

*CONSTITUTIONAL AND ADMINISTRATIVE LAW*

1. Law dated November 21st 1967 on common duty for defense of Polish People's Republic (J. of L., No. 44, item 220).

The undertaking of works on this law corresponded to two main trends characteristic for legislative processes in recent years. First, gradual elimination of obsolete laws from the inter-war period, and second — replacing a number of often not enough harmonious legal acts regulating particular parts of certain problems by uniform regulation covered by one enactment. Due to the enforcement of the present law it was possible to abolish three statutes from inter-war years (on tributes and on communication services in the state defence service) and three laws issued in Polish People's Republic (on common military duty, on regional anti-craft defense, and on providing transport means for the country's defense needs). Elaboration of the statute was going on for several years since the point was not only to bring the existing legislation up to date and codify it but also to consolidate by means of legal enactment a number of experiences from the cooperation of citizens and their organizations with the state organs within the frames of a uniform system of preparatory works for defense. Only such an interpretation has corresponded to the general public understanding that defense of the country is a matter of concern for the whole society. According to the above assumption, the law specified definite principles of the uniform management in all the defense preparations and the responsibility laid on individual links of the state administration; it also precised the forms of citizens' contribution and their obligations.

In developing the constitutional principle that management in the country's defensibility and organization of armed forces rests with the Ministers' Council, the statute entrusted the Committee for the Country's Defense — which is the Committee of Ministers' Council — with current governing of all the affairs concerned with defensibility, coordination of the state organs functions in this scope of activity, determination of organizational assumptions of armed forces, and people's self-defence. The Chairman of the Committee is Prime Minister and one of his deputies — Minister of Defence; other members of the Committee are appointed by the Ministers' Council. The responsibility for implementation of tasks concerned with defensibility in individual branch rests with a minister, and in every territorial administrative unit — with praesidium of the people's council; for effecting the tasks put upon social organizations are responsible their governing bodies that act in agreement with the appropriate military organs. For collective management of defense in particular regions, the Committee for the Country's Defense appoints in every voivodship a defense committee which, if need be, appoints similar committees in districts, towns, country-sides, and bigger enterprises; the head of the committee is always the president of the praesidium of people's council or the director of an enterprise.

The duty to do regular military service is for 24 or 36 months (e.g., in the Navy) or in a few periods for 18 months during 3 years. The obligation of conscription concern men who are to be 19 years old in a given year, and it is prolonged up to 24 years of age for persons who are not drafted for service. Every-year contingent of citizens drafted for service is determined in accordance with the Constitution by the Minister's Council. Calling out women for regular military service is not provided; the Minister of National Defense may, however, extend the duty to report at conscription onto women with the appropriate professional qualifications.

Persons at the induction age who are not called out for military service are obliged to do military training which includes 30-day training in a camp and other drill exercises to be gone through in a time free from work (60 days a year during 3 years). Male students (in some cases female students, too) attending universities and schools on the university level where military training is being performed do their service by means of training programmes included within the curriculum, while in time free from lectures they are trained in military units.

Students are obliged to do regular military service only in case they do not pass an obligatory exam from this training. Soldiers transferred to the reserve are called out periodically for drill, they may be obliged to improve the acquainted military knowledge by way of self-education.

In towns and countries as well as in offices, state institutions, and different units of the socialized economy, there are established sections of self-defence, the task of which is defensible preparation of a given area or enterprise, provision of drinking water and food resources, security of buildings and social property, making ready and maintenance of shelters. Assignment to a self-defence unit concerns persons under 60 years of age, unless they are found unfit for service.

Students of secondary schools have to go through defensible training within the curriculum and during the vacation time they may be sent for training in a summer camp; for persons at the induction age which are through such training the time of regular military service is shortened by half. For young people not attending such schools training is organized by the appropriate social organizations. For all people (with the exception of physically unfit) the Ministers' Council determines ways and forms of training and practical exercises in order to ensure acquaintance of indispensable knowledge of public self-defence. Training is performed by the appropriate institutions and social organizations, and if necessary, the regional defense committees may order training for people. All people may be obliged on principles determined by the Ministers' Council to get supplied with individual protective equipment, to make all the necessary arrangements for protecting houses and belongings, to build shelters, etc. In a way determined by the Ministers' Council order on persons between 16 and 60 years old may be imposed the duty to give some tributes (non-paid immediate works involved in preparations of the country's defense that are to be accomplished in time free from work); on natural and legal persons, on offices, institutions, and organizations, there may be imposed the duty to render accessible accommodation, equipment or material needed for defense preparations.

The law guarantees certain rights for soldiers and their families (in labour relations it is inadmissible to give notice, better post is ensured in a case professional qualifications have been improved during service, there is ensured medical care and allowances for families; eviction is inadmissible, no notice can be given to soldier's wife, and there is ensured employment for soldier's wife in a case she wants to go to work).

