

THE FUTURE
CONSTITUTION
OF
FEDERAL UNION
OF BURMA

THE FUTURE CONSTITUTION OF FEDERAL UNION OF BURMA¹

Draft Constitution of the National Council of the Union of Burma

Preamble

We, the people of the Union of Burma have clear aspirations on the establishment of basic human rights, the guaranteeing of democratic rights and the rights of all the ethnic nationalities, lasting peace, and in the formation of a union of multiple States that will generate prosperity and unity. We aspire to establish a representative government in accordance with a constitution which defends, protects and upholds the rights of all people, based on freedom, equality before the law, fairness, peace, and the rule of law. Based on these aspirations, we steadfastly resolve to live together in peace and harmony in this free and fully sovereign Federal Union of Burma, and we accept and adopt this Constitution as the highest law of the Federal Union.

CHAPTER I. FORM OF THE FEDERAL UNION OF BURMA

Article 1. The Federal Union of Burma shall be a sovereign democratic state.

Article 2. (a) The Federal Union shall be formed and based on equal rights and the rights of self-determination of its Member States in accordance with this Constitution.

(b) The Federal Union and its Member States are obliged to conduct affairs of common interest with mutual loyalty and co-operativeness.

Article 3. All public authority emanates from the citizens.

Article 4. The legislative, executive and judicial powers shall be vested in the Congress of the Federal Union, the Government of the Federal Union, the Federal Supreme Court and the other courts, as established by this constitution.

Article 5. The territory of the Federal Union shall be composed of the whole of the Member States. The territory of the Federal Union shall not be altered without the consent of all of the Member States.

Article 6. (a) Both the Burmese and the English language shall be the official languages of the Federal Union of Burma.

(b) In the Member States, the native languages may be used as official languages.

Article 7. (a) The political system of the Federal Union shall be a multi-party democratic system. The political parties shall have the right to freely form and participate in the political process.

(b) Political parties shall perform and function in accordance with basic democratic principles and with the law enacted by the Federal Congress based on this Article.

Article 8. The flag of the Federal Union shall be as follows.

Article 9. The State seal of the Federal Union shall be as follows:

¹ Burma Lawyers Council, the Future Constitution of the Federal Union of Burma (2000).

Article 10. The seal of the Executive of the Federal Union shall be as follows:

Article 11. The National Anthem of the Federal Union shall be as follows:

Article 12. Greater Rangoon shall be the capital city of the Federal Union. It shall have the status of a Member State.

CHAPTER II. BASIC RIGHTS

Article 14. (a) Every person in the Federal Union (i) Shall be equal before the law, irrespective of national or social origin, religion, social status, political opinion, language, sex, age, color or race. (ii) Shall have the right to life,

(iii) Shall have the freedom of thought and belief, and (iv) Shall be respected as a human being, and his or her human dignity shall not be violated.

(b) No person in the Federal Union (i) Shall be enslaved, (ii) Shall suffer forced labor, and (iii) Shall be subjected to torture, cruel, inhumane or degrading treatment.

(c) These rights shall under no circumstances be encroached upon or withdrawn.

Article 15. (a) Every person in the Federal Union (i) Shall have the right to freedom of expression, publication and dissemination of and access to information, (ii) Shall have the right to seek political asylum, (iii) Shall have freedom of worship and of religious practices, and (iv) Shall have the right to assemble peacefully.

(b) Every citizen in the Federal Union (i) Shall have the right to form and participate freely in associations, (ii) Shall have the right to move freely within the borders of the Federal Union, (iii) Shall have the right to freely choose residence, trade and employment within the Federal Union, and (iv) Shall have the right to leave and return to the Federal Union.

(b) The implementation of these rights shall be in accordance with the laws passed by the Congress of the Federal Union.

(d) If the implementation of the basic freedoms mentioned in this article contravenes basic democratic principles or affects public health or morality, the Congress of the Federal Union may enact laws restricting these rights.

Article 16. Every person at full age shall have the right to marry in accordance with his or her own free will without discrimination as to race, religion or social status.

Article 17. Every citizen in the Federal Union shall have the right to work and to choose an occupation free of discrimination on the ground of race, religion, sex, age or color.

Article 18. Every person in the Federal Union shall have the right to apply for citizenship.

Article 19. (a) No person in the Federal Union shall suffer or be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, or to unlawful attacks on his or her honor or reputation.

(b) Every person residing in the Federal Union shall be protected from unlawful searches of the person, home, premises or property.

Article 20. (a) Every citizen shall have the right to own, transfer and dispose of property legally acquired, and the right of inheritance in accordance with the law.

