

# THE RUSSIAN LAND LAW

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# The Russian Land Law

**T**HE following "Fundamental Law of Socialization of the Land" in Russia went into effect, in September, 1918, replacing the earlier and briefer Land Decree of November 7, 1917.

## DIVISION I.

### *General Provisions.*

**ARTICLE 1.** All property rights in the land, treasures of the earth, waters, forests, and fundamental natural resources within the boundaries of the Russian Federated Soviet Republic are abolished.

**ARTICLE 2.** The land passes over to the use of the entire laboring population without any compensation, open or secret, to the former owners.

**ARTICLE 3.** The right to use the land belongs to those who till it by their own labor, with the exception of special cases covered by this decree.

**ARTICLE 4.** The right to use the land cannot be limited by sex, religion, nationality, or foreign citizenship.

**ARTICLE 5.** The sub-surface deposits, the forests, waters, and fundamental natural resources are at the disposition (according to their character) of the county, provincial, regional, and Federal Soviet powers and are under the control of the latter. The method of disposition and utilization of the sub-surface deposits, waters, and fundamental natural resources will be dealt with by a special decree.

**ARTICLE 6.** All private live stock and inventoried property of non-laboring homesteads pass over without indemnification to the disposition (in accordance with their character) of the land departments of the county, provincial, regional, and Federal Soviets.

**ARTICLE 7.** All homestead constructions mentioned in Article 6, as well as all agricultural appurtenances, pass over

to the disposition (in accordance with their character) of the county, provincial, regional, and Federal Soviets without indemnification.

ARTICLE 8. All persons who are unable to work and who will be deprived of all means of subsistence by force of the decree socializing all lands, forests, inventoried property, etc., may receive a pension (for a lifetime or until the person becomes of age), upon the certification of the local courts and the land departments of the Soviet power, such as a soldier receives, until such time as the decree for the insurance of the incapacitated is issued.

ARTICLE 9. The apportionment of lands of agricultural value among the laboring people is under the jurisdiction of the Volostnoi [several villages], county, provincial, main, and Federal land departments of the Soviets in accordance with their character.

ARTICLE 10. The surplus lands are under the supervision, in every republic, of the land departments of the main and Federal Soviets.

ARTICLE 11. The land departments of the local and central Soviets are thus entrusted with the equitable apportionment of the land among the working agricultural population, and with the productive utilization of the natural resources. They also have the following duties:

(a) Creating favorable conditions for the development of the productive forces of the country by increasing the fertility of the land, improving agricultural technique, and, finally, raising the standard of agricultural knowledge among the laboring population.

(b) Creating a surplus fund of lands of agricultural value.

(c) Developing various branches of agricultural industry, such as gardening, cattle-breeding, dairying, etc.

(d) Accelerating the transition from the old unproductive system of field cultivation to the new productive one (under various climates), by a proper distribution of the laboring population in various parts of the country.

(e) Developing collective homesteads in agriculture (in preference to individual homesteads) as the most profitable system of saving labor and material, with a view to passing on to Socialism.

ARTICLE 12. The apportionment of land among the laboring population is to be carried on on the basis of each one's ability to till it and in accordance with local conditions, so that the production and consumption standard may not compel some peasants to work beyond their strength; and at the same time it should give them sufficient means of subsistence.

ARTICLE 13. Personal labor is the general and fundamental source of the right to use the land for agricultural purposes. In addition, the organs of the Soviet power, with a view to raising the agricultural standard (by organizing model farms or experimental fields), are permitted to borrow from the surplus land fund (formerly belonging to the Crown, monasteries, ministers, or landowners) certain plots and to work them by labor paid by the state. Such labor is subject to the general rules of workmen's control.

ARTICLE 14. All citizens engaged in agricultural work are to be insured at the expense of the state against old age, sickness, or injuries which incapacitate them.

ARTICLE 15. All incapacitated agriculturists and the members of their families who are unable to work are to be cared for by the organs of the Soviet power.

ARTICLE 16. Every agricultural homestead is to be insured against fire, epidemics among cattle, poor crops, dry weather, hail, etc., by means of mutual Soviet insurance.

