card or some other form of identification to the
secretary or an authorized member of the ward electoral commission. After his/her
name had been tricked on the electoral register h/she received, in elections to the
U.S.S.R. Supreme Soviet, two ballot papers, for elections to the an Autonomous
Republic, Autonomous Oblast or national okrug, three ballot papers.

The Soviet Bureaucracy

The general characteristics of bureaucracy defined by Max Weber are as follows:

1. The principle of fixed and official jurisdictional areas, which a generally
   ordered by rules, that is by law of administrative regulations.
2. The principle of official hierarchy and levels of graded authority resulting in a firmly ordered system of superiority and subordination in which there is a supervision of the lower officers by the higher ones.

3. Bureaucratic management is based on a mass of written document files, papers

4. Office management is largely composed of professionally trained experts.

5. Full involvement of officials in order to complete scheduled tasks, irrespective of normal restricted office hours.

6. The rational application of law in the making of decisions – i.e., the application of general rules.

The Soviet bureaucracy included all of the above characteristics to a greater or lesser degree. But the specific characteristics of the Soviet bureaucracy readily stand out if the Soviet bureaucracy is placed against this model. One cannot make distinction before Soviet and Western bureaucracies on the basis of its size, complexity, and its centralism.

The distinctive characteristics of the Soviet bureaucracy were defined by Churchward (1968) are given below:

1. The extent of its direct control over society and over the economy. Bureaucracies are traditionally conservative or subsidiary agencies of social change. In the Soviet Union the bureaucracy was the main agency of social transformation. It was continually term between the attraction of routine and the political obligation to direct and entire society into the higher social stage of Communism.

2. Specific feature of Soviet bureaucracy was the existence of two parallel duplicating bureaucracies of party and state from the top to the bottom of political structure. The fact that the party was both in theory and practice superior to the state immensely complicated the operation of Soviet bureaucracy. ‘Bureaucratic’ procedures were frequently interchanged with state officials. This serves to disrupt ‘normal’ bureaucratic appointments within the state bureaucracy. Again, party decisions followed according to the party line and this may frequently conflict with the commands of the experts for rational decision making.

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3. Job insecurity; rationality, regularity, and job stability were seemingly less characteristic of Soviet administration that of other bureaucracies. Its power to act unrestrainedly enabled the leadership to indulge in frequent institutional and administrative reconstructions.

4. Soviet bureaucracy was the weakness of autonomous public controls. (Churchward 1968: 2-3)

The Soviet Union sought to develop certain special controlling agencies. Some of these were themselves bureaucratic, as procures and the ministry of people’s control. Others, especially at the local level, while not bureaucratic, were not autonomous. They established and compared by the lower party organs. Finally one method of controlling bureaucracy was distinctly anti-bureaucratic.

The Central Asian Constitutions, according to tradition, accorded a place of honor of the CPSU, and its unchallenging authority. There were specific articles which stressed the promotion of native language for education and preservation of the cultural heritage of various nationalities. However, these Constitutional provisions were never understood in practice and only remained in a theoretical definition. The emergence of Mikhail Gorbachev, however, opened the path of liberalization, democratization and globalization of the Soviet Union, bringing an unprecedented change in the Central Asian republics as well.

IV

Gorbachev’s Reforms Policy and its Impact on Central Asian Republics

Gorbachev became the General Secretary of the CPSU in March 1985. The challenges before him were enormous. In the economic front, the last fifteen years of national income growth rates had declined by more than a half and in the beginning of the eighties had fallen to a level close to economic stagnation. A country once was world’s advance nation began to lose its position (Gorbachev, M.S., 1987:18-19). Gorbachev made serious attempts to save the Soviet Union and socialism. In order to reform political and economic system he advocated openness in polity as well as in economy. But his program of Perestroika (restructuring) and Glasnost (openness)
with democratization, proved to be a utopia, ultimately resulting in collapse of the whole system (Strayer 1998: 98-99).

In fact Gorbachev realized the problems in the Soviet society. He found an economic system under serious decline. The politics was suffering due to rampant corruption. Soviet bureaucratic system was no more an agent of change but a conservative force willing to maintain the status quo and anti-change.

In the 27th CPSU Party Congress of February 1986, Gorbachev initiated Perestroika and Glasnost program. His programs aimed at economic growth and political democratization of the Soviet political system. He convinced his party-peers about the imminent danger to the Soviet socialism.

Gorbachev’s democratization program included a number of reforms within and outside the party. They were as follows:

1. Downsizing the power of the CPSU and bureaucracy and democratization of political power;

2. Multi- Member constituency system was introduced with direct voting;

3. Greater pluralism, accountability of officers, independence of enterprises, greater autonomy to individuals and groups;

4. Development of civil society, freedom of associations and right of free opinions;

5. Congress of people's deputies was to be elected by common people and strength of the Supreme Soviet of U.S.S.R. must be downsized to a certain number.

The Wave of Democratisation and its Impact on Central Asian Countries

The impacts of Glasnost and Perestroika were enormous on the Central Asian republics. These policies gave an impetus to the public discussions which were previously not allowed. Professor Shams-Ud-din argues that Gorbachev wholeheartedly implemented these democratisation policies (Shams-Ud-din 1990:18-19). Another impact on Central Asia was emergence of feelings of nationalism. The nationalist intellectuals from Central Asia demanded restoration of their mother tongue. The 1986 ‘Alma Ata Uprisings’ confirmed the incompatibility of Soviet nationality policy. Besides, the republics also started considering Moscow as the hub of imperial power which exploited them throughout the Soviet rule.