(b) These rights shall only be revoked or restricted for the public benefit in accordance with the law. The private and public interests must be balanced, and the private rights shall only be revoked, when adequate compensation have been awarded by law.

Article 21. (a) No person in the Federal Union shall be detained or imprisoned save pursuant to a law.

(b) Every person arrested or detained shall be treated with the respect due to a human being.

(c) Every person arrested without a warrant shall not be detained for more than 24 hours. If there are sufficient grounds to detain a person for more than 24 hours, the arrested person must be brought before a competent court, and an application to a judge of that court for a detention order, in accordance with existing laws, to continue the detention, must be filed.

Article 22. (a) Every person charged with an offence shall have the right (i) To be informed without unreasonable delay of the charge and the specific offence, (ii) To be tried within a reasonable time, (iii) Not to be compelled to be a witness in proceedings against a person in respect of the same offence. (iv) To defense to the fullest extent in accordance with the law or through legal assistance of his or her own choice, (v) To be tried in a language which he or she understands or, failing this, to have the proceeding interpreted to him or her.

(b) All proceedings shall be open to the public.

Article 23. (a) A person shall only be tried for an offence under the law existing at the time of the offence.

(b) No penalty degrading to the human dignity of the individual shall be imposed.

(c) A person acquitted of an offence shall not be retried for the same offence.

(d) Nobody may be punished for the same act more than once.

Article 24. Every citizen shall have the right to promote his or her ethnic culture, customs and traditions. The Government of the Federal Union and State Government shall support the promotion.

Article 25. (a) Every citizen shall have the right to freely pursue education.

(b) He or she shall have the right to freely choose education, vocational education, or higher education.

(c) Compulsory elementary education shall be arranged free of charge.

Article 26. Every citizen shall have the right to freely study and promote the language and literature of this or her nationality.

Article 27. The right to establish private schools, colleges and universities, and vocational institutions in accordance with existing laws shall be guaranteed.

Article 28. (a) Every child shall have the right to protection, which is required by his or her status as a minor. The care and upbringing of children is the natural right of parents. Every child is entitled to the care of the community.

(b) Children shall not be separated from their families without the consent of their parents or guardians. In cases where the parents or guardians have neglected their responsibilities or in circumstances where children may need to be protected, separation of the children from their families shall be carried out only in accordance with the law.

(c) Children shall be protected from social and economic exploitation, and from employment that may harm their moral, health, life or physical growth.

(d) The Congress of the Federal Union shall prescribe by law the age limit of children who may be employed for work.

Article 29. Every citizen at full age shall have the right (a) To take part in the conduct of political affairs, directly or through freely elected representatives. (b) To vote and be elected in periodic elections which shall be general, free, equal, direct and secret.

Article 30. International Covenants on Human Rights ratified by the Federal Union shall be directly application by the courts.

Article 31. Every person whose human rights have been violated shall have the right to seek protection by the Human Rights Commission.

Article 32. (a) Every person shall have the right to apply to the Supreme Court for the enforcement of his of her constitutional rights.

(b) The power to enforce the rights conferred in sub-paragraph (a) above shall not be suspended under any circumstances.

Article 33. Every citizen shall be entitled to the protection of the Federal Union whether within or without the country.

CHAPTER III. COMPOSITION OF THE FEDERAL UNION

Article 34. (a) The Federal Union comprises National States and Nationalities as Member States.

(b) National Autonomous Regions and Special National Territories shall be formed as necessary within the territories of the Member States.

Article 35. National States are:

- i. Kachin National State
- ii. Karen National State
- iii. Karenni National State
- iv. Chin National State
- v. Burman National State
- vi. Mon National State
- vii. Arakan National State
- viii. Shan National State
- ix. State
- x. State
- xi. State

Article 36. Nationalities States are:

- i.State
- ii.State
- iii.State
- iv.State

Article 37. Each ethnic nation shall have one state only.

Article 38. (a) The Federal Congress may on application establish new Member States, and may make or impose such terms and conditions, as it thinks fit.

(b) The Federal Congress may, with the consent of the Assembly of a Member State and with the approval of a two thirds majority of the electors of that Member State, vote on the question to increase, diminish or otherwise alter the boundaries of that Member State.

(c) The Federal Congress may, with the consent of the Assemblies of the Member States affected and with the approval of a two thirds majority of the electors of those Member States, from a new Member State through unification of two or more Member States or parts of Member States, or part of a Member State.

CHAPTER IV. CONGRESS OF THE FEDERAL UNION

Article 39. The Congress of the Federal Union (Federal Congress) shall be composed of the National Assembly and the People's Assembly.

Article 40. The legislative power of the Federal Union shall be vested in the Federal Congress.