ARTICLE 17. Surplus profits, obtained on account of the natural fertility of the land or on account of its location near markets, are to be turned over for the benefit of social needs to the organs of the Soviet power.

ARTICLE 18. The trade in agricultural machinery and in seeds is monopolized by the organs of the Soviet power.

ARTICLE 19. The grain trade, internal as well as export, is to be a state monopoly.

## DIVISION II.

### *Who Has the Right to Use the Land.*

ARTICLE 20. Plots of land may be used in the Russian Federated Soviet Republic for the following social and private needs:

A. Cultural and educational:

1. The state, in the form of the organs of the Soviet power (Federal, regional, provincial, county, and rural).
  2. Social organizations (under the control and by permission of the local Soviets).
- B. For agricultural purposes:**
3. Agricultural communities.
  4. Agricultural associations.
  5. Village organizations.
  6. Individuals and families.
- C. For construction purposes:**
7. By the organs of the Soviet power.
  8. By social organizations, individuals, and families (if the construction is not a means of obtaining profits).
  9. By industrial, commercial, and transportation enterprises (by special permission and under the control of the Soviet power).
- D. For constructing ways of communication:**
10. By organs of the Soviet power (Federal, regional, provincial, county, and rural, according to the importance of the ways of communication).

### DIVISION III.

#### *The order in which land is apportioned.*

**ARTICLE 21.** Land is given to those who wish to work it themselves for the benefit of the community and not for personal advantage.

**ARTICLE 22.** The following is the order in which land is given for personal agricultural needs:

1. To local agriculturists who have no land or a small amount of land, and to local agricultural workers (formerly hired), on an equal basis.
2. Agricultural emigrants who have come to a given locality after the issuance of the decree of socialization of the land.
3. Non-agricultural elements in the order of their registration at the land departments of the local Soviets.

**Note:** When arranging the order of the apportionment of land, preference is given to laboring agricultural associations over individual homesteads.

**ARTICLE 23.** For the purpose of gardening, fishing, cattle-breeding, or forestry, land is given on the following basis:

(1) land which cannot be tilled; (2) land which can be tilled, but which on account of its location is preferably to be used for other agricultural purposes.

ARTICLE 24. In rural districts, land is used for construction purposes in accordance with the decision of the local Soviets and the population.

In cities, land may be obtained in the order in which applications are filed with the respective local Soviets, if the construction planned does not threaten to harm the neighboring buildings and if it answers all other requirements of the building regulations.

Note: For the purpose of erecting social buildings, land is given regardless of the order in which applications are filed.

#### DIVISION IV.

##### *The standard of agricultural production and consumption.*

ARTICLE 25. The amount of land given to individual homesteads for agricultural purposes, with a view to obtaining means of subsistence, must not exceed the standard of agricultural production and consumption as determined on the basis indicated in the instruction given below.

##### *Instruction for determining the production and consumption standard for the use of land of agricultural value.*

1. The whole of agricultural Russia is divided into as many climatic sections as there are field cultivation systems historically in existence at the given agricultural period.

2. For every agricultural section a special production and consumption standard is set. Within the section the standard may be changed in accordance with the climate and the natural fertility of the land, also in accordance with its location (near a market or railway) and other conditions which are of great local importance.

3. For an exact determination of the standard of each section, it is necessary to take an all-Russian agricultural census in the near future.

Note: After the socialization of the land has been accomplished, it is necessary to survey it immediately and to determine its topography.

4. The apportionment of land on the production and consumption basis among the agricultural population is to be carried on gradually in various agricultural sections, according to regulations stated herein.

Note: Until the socialization of land is entirely accomplished, the relations of agriculturists will be regulated by the land departments of the Soviets in accordance with a special instruction.

5. For the determination of the production and consumption standard of a given climatic section, it is necessary to take the standard (an average agricultural homestead) of one of the counties of that section (or another agricultural standard of equal size) with a small population, and with such a proportion of various agricultural advantages, as, in the opinion of the local inhabitants (regional or provincial congress of the land departments of the Soviets) will be recognized as the most normal, *i. e.*, the most favorable for the type of field cultivation which predominates in that climatic section.

6. For the determination of what an average agricultural homestead is, it is necessary to take into consideration only those lands which were actually in the possession of working peasants down to 1917, *i. e.*, lands bought by peasant organizations, associations, individuals, and entailed and rented lands.