Gorbachev realized that the Soviet state was facing the emergence of nationalism. Although all the Communist leaders of various republics were professing loyalty to Moscow, but there were demands for special status for certain languages and ethnicity. Gorbachev realized that their Uzbek comrades were less alarming than other Central Asian leaders, who had somewhat, began to reveal an independent national spirit. In the mean time the Central Asian republics also witnessed the revival of Islamic culture. This was a cultural, social and religious phenomenon, as the Central Asian people started abandoning the Slavic culture.

Nonetheless, it was understood only after the introduction of glasnost and perestroika, in the Soviet system. The birth of political parties, language, religious and cultural aspirations started taking its shape.

The growing demands of nationalism and self-determination started threatening the existence of Soviet structure. Following the ‘velvet revolution’ of 1989-90 in Central Europe, tensions mounted between Moscow and its republics, which had all declared their ‘sovereignty’ by the end of 1990. They no longer recognized the supremacy of union laws over republic laws which were basic features of the 1977 U.S.S.R. Constitution. Central Asian Leaders accepted their sovereignty but were not ready for their republican independence. However, the leaders from Central Asia only desired autonomy over natural resources, finances and right on engage in foreign trade without Moscow’s supervision (Vassliev 2001: 8-9).
The New Union Treaty and Disintegration of the Soviet Union

In order to pacify the demands of various federal units Gorbachev decided to initiate a new federal treaty with all units of the Soviet federation. On 23 April 1991 in Novo-Ogarevo Gorbachev started the process of drafting the treaty without prior consultation with the Supreme Soviet or the Congress of People's Deputies. Gorbachev's actions annoyed his friends who were some key members of the Supreme Soviet. A sense of mistrust developed between Gorbachev and anti-reform conservatives.

Under the leadership of Boris Yeltsin, former Moscow Communist Party chief and a politburo member, the reformists were demanding complete separation and autonomy from the centre.

The new draft treaty also known as 'Nine plus One' agreement conceded considerable autonomy to the leaders of the nine republics. The republics which signed the 'Nine plus One Agreement' were: Russia, Byelorus, Ukraine, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. The treaty included the program of economic reform and was intended to be the first step toward a looser form of union between the centre and the republics (Zbiginew and Sullivan 1997: 13).

The New Union treaty had total 26 articles under 4 chapters. The chapter first was related to the basic principle, two the structure of the union, three Union bodies, and four concluding provisions. In the first chapter, there basic principles were cited on which, the union was to be built. These were:

1. Free choice of forms of ownership and methods of economic management
2. Development of all-Union market, under a single economic space.
3. The realization of principle of social justice and protection (Brzenski 1997: 14-16).

The chapter was also devoted, adhering for the principle of human rights, in accordance with the UN Universal Declaration Human Rights and other norms of international law. The second chapter dwelt upon the structure of the union which
prescribed the most important features of the organization of the federal state. There was no rigid structure. Entry into the union was opened to any democratic state that recognized it. Article 2 of draft contained citizenship in the union with equal rights, freedoms and responsibilities. The draft treaty strictly defined the jurisdiction of the U.S.S.R. and the republics. As far as the third chapter is concerned it dealt with the union bodies describing the structural necessity and executive authorities. Chapter for with its concluding provisions was based on the official language, the state symbols, capital city and responsibilities of the republics under the treaty provisions (Brzenski and Paige Sullivan 1997: 14-17).

As it is known, the draft ‘New Union Treaty’ was an unsuccessful attempt to the save Soviet Union from the wave of democratization and independence which was resulted in Soviet Union's disintegration. The final blow to the chance for the Union Treaty’s survival blew by Ukraine. On 1 December 1991, Ukraine held a nationwide referendum in which 90.7% of citizen voted for total independence from the union. Ukraine's recognition to independence showed the way for of the collapse of the Soviet Union.

In the wake of August coup, all the Central Asian leaders started demanding their independence which initially they were in favor of the union. There were no independence struggle, no national liberation movement activities in Central Asia. But independence literally came to the region without any serious efforts for it (Olcott1999: 108).

The important of the New Union Treaty was nullified by the proposed Commonwealth of Independent States’ leaders of Russia, Ukraine and Belarus on 8 December 1991. As a result, Kazakhstan declared its independence on 16 December 1991 from the U.S.S.R.. Uzbekistan and Kyrgyzstan declared their independence from Moscow on 31 August 1991, Kyrgyzstan on 31 August 1991, Turkmenistan on 26 October 1991, and Tajikistan on 9 September 1991, the leaders of the Central Asian republics declared to establish a new system of political, economic, social and cultural reconstruction in their respective republics. They started a system of new governance with democratic liberal institutions approved by their respective national Constitutions.
After independence, there were more of chaos and instability than stability and peace. The hands of the leadership were more preoccupied in bringing back peace and stability than think about strengthening democratic roots. It was more of keeping the nations together and was more of attempting to survive in the new political order. Additionally, it also revealed discontent and resentment of ethnic groups. These conflicts were the outcome of "varied ethnic composition in the region, the kind of border demarcation dividing Uzbekistan, Turkmenistan, historical memories and inter ethnic rivalries aggravated by the economic and social instability characteristics" (Chenoy 2001: 38).