Article 41. (a) Regular joint sessions of the Federal Congress shall be held once a year.

(b) Special joint sessions of the Federal Congress shall be held to handle the following matters:

- i. Ratification of an amendment to this Constitution,
- ii. Confirmation of the declaration and cancellation of a state of emergency,
- iii. Confirmation of the declaration of war and declaration of the end of war.
- iv. Confirmation of the appointment of the President of the Federal Union and swearing in of the judges of the Federal Supreme Court.

(c) Sessions of the Federal Congress shall be convened by the President of the Federal Union upon request of the majority of the member of either assembly or upon request of the Prime Minister.

Article 42. The number of representatives constituting a quorum of the session of the Federal Congress shall be 50 per cent of the members of the National Assembly and 50 percent of the members of the People's Assembly.

Article 43. Decision in the sessions of the Federal Congress shall be made by a majority of votes of the members present of each Assembly.

Article 44. The Chairperson of the National Assembly and the Chairperson of the People's Assembly shall alternately be the Chairperson of the sessions of the Federal Congress.

Article 45. A member of one Assembly shall not be a member of the other Assembly at the same time.

Article 46. (a) Representatives may not be questioned or held liable or be subject to disciplinary action or otherwise called to account for a vote case or a statement made in any Assembly or publication thereof.

(b) Representatives may not be called to account or arrested for a punishable offence without the permission of the Federal Congress, unless he or she is apprehended in the act of committing the offence.

Article 47. Representatives of the Federal Congress shall be entitled to adequate remuneration in accordance with the law. Increases of such remuneration shall come into effect no sooner than the next term of the Federal Congress.

NATIONAL ASSEMBLY

Article 48. The National Assembly shall be composed of four representatives from each member State.

Article 49. A Chairperson and a Vice-Chairperson shall be elected from amongst the representatives of the National Assembly. The Chairperson and the Vice-Chairperson shall not be from the same Member State.

Article 50. The term of office of the representatives shall be four years. Half of the representatives shall be elected every two years.

Article 51. (a) At the request of representatives from two Member States, the Chairperson of the National Assembly shall convene the National Assembly.

(b) At the request of the Prime Minister of the Federal Union, the Chairperson of the National Assembly may convene the National Assembly.

Article 52. The Chairperson shall have the authority to supervise and to enforce the rules and regulations of the sessions. No search or seizure may take place on the premises of the National Assembly without the permission of the Chairperson.

Article 54. The National Assembly shall appoint a Committee on Foreign Affairs and A Committee on Defense.

PEOPLE'S ASSEMBLY

Article 55. The People's Assembly shall be composed of representatives elected by the citizens.

Article 56. A Chairperson and a Vice-Chairperson shall be elected from amongst the representatives of the People's Assembly. The regular term of the People's Assembly shall be four years. The term of office of the representatives shall be the same as that of the People's Assembly.

Article 58. The representatives shall be elected by general, free, equal, direct and secret elections.

Article 59. Candidates for the People's Assembly shall be: **(a)** Citizens of the Federal Union having attained the age of 25 years on the day of the election,

(b) In the case of naturalized citizens, residents in the Federal Union for at least five years continuously after naturalization, and having attained the age of 25 years on the day of the election.

Article 60. The Chairperson shall convene special or emergency sessions on: **(a)** The directive of the President, **(b)** The request of the Prime Minister, or **(c)** The request of one fourth of the representatives.

Article 61. The number of representatives constituting a quorum of the People's Assembly shall be 30 per cent for debate and 50 percent for voting. Decisions shall be made by a majority of vote.

Article 62. Elections to the People's Assembly shall be held three months prior to the expiration of the current term.

Article 63. The People's Assembly shall assemble within 30 days following the election.

Article 64. The President shall dissolve the People's Assembly on the advice of the Prime Minister. **(a)** Elections shall be held within 60 days following the dissolution.

(b) The President shall appoint a care-taker government following the dissolution of the People's Assembly to administer the country until a new government is formed.

Article 65. The Chairperson shall have the authority to supervise and to enforce the rules and regulations of the sessions. No search or seizure shall be made on the premises of the People's Assembly without the permission of the chairperson.

Article 66. Upon the motion of one fourth of its members the People's Assembly is obliged to set up a Commission of Investigation. The Federal Congress shall enact a law for the Constitution and the mandate of the Commission.

CHAPTER V. FEDERAL LEGISLATION

Article 67. (a) Bills shall be introduced by the Government of the Federal Union or by representatives of either of the two Assemblies. Federal budget bills and revenue shall only be introduced in the People's Assembly.

(b) Bills relating to natural resource shall only be introduced in the National Assembly.