7. Forests, sub-surface deposits, and waters are not to be considered in this determination.

8. Private lands which were never used for agricultural purposes, and which were actually in the possession of the state, private banks, monasteries, or land owners, will not be taken into consideration in this determination, as they will constitute the surplus land fund which will serve to supply the landless peasants and those who have less land than the peasants' production and consumption standard calls for.

9. For determining the entire amount of land which was in actual possession of the working peasants down to the revolution of 1917, it is necessary to determine its quantity according to its special character (field, pasture, meadow, drainage, gardens, orchards, estates).

10. This determination must be made in exact figures, as well as in the proportion of the entire quantity to each individual

homestead, settlement, village, county, province, or region, or the entire climatic section of the given system of field cultivation.

11. When thus determining the entire quantity of land, it is necessary to determine the quality of each acre of a typical field or meadow by ascertaining the amount (in poods) of grain or hay yielded by an acre of land of the given section for the past ten years.

12. When determining the quantity and quality of land, it is necessary to determine at the same time the entire population of the given climatic section engaged in agriculture, and also that part of the population which subsists at the expense of agriculture.

13. The census of the inhabitants engaged in agricultural work is to be taken by sex, age, and family for each homestead separately, and later the information obtained is to be classified by villages, counties, and provinces of the given section.

14. When taking the census of the population it is necessary to determine the number of workingmen and members dependent on them, and for that purpose the entire population is divided into the following classes according to ages:

*Those unable to work.*

Girls.....to 12 years of age.  
Boys.....to 12 years of age.  
Men.....from 60 years of age.  
Women.....from 50 years of age.

Those incapacitated by physical or mental illness are recorded separately.

*[Those able to work.]*

Men	from 18 to 60—1.0	unit of working strength		
Women	from 18 to 50—0.8	“ “ “ “		
Boys	from 12 to 16—0.5	“ “ “ “		
Girls	from 12 to 16—0.5	“ “ “ “		
Boys	from 16 to 18—0.75	“ “ “ “		
Girls	from 16 to 18—0.6	“ “ “ “		

Note: These figures may be changed in accordance with climatic and customary conditions by decision of the appropriate organs of the Soviet power.

15. By dividing the number of acres by the number of working units, the number of acres to each unit may be obtained.

16. The number of incapacitated members to each working unit may be obtained by dividing the entire incapacitated element by the total of working units.

17. It is also necessary to describe and figure out the number of work animals and cattle that can be fed on one acre of land and with one working unit.

18. For determining what an average landowning peasant is in a county, it is necessary to ascertain the average acre in quality and fertility. This average is the sum of crops from various soils divided by the number of the soil categories [Paragraph 9?]

19. The average obtained as above is to serve as a basis for determining the production and consumption standard by which all the homesteads will be equalized from the surplus land fund.

Note: In case the average, as indicated above, obtained after preliminary calculations, proves insufficient for existence (see Division 1, Article 12), it may be increased from the surplus land fund.

20. For determining the amount of land needed for additional distribution among peasants, it is necessary to multiply the number of acres of land to each working unit in a county by the sum of agricultural working units of the given climatic section, and to subtract from the product the amount of land which the working population have on hand.

21. Further, upon ascertaining the number of acres of land (in figures and percentage according to character) which the surplus land fund has, and comparing this figure with the quantity of land necessary for additional distribution among peasants who have not sufficient land, the following is to be determined: is it possible to confine the emigration within the boundaries of the given climatic section? If so, it is necessary to determine the size of the surplus land fund and its capacity. If it is not possible to confine it within the given climatic section, ascertain how many families will have to emigrate to another section.

Note: The main land departments of the Soviet power must be informed of the quantity of surplus land, as well as of a lack of the same; and the location, amount, and kind of unoccupied lands must be indicated.

22. When additional distribution takes place, it is necessary to know the exact amount and quality of land which the peasants

have, the number of cattle on hand, the number of members of the families, etc.

23. When additional distribution takes place in accordance with the production and consumption standard, this standard must be raised in the following cases:

(1) when the working strength of a family is overtaxed by the number of incapacitated members; (2) when the land which the family has on hand is not sufficiently fertile; (3) in accordance with the quality of such land of the surplus fund as is given to the peasant (the same applies to meadows).