2. Law dated June 13th 1967 on Voluntary Reserve of Civil Militia (J. of L., No. 23, item 108).

The organization O.R.M.O. (abbreviation of the Polish name) was established in 1946 as a form of participation of the community in securing public order. It was of great help in making effective the work of at that time young professional apparatus of militia and gained good results in developing the sense of common responsibility of the society for keeping order and in introducing various forms of active contribution in this process of general public. By this means the organization has gained particular rank in the process of strengthening the order developing social consciousness and activity. Due to this statutory regulation of this movement has become necessary in order to create firm fundamentals

for its further development by precisising the organizational structure and forms of activity of the O.R.M.O. as well as rights and obligations of its members. At the time the law was enacted the O.R.M.O. had almost 300 000 members, and over half of the number was active in rural areas. The principles of the new law were extended by the statute of O.R.M.O. issued in July 1967 (Polish Monitor, No. 45, item 227), and determination by way of an executive order the procedure to be adopted by the O.R.M.O. members when on duty (J. of L., No. 32, item 159).

O.R.M.O. is a voluntary social organization associating citizens, who are ready to participate in keeping public order actively and in an organized form. O.R.M.O. develops and strenghtens public observance of principles of social mutual relationship, shapes the proper attitude towards social property, takes an active part in rescue works and helps in making up for damages due to elemental disasters, popularizes regulations concerning public order, cooperates with the appropriate state organs as regards order and protection of property, and with the defense organs and social organizations in developing social self-defense.

Units of O.R.M.O. are being established in towns and villages or in certain districts or areas, or in enterprises (in such a case their activity covers surroundings of a given establishment). In meeting particular interests of members, special units are being established for example traffic units for preserving security on waters and railways, for taking care of children not-cared for, etc. The decision as to the enrollment in a unit rests with the assembly of its members by means of the majority of voices after the application of a candidate is examined; it also encloses references of his professional or social organization or references of two members of O.R.M.O. Work in O.R.M.O. is non-profit but the enterprise where O.R.M.O. member is employed is obliged to grant him time off without any decrease of his salaries.

Supervision and coordination of the O.R.M.O. activity is entrusted with the praesidium of people's councils. Current works in this field are accomplished by social committees of the O.R.M.O. established by the praesidiums. The committees give the necessary guidance for the organization's activity and are of the assistance to individual units. The committee approves resolutions as to enlisting a member, and may order recalling the unit's commander and his attendant before their term expires (they are elected every three years by the assembly of members of the O.R.M.O. unit). Training of members for independent accomplishing their duties is taken up by the professional organs of militia with which the O.R.M.O. members are in continuous contact when performing their tasks and some of them they do together with the militia officers.

When the O.R.M.O. member acts officially, he wears the proper badge or clothes, and on demand he presents his identity card. He may give instructions in order to prevent breach of the peace, prove identity of persons under suspicion, control whether the traffic regulation and order on public roads is kept to, and, if necessary, he may use physical compulsion (e.g. for bringing a suspected and recalcitrant person to the militia station). In certain cases the O.R.M.O. member may convey administrative offenses to be tried by social courts and he may act as a public prosecutor before the organs for application of administrative pelalties (kolegia karno-administracyjne).

3. Law dated November 21st 1967 on establishing the office of the Minister of Machine Production Industry (J. of L., No. 43, item 215).

This Ministry has acted as a separate organ till 1957 when it was joined with the Ministry of Metallurgy to form the Ministry of Heavy Industry; the point was at that time to make more advantageous conditions for developing machining industry by subjecting it to the same management with metallurgy, and by this means ensuring for this industry

fundamental resources. Now the cooperation of these branches of economy is assured and taking into account much more rapid development of machine production industry and growing number of its branches, its separation from the Ministry of Heavy Industry became necessary. Within the scope of activity of the Ministry of Heavy Industry remained metallurgy, mining of metal raw materials, heavy machines, rolling stock, and ship building; the new ministry has taken over electronic industry, teletechnology, cables, precision mechanics, automation, measuring apparatus, textile machinery, motors, engines, aircraft industry, production of refrigerators, and building machines.

4. Law dated June 13th 1967 on the obligation to use mineral manures in farms. (J. of L., No. 23, item 109).

The enactment of this statute is in consequence of needs arisen in connection with the postulated in the five-year plan increase of crop production. It concerns a number of individual farms, the owners of which resist application of the necessary doses of mineral manures. The regions in which there is to be an obligation to use the minimum dose of these manures determines the praesidium of voivodship national council and the quantity of a dose to be used for 1 ha determines for a given region the praesidium of district national council after having consulted the agricultural — chemical station. According to local conditions, the praesidium of national councils in villages may reduce a dose determined for a given region by 20%. For all regions involved the state provides the necessary quantity of manures and gives instructions how to use them. The farmer who is behind in accomplishing this obligation must pay the equivalent of manure not bought up and dues not paid on time are subject to compulsory pursue by way of administrative execution. Money prosecuted comes in funds of the villages involved to be used for advancement of their development.

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