Article 68. (a) Except for the Federal budget bill, a bill introduced in the People's Assembly receiving a majority vote, and a majority vote of the statutory member members in the National Assembly, shall become law.

(b) A bill introduced in the National Assembly receiving a majority vote, and a majority vote of the statutory members in the People's Assembly, shall become law.

Article 69. The annual Federal budget bill shall be introduced in the People's Assembly. The approved bill shall then be forwarded to the National Assembly. If the National Assembly approves it within 14 days, it shall become law. If the bill is not approved by the National Assembly, it shall be returned to the People's Assembly. If further approved by the People's Assembly with majority of its statutory members, the bills shall become law.

Article 70. (a) The National Assembly, the People's Assembly or the Government may demand that a bill be referred to a joint committee when a bill or part of it is adopted by one Assembly only. **(b)** The Joint Committee shall be dissolved on the completion of its task. **(c)** The Committee shall be dissolved on the completion of its task. **(d)** A bill which has not been approved of by the Joint Committee shall be considered as a death bill. **(e)** If there are amendments to or alterations of the bill by the Joint Committee, it shall be send back to the Assembly where it was introduced. If the bill as approved by the original Assembly is approved by the other, it shall become law. **(f)** If the bill referred to in subparagraph (e) is not adopted in accordance with Article 68, it shall be considered a death bill.

Article 71. A death bill shall not be reintroduced in any Assembly within a period of two years from the date of its rejection.

Article 72. The Federal President shall sign and promulgate every bill adopted by the Federal Congress within seven days. A bill shall become law, even if the Federal President does not sign the bill at the end of the seven days period.

Article 73. The Federal Congress shall have exclusive legislative power in the following areas:

- i. Foreign affairs
- ii. Defense of the Federal Union
- iii. Postal services and telecommunications with the exception of local radio and television services,
- iv. Currency, money and coinage,
- v. Weights and measures,
- vi. The annual Federal Union budget,
- vii. Federal highways, railways, waterways, air and sea transportation,
- viii. Postgraduate education,
- ix. Trade and commerce with other countries,
- x. Citizenship in the Federal Union and Immigration,
- xi. Police force of the Federal Union,
- xii. State of emergency,
- xiii. Census,
- xiv. Production, sale, exportation and importation of arms, ammunitions and explosives,
- xv. Election to the People's Assembly,
- xvi. Copy rights, patents, designs and trademarks,
- xvii. Marriage, divorce and inheritance with regard to mixed marriage,
- xviii. Customs, export and import taxation.

Article 74. Member States shall possess legislative powers concurrently in relation to the following areas:

- i. Purchase and sales tax, business enterprise tax, income tax, liquor and tobacco tax, port tax within the Federal Union,
- ii. Protection of the environment,
- iii. Drugs,
- iv. Registration of births and deaths,
- v. Federal Union energy and development projects within Member States,
- vi. Exploration, exploitation and sale of natural resources within a State,
- vii. Investment by foreign governments and companies within a Member State,
- viii. Local radio and television services,
- ix. Banking services,
- x. Transfer of homes, premises and land matters,
- xi. University and vocational education,
- xii. Regulations relating to rivers and waterways crossing Member State's borders, domestic sea and coastal transportation,
- xiii. Refugee and political asylum matters,
- xiv. Criminal law and civil procedural codes, and
- xv. Education and vocational training for public servants.

Article 75. The Federal Congress shall make laws on concurrent matters when a Member State by making the said law would endanger another Member State or its people or would endanger the economic interests of the whole Federal Union.

Article 76. Laws relating to the exploitation and sale of natural resources, foreign investment and production of energy, shall come into force only after, in case of federal law, the Member States involve, and in case of a state law, the Federal Congress have agreed upon the said law.

Article 77. Member States have the right to legislate in so far as this constitution does not confer legislative powers on the Federal Congress.

Article 78. Federal law shall override state law.

CHAPTER VI. PRESIDENT OF THE FEDERAL UNION

Article 79. The Federal President shall be Head of State.

Article 80. (a) A candidate seeking election as a Federal President or Federal Vice-President must:

- i. Be a citizen of the Federal Union,
- ii. Be born of parents both of whom are citizens of the Federal Union,
- iii. Have resided continuously in the Federal Union for over 10 years, and
- iv. Be over the age of 35 years on the date of his or her submission.

(b) The Federal President or the Federal Vice-President may not be a member of the Government nor of a legislative body of the Federal Union or a Member State. A representative of either Assembly, being elected Federal President or Federal Vice-President, shall resign from his or her office in the respective Assembly or the Government.

Article 81. (a) The National Assembly shall elect the Federal President and Federal Vice-President from amongst the candidate proposed by the legislative bodies of the Member States.