25. When an additional apportionment of land takes place and the given district lacks certain advantages, the peasant gets a certain amount of land possessing other advantages.

#### DIVISION V.

*Standard for the Utilization of Land for Construction, Agricultural, and Educational Purposes, etc.*

ARTICLE 26. When land is apportioned for educational and industrial purposes and also for the erection of dwellings, for cattle breeding, and other agricultural needs (with the exception of field cultivation), the quantity of land to be apportioned shall be determined by the local Soviets in accordance with the needs of the individuals or organizations which ask permission to use the land.

#### DIVISION VI.

##### *Emigration*

ARTICLE 27. In case the surplus land fund in the given section proves to be insufficient for additional distribution among peasants, the surplus of the population may be transferred to another section where there is sufficient surplus land.

ARTICLE 28. Transfer from one section to another is to take place only after the peasants of the latter section are all distributed.

ARTICLE 29. The emigration from one section to another, as well as the distribution of the inhabitants within the section, must be carried on as follows: at first those who are furthest away from the surplus land fund are to emigrate, so that:

(a) the land of the surplus fund is used first of all by the peasants of that village or hamlet in the vicinity of which the surplus land fund lies.

Note: If there are several such villages, preference is given to those that tilled the land before.

(b) the second place is given to the peasants of the *Volost* within the boundaries of which the surplus land lies.

(c) the third place is given to the peasants of the county within the boundaries of which the surplus lands lie.

(d) finally, if the given system of field cultivation covers several provinces, the peasants of the province within the boundaries of which the surplus land lies receive additional land.

ARTICLE 30. The emigration accordingly runs in the following order: (a) volunteers are the first to emigrate; (b) second, those organizations which suffer most from lack of land; (c) agricultural associations, communities, large families, and small families which have small amounts of land.

ARTICLE 31. The apportionment of land among agriculturists who have to emigrate is to be carried on as follows: in the first place, small families suffering from lack of land; second, large families suffering from lack of land; third, families suffering from lack of land; fourth, agricultural associations, and, finally, communities.

ARTICLE 32. The transfer of peasants from one section to another is to be done with consideration, so that the new place shall give the peasant a chance to cultivate land successfully and the climatic conditions shall be analogous to those of his previous domicile. In that case it is necessary to take into consideration the customs and nationality of the emigrants.

ARTICLE 33. The cost of transferring peasants to new places is to be provided by the state.

ARTICLE 34. In connection with the transfer, the state is to help the peasants in the building of homes, roads, drains, and wells, in obtaining agricultural machinery and artificial fertilizers, by creating artificial water systems (when necessary) and by erecting educational centres.

Note: For the purpose of expediting the establishment of agricultural work on a socialistic basis, the state offers to extend to the emigrants every aid necessary for a systematic and scientific management of collective homesteads.

## DIVISION VII.

### *Form of Utilization of Land.*

ARTICLE 35. The Russian Federated Soviet Republic, for the purpose of attaining Socialism, offers to extend aid (cultural

and material) to the general tilling of land, giving preference to the communistic and coöperative homesteads over individual ones.

**ARTICLE 36.** Lands of coöperative and individual homesteads must, if possible, be in the same location.

## DIVISION VIII.

### *Obtaining Rights to the Use of Land.*

**ARTICLE 37.** Land may be obtained:

- (a) For educational purposes.
  1. Social usefulness.
- (b) For agricultural purposes.
  1. Personal labor.
- (c) For building purposes.
  1. Social buildings.
  2. Dwellings.
  3. The necessity of conducting a working homestead.
- (d) For the purpose of constructing ways of communication.
  1. Public necessity.

## DIVISION IX.

### *The Order in Which the Right to Use the Land May be Obtained.*

**ARTICLE 38.** An application must be filed with the land department of the Soviet power in whose jurisdiction the desired land lies.

**ARTICLE 39.** The application shows the order in which the permission to use the land is granted. The permission is granted on the basis of the general provisions of this decree.

**Note:** The application should contain the following information, in addition to the full name and address of the person who desires to use the land: former occupation, the purpose for which land is desired, the inventory on hand, the location of the desired plot and its size.