(b) A person from one Member state having been Federal President, no person of that Member State shall be eligible for the presidency for three consecutive terms. The term of the Federal President shall not include the term of the Vice-President.

(c) Detail shall subject to the Federal Law.

Article 82. The term of office of the Federal President shall be four years from the date of taking office.

Article 83. (a) The Federal President shall be the Supreme Commander of the Federal Armed Forces.

(b) The Federal President, in consultation with an approval of the government of the Federal Union shall have the right to declare war against foreign countries and enter into agreement on the cessation of war.

(c) The Federal President has the right to grant pardons.

Article 84. (a) If the Federal President:

- i. Commits an act of high treason
- ii. Violates this Constitution of the Federal Union,
- iii. Commits an act of gross misconduct, he or she shall be subject to an inquiry upon the request of at least one third of the representatives of either the National Assembly or the People's Assembly.

(b) A Joint committee with equal number of representatives from either of the two Assemblies shall conduct the inquiry. The findings of the inquiry shall be submitted to the Federal Congress.

(c) A joint committee with equal number of representatives from either of the two Assemblies shall conduct the inquiry. The findings of the inquiry shall be submitted to the Federal Congress.

(d) If the Federal Congress determines that there are grounds to impeach the Federal President, the Chairperson of the Federal Congress shall commence proceedings against the Federal President in the Federal Supreme Court.

(e) The Federal President shall be dismissed from office if he or she found guilty by the Federal Supreme Court.

(f) The provisions of this Constitution shall also be applicable to the Federal Vice-President.

Article 85. When a vacancy occurs in the office of the Federal President due to death or inability to continuously perform the responsibilities or by dismissal according to Article (84), the vacancy shall be filled as follows:

(a) The Federal Vice-President shall perform the duties of the Federal President until the regular term of the Federal President expires.

(b) The Chairperson of the National Assemblies shall perform the duties of the Federal Vice-President.

(c) If a further vacancy occurs during the regular term of the Federal President, new elections according to Article 81 shall take place.

Article 86. No person shall be entitled to commence criminal or civil proceedings against the Federal President in respect of the performance of his or her responsibilities.

Article 87. The Federal President and Vice-President may not hold any other salaried office, nor belong to the management of an enterprise carried out for profit.

CHAPTER VII. FEDERAL GOVERNMENT

Article 88. (a) The government of the Federal Union shall be formed with Ministers headed by the Federal Prime Minister.

(b) No person shall be a Minister unless he or she is a representative of the People's Assembly.

(c) The Federal Government shall be collectively responsible to the People's Assembly.

Article 89. The term of the Federal Government shall be four years and shall not exceed the term of the People's Assembly.

Article 90. (a) The Federal President shall appoint a representative elected by the People's Assembly as the Federal Prime Minister.

(b) The candidate attaining the votes of the majority of the representatives is elected.

(c) If no candidate has been elected within fourteen days of the ballot, the candidate gaining most votes is elected.

(d) The Deputy Federal Prime Minister and the Federal Ministers shall be appointed or dismissed by the Federal President upon the proposal of the Federal Prime Minister.

(e) No representative of the People's Assembly shall serve as Federal Prime Minister for more than two terms.

(f) At the request of the Federal President, the Federal Prime Minister or the Federal Ministers, shall be obliged to continue in office until a successor has been appointed.

Article 91. The Deputy Federal Prime Minister shall perform the duties of the Federal Prime Minister in case of the Federal Prime Minister is prevented from performing those duties, and upon the authorization of the Federal Prime Minister.

Article 92. When the office of the Federal Prime Minister becomes vacant, election shall take place as provided for in Article 90.

Article 93. (a) A no confidence motion against the Government shall be submitted not before 18 months after the formation of the Government.

(b) The People's Assembly may express its lack of confidence only by electing a successor to the Federal Prime Minister with the majority of the representatives.

(c) No before 48 hours after the successor to the Federal Prime Minister has been elected, a motion of no confidence shall be voted upon. If the motion obtains the vote of the majority of the representatives, the entire government shall resign from office.

(d) The person elected according to sub-paragraph (b) shall be appointed Federal Prime Minister by the Federal President.

Article 94. The Federal Prime Minister shall determine the policy guidelines. Within these guidelines every minister shall run the ministry on his or her own responsibility.

Article 95. The following Ministries shall be formed as necessary in the Government of the Federal Union:

- i. Ministry of Foreign Affairs
- ii. Ministry of Defense
- iii. Ministry of Transportation and Communication
- iv. Ministry of Finance
- v. Ministry of Interior
- vi. Ministry of Justice
- vii. Ministry of Energy and Mining
- viii. Ministry of Health, Education and Culture
- ix. Ministry of Forestry, Agriculture and Environment
- x. Ministry of Information

CHAPTER VIII. FEDERAL JUDICIARY

Article 96. (a) To exercise Federal Judicial powers, federal courts shall be established.

(b) The Federal Congress shall enact laws for the establishment and the proceedings of the Federal Courts.

FEDERAL SUPREME COURT

Article 97. (a) The Federal Supreme Court shall be composed of nine judges.

(b) The Federal President shall appoint those proposed by the Federal Prime Minister and approved of by the Federal Congress as judges of the Federal Supreme Court.

(c) No person from either of the two Assemblies of the Federal Congress shall be proposed as judges of the Federal Supreme Court

(d) The judges of the Federal Supreme Court shall elect from amongst themselves a judge whom the Federal President shall appoint as Chief Justice.

Article 98. The seat of the Federal Supreme Court shall be the capital city. The Court shall also hold sittings at the other places, especially on venue of other Federal Courts in Member States.

Article 99. The judges of the Federal Supreme Court shall be citizens of the Federal Union and shall have practiced for at least ten years in the field of law.

JUDGES OF THE FEDERAL COURTS

Article 100. The judges shall be appointed regardless of race, religion, color or sex.

Article 101. The judges shall be independence and subject only to the law.

Article 102. The judges may not:

- a. Hold any other salaried offices,
- b. Hold a management position in an enterprise carried out for profit,
- c. Be members of any legislative body or of a government.

Article 103. The judges shall receive remuneration fixed by the Federal Congress, to enable them to independently carry out their duties.

Article 104. The term of the judges shall expire:

- i. At their own request,
- ii. When being permanently incapable to perform their duties,
- iii. Committing an act of gross misconduct, or
- iv. When they complete the age of 75 years.

Article 105. On request of the Federal Attorney General with regard to Article 104 (ii) and (iii), a joint committee of an equal number of representatives of the National Assembly and the People's Assembly shall be set up. It shall submit the findings of its investigations to the Federal Congress.

Article 106. Judges shall at no time be liable for performing their judicial duties, except for intentional infringement of the law.

JURISDICTION OF THE FEDERAL COURTS: ATTORNEY GENERAL

Article 107. (a) The Federal Courts shall have jurisdiction in the following matters:

- i. Disputes and complaints concerning this Constitution,
- ii. Disputes between Member States,
- iii. Disputes between Member States and citizens of other Member States,

- iv. Transfer of cases from one state court to another state court,
- v. Jurisdiction disputes between Member State court,
- vi. Disputes arising out of contracts between foreign companies and domestic companies or the Federal Union, and
- vii. Bankruptcy and insolvency.

(b) The Federal Congress shall provide by law for the exclusive jurisdiction of the Federal Supreme Court.

Article 108. (a) The Federal President shall appoint a person proposed by the Federal Prime Minister and approved by the Federal Congress, as Attorney General who shall advise and represent the Government of the Federal Union on all legal matters.

(b) The Attorney General has the right to attend sessions of the Federal Congress without the right to debate.

CHAPTER IX. BASIC PROVISIONS CONCERNING THE FEDERAL UNION DEFENSE

Article 109. (a) The Federal Armed Forces shall be established for the only purpose to defend the Federal Union from external danger. They shall be under the command of the Minister of Defense.

(b) No person in active service in the Federal Armed Forces shall be appointed Minister of Defense.

Article 110. The Minister of Defense and the Federal Government shall formulate policies of defense, which will be implemented by the Federal Armed Forces.

Article 111. (a) In accordance with the requirements of the Federal Armed Forces, the Army, the Navy and the Air Force shall be established.

(b) The Federal Armed Forces units shall be drawn from the Member States on proportional basis.

(c) The Federal Congress shall enact laws on the organization of the Federal Armed Forces.

Article 112. Separate defense academies shall be established for the Army, the Navy and the Air Force. Officer cadets from the Member States shall be entitled to attendance on a proportional basis.

Article 113. The strength of the Federal Armed Forces shall not exceed 0.1 per cent of the population of the Federal Union.

Article 114. (a) The Staff of the Federal Armed Forces shall consist of one commander from each Member State.

(b) The Chief of Staff shall be selected by the Prime Minister from amongst the members of the staff on an annually rotating basis.

(c) The person selected shall be appointed Chief of Staff by the Federal President.

Article 115. The Federal Armed Forces shall at all times remain under civil administration.

Article 116. In a state of emergency the Federal President shall take command of the Federal Armed Forces in his or her capacity as the Supreme Commander of the Federal Armed Forces.