**Note:** If the land department of the *Volostnoi* Soviet refuses to grant the permission to use land, the question may be brought (within one week) to the notice of the department of the county Soviet; if the county Soviet refuses, it may be presented to the land department of the provincial Soviet within two weeks.

**Note:** The right to use land (sub-surface deposits, waters, forests, and fundamental natural resources) cannot be obtained under any circumstances through purchase, rental, inheritance, or any other private transaction.

## DIVISION X.

ARTICLE 40. The right to use the land becomes effective in the following order.

ARTICLE 41. The right to use land for construction purposes becomes effective upon actual occupation of the plot or upon preparations for its occupation, but not later than three months after the receipt of permission from the local Soviet.

Note: By actual preparations is meant the delivery of building materials to the place of destination or the closing of a contract with workers.

ARTICLE 42. The right to use land for agricultural purposes (on the basis of personal labor) becomes effective upon beginning the work at the opening of the next agricultural season.

ARTICLE 43. The right to use the land for field cultivation becomes effective upon the actual beginning of field work (without hired help) at the opening of the agricultural season next after the receipt of a permit from the local Soviet.

Note: Buildings may be erected on plots of land that may be tilled only by special permission of the land department of the Soviet Government.

ARTICLE 44. In case of actual inability to use the plot in the period of time allowed by the land department, the latter may extend this period if there is valid cause, *i. e.*, the illness of the working hands, trouble brought about by epidemics, etc.

## DIVISION XI.

### *Transfer of Right to Use Given Plots of Land.*

ARTICLE 45. The right to use the land is not transferable.

ARTICLE 46. The right to use land may be obtained by anyone on the basis of this decree, and it cannot be transferred from one person to another.

## DIVISION XII.

### *Temporary Cancellation of the Right to Use the Land.*

ARTICLE 47. Any land-borrower's right to use the plot of land may be stopped for a certain length of time, without cancelling it entirely.

ARTICLE 48. Any land-borrower may cease utilizing the land at a certain time and still have the right to it (a) if natural calamities (floods, etc.) deprive him of the possibility; (b) if the agriculturist is temporarily ill; (c) if the agriculturist is called to do some government duty; or for other cause valid from the social point of view. He may hold it until such time as conditions are favorable for the utilization of his plot.

Note: The period of such temporary cessation is to be determined in each case by the land department of the local Soviet.

ARTICLE 49. Upon every temporary cessation of the use of the land (as indicated in Article 48), the local Soviet either organizes community help to the agriculturist or calls upon the workers, paid by the state and subject to the general regulations of workers' control, to do the work of the afflicted agriculturist (temporary incapacity, death, etc.), so as to save his property and proceed with production.

### DIVISION XIII.

#### *Cessation of the Right to Use the Land.*

ARTICLE 50. The right to use the land may cease for an entire agricultural unit, or for individual members of the same.

ARTICLE 51. The right of the given individual to use the land may cease for the whole plot or for a part of it.

ARTICLE 52. The right is cancelled (a) if the organization, or the purpose for which it had taken land, is declared void; (b) if units, associations, communities, etc., disintegrate; (c) if the individual finds it impossible to cultivate the field or do other agricultural work, and if at the same time the individual has other means of subsistence (for instance, a pension paid to the incapacitated); (d) upon the death of the individual, or when his civil rights are cancelled by the court.

ARTICLE 53. The right to use a plot of land ceases:

- (a) in case of a formal refusal to use the plot;
- (b) in case of obvious unwillingness to use the plot, although no formal refusal has been filed;
- (c) in case the land is used for illegal purposes (e. g., throwing garbage);
- (d) in case the land is exploited by illegal means (e. g., hiring land secretly);

(e) in case the use of the land by a given individual brings injury to his neighbor (*e. g.*, manufacture of chemicals).

Note: The land-borrower, upon cessation of his right to the use of the land, has the right to demand from the respective land departments of the Soviets a fee for the unused improvements and labor invested in the land, if the given plot did not bring him sufficient profit.

Chairman of the All-Russian Central Executive Committee:  
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Chairman of the Soviet of People's Commissaries:

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People's Commissar of Agriculture:

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