Article 117. (a) The Minister of Defense shall provide for regular instruction of the military personnel.

- a. Military training and instruction at all levels shall include the following subjects:
 - i. Basis principles of democracy and human rights,
 - ii. Outlines of civil administration.

ARTICLE 118. COMPULSORY SERVICE

There shall be a compulsory service in the Federal Armed Forces. Details shall be subject of a federal law.

FINANCE MATTERS

ARTICLE 119. MINISTRY OF FINANCE

- a. the Ministry of Finance of the Federal Union shall implement financial laws enacted by the Federal Congress.
- b. The Ministry of Finance shall prepare the annual budget bill. The Government shall introduce the budget bill to the People's Assembly.

ARTICLE 120. FINANCIAL MATTERS

The Government of the Federal Union shall collect the revenue of the Federal Union, grant development aid to Member States, borrow and repay loans on behalf of Federal Union, pay the expenses of the Federal Union, and salaries of the civil servants of the Federal Union.

ARTICLE 121. FEDERAL BANK

To manage the monetary matters of the Federal Union, Federal Bank shall be established by law. The Bank shall be independent and free from political interference. The Bank shall issue a single official currency.

ARTICLE 122. MONETARY PROVISIONS

- a. All income of the Government of the Federal Union shall be deposited in the Federal Bank.
- b. No person shall withdraw money from the Federal Union Bank except under appropriate made by law.
- c. The Government of the Federal Union is prohibited from declaring moneys to be unlawful.

ARTICLE 123. FINANCIAL EQUALIZATION

When a Member State although carrying out its financial matters properly, arrives at a situation where it cannot carry out its functions due to a lack of finances for some reason, or where it will reach a situation where it will not be able to carry out its functions, the Government of the Federal Union shall have the responsibility to resolve such situations by either permitting the apportionate use of Federal Union finances, or by arranging proportional assistance from other States.

ARTICLE 124. AUDITOR GENERAL

The Federal President shall appoint a person proposed by the Federal Prime Minister and approved of by the Federal Congress as Auditor General. The Auditor General shall have the right to audit all the

accounts of the Federal Union. The findings of the Auditor General are to be submitted to the Government of the Federal Union and the Federal Congress.

WORKERS AND FARMERS

ARTICLE 125. WORKERS' RIGHTS

- a. The Federal Union shall provide for working conditions that guarantee human dignity to all working persons.
- b. Every working person shall be entitled to equal pay and conditions for equal work.
- c. The Federal Congress shall enact laws providing for social security, appropriate working hours and leave for all working persons.
- d. The right to freely form and participate in workers unions shall be guaranteed.
- e. No person shall be discriminated against for seeking workers' rights in accordance with the law.

ARTICLE 126. FARMERS' RIGHTS

- a. Farmers shall have the rights:
 - i. Freely to grow and sell their crops and produce,
 - ii. To pay all taxes and levies in cash, and
 - iii. To freely form and participate in farmers' unions.
- b. Farmers shall not be discriminated against for seeking their rights in accordance with the law.

CIVIL SERVANTS

ARTICLE 127. TRAINING OF CIVIL SERVANTS

- a. The Government of the Federal Union and the Government of every Member States shall establish appropriate institutes for conducting civil service training courses. The institute for senior service courses shall be under the direction of the Ministry of the Interior.
- b. The participants in senior and special service courses shall be drawn from the Member States on a proportional basis.

ARTICLE 128. FREE CHOICE OF DEPARTMENT

Civil servants may not be hindered from changing departments.

HUMAN RIGHTS COMMISSION

ARTICLE 129. HUMAN RIGHTS COMMISSION

- a. The Federal Prime Minister shall establish Human Rights Commission consisting of seven members whom the Federal Congress has consented to.
- b. The Commission shall be competent to investigate on its own initiative or on a receipt of a complaint any alleged violation of human rights.
- c. The Human Rights Commission shall submit a report of its activities to the Federal Congress.

- d. The Federal Congress shall enact laws with regard to the competences of the Human Rights Commission.

CHAPTER X. MEMBER STATES OF THE FEDERAL UNION

ARTICLE 130. SELF-DETERMINATION

The Member States shall have the right to self-determination in accordance with the Constitution.

ARTICLE 131. STATE CONSTITUTIONS

- a. The Constitutions of the Member States shall conform to the democratic principles of this Constitution.
- b. The National Autonomous Regions and Special National Territories shall within their areas have the right to manage all affairs of local concern in accordance with the constitution of the respective Member State.

ARTICLE 132. LEGISLATIVE, EXECUTIVE AND JUDICIAL POWERS

Member States shall be entitled to legislative, executive and judicial powers.

ARTICLE 133. STATE CONGRESS

To ensure minority rights, one assembly of State Congress may be based on the population of that Member state, and the other may be composed of representatives from National Autonomous Regions and Special National Territories on proportional basis.

ARTICLE 134. SECURITY FORCES

Member States may establish security forces, the strength of which may not exceed (0.1) percent of the state population.

ARTICLE 135. GUARANTEE OF FEDERAL PROTECTION

The Federal Union guarantees that it will on request protect any Member State from external and domestic danger.

CHAPTER XI. CITIZENSHIP

ARTICLE 136. FEDERAL UNION CITIZEN

- a. Citizen of the Federal Union of Burma is anybody, who:
- i. Possesses Burmese citizenship at the time of the adoption of this Constitution,
 - ii. Is born of parents both of whom are Burmese citizens,
 - iii. Has been granted citizenship according to a federal law.
- b. Burmese citizens, who have been deprived of their citizenship prior to the adoption of this Constitution, shall have that citizenship restored on application.

ARTICLE 137. FOREIGNERS' RIGHTS TO CITIZENSHIP

- a. All foreigners born prior to January 4, 1948 in Burma and since then residing continuously in Burma shall be entitled to Burmese citizenship.
- b. Federal legislation shall make it possible for foreigners to acquire Burmese citizenship.

ARTICLE 138. DUAL CITIZENSHIP

Burmese citizens acquiring a foreign citizenship may not lose their Burmese citizenship.

ARTICLE 139. MEMBER STATE CITIZENSHIP

The legislature of the Member State shall be entitled to enact laws for Member State citizenship.

CHAPTER XII. STATE OF EMERGENCY

ARTICLE 140. STATE OF EMERGENCY

A state of emergency shall be declared when:

- i. The territory of the Federal Union is attacked by external armed forces or such an attack is imminent,
- ii. Massive destruction, death, and injury resulting from natural disasters have occurred,
- iii. Peace and security of the population are seriously threatened.

ARTICLE 141. DECLARATION

On request of the Federal Government, the Federal President shall declare the state of emergency for the territory either of the whole Federal Union or part of it.

ARTICLE 142. PERIOD

The period of the state of emergency shall be stated in the aforesaid declaration and shall not exceed six months from the date of the declaration. Any prolongation, which may neither exceed six months, affords the approval of the Federal Congress.

ARTICLE 143. MANDATE AND RESPONSIBILITY

- a. The Federal Government shall during a state of emergency be entitled to:
 - i. Deploy security forces of the Member States,
 - ii. Issue directives to State Governments.
- b. The Federal Armed Forces may only be deployed when actions taken by security forces of the Member States are insufficient. Such deployment shall be approved by the Federal Congress.
- c. The Federal Government shall during the state of emergency report on all actions taken to the Federal Congress.

ARTICLE 144. JUDICIARY IN THE STATE OF EMERGENCY

In any state of emergency judicial power shall remain with the courts. Courts for special jurisdiction shall not be admissible.

CHAPTER XIII. TRANSITIONAL PROVISIONS

ARTICLE 145. LAWS, COURTS, AND LEGAL PROCEEDINGS

- a. Any law being in force prior to the adoption of this Constitution and not contradicting it shall remain in force.
- b. Courts on all level shall continue their proceedings until a new judiciary system has been established according to this Constitution.

ARTICLE 146. CIVIL SERVANTS

All civil servants carrying out their duties at the time of the adoption of this Constitution shall remain in office.

ARTICLE 147. INTERNATIONAL TREATIES

All treaties with foreign countries or companies entered into by the Burmese government prior to the adoption of this Constitution shall be reviewed by the Federal Government and then referred to the Federal Congress.

ARTICLE 148. CENSUS

After the adoption of this Constitution, the Federal Government shall take measures to carry out a census of the whole population.

CHAPTER XIV. AMENDMENT TO THE CONSTITUTION

ARTICLE 149. ADOPTION OF THE BILL

- a. This Constitution may be amended only by a law expressly modifying or supplementing its text.
- b. Any amendment of this Constitution shall be effected in the following manners:
 - i. A bill of amendment shall be introduced in either the People's Assembly or the National Assembly by at least one third of the representatives of the respective Assembly.
 - ii. The proposal shall be notified to the respective other Assembly, the Federal Government and all Member States.
 - iii. The Federal Government and the Member States shall submit their comments to the Federal Congress within 45 days from receiving the proposal.
 - iv. At a joint session according to Article (41) (b), the bill of amendment must be carried by a vote of two thirds of the representatives of each assembly to become law.
 - v. Such law shall then be signed by the Federal President and promulgated in the Federal Law Gazette.