

T h e B u r m a U n i o n

a n d

I t s T e r r i t o r i e s

THE BURMA UNION AND ITS TERRITORIES

Draft Constitution Approved by the AFPFL Convention¹

1. Burma should be proclaimed as an “Independent Sovereign Republic”.
2. The said Independent Sovereign Republic of Burma shall comprise: -
 1. Such territories that were theretofore within the British Burma known as:-
 - i. Ministerial Burma,
 - ii. Homalin Sub-Division,
 - iii. Sinkaling Khamti,
 - iv. Thaugduh,
 - v. Somra Tract,
 - vi. Naga Hills,
 - vii. Salween District,
 - viii. Kampalet Sub-Division, and
 - ix. Arakan Hill Tracts.
 2. The Federated Shan States (including Kokang and Mongpai).
 3. Karenni States.
 4. Kachin Hills, and
 5. Chin Hills District (excluding Kanpetlet Sub-Division).
3. The said Independent Sovereign Republic of Burma should be known as the ‘Union of Burma’.
 1. The status of a *Union State* should be accorded to a people who have:-
 - i. a defined geographical areas with a character of its own;
 - ii. unity of language, different from the Burmese;
 - iii. unity of culture;
 - iv. community of historical traditions;
 - v. community of economic interests; a measure of economic self-sufficiency;
 - vi. a fairly large population;
 - vii. the desire to maintain its distinct identity as a separate Unit.
 2. The status of an ‘Autonomous State’ should be accorded to a people who more or less possess the above-mentioned characteristics but lack in economic self-sufficiency.
 3. The status of a ‘*National Areas*’ should be accorded to a people who are lacking in all the above-mentioned characteristics except more or less a distinct language, a territory on which it is concentrated in appreciable numbers and the desire to maintain its distinct identity.
 4. The rights of *National Minority* should be guaranteed to a group of persons who:-
 - i. differ from the Burmese in race, language, culture and historical tradition, and
 - ii. form at least one-tenth of the total population of Burma or of any Unit.
 5. The Jurisdiction of the Union, as represented by its highest organs of state authority and organs of Government, covers the following subjects:
 - i. Constitutional Affairs;
 - ii. Foreign Affairs;
 - iii. Defense.

¹ BURMA’S CONSTITUTION., MAUNG MAUNG. The Hague, Martinus Nijhoff. p. 231-253. (The draft was drawn up by a 111-member committee of the AFPFL Convention which met on May 20, 1947, and approved on May 23 when the Convention was dissolved. Text from the Burmese Review May 26, 1947.)

- iv. Foreign Trade.
 - v. Federal Finance.
 - vi. National Planning.
 - vii. Security.
 - viii. Transport and Communications.
 - ix. Federal Education.
 - x. Federal Health.
6. All power and authority of the Sovereign Independent Republic of Burma, its constituent parts and organs of Government are derived from the people.

THE PRESIDENT

1. There shall be a President of the Union of to be called 'THE PRESIDENT' who shall be elected by the two Houses of the Union Assembly in Joint Session.
2. The President shall not be a member of either House of the Assembly or of any other Legislature of any Unit.
3. The President shall not hold any office or position of emolument.
4. The President shall hold office for 4 years from the date on which he enters upon his office unless before the expiration of the period he dies, or resigns, or is removed from office, or becomes permanently incapacitated, such incapacity being established to the satisfaction of the Supreme Court consisting of not less than 3 Judges.
5. No person shall be eligible to the office of the President for more than 8 consecutive years.
6. No person shall be eligible for election to the office of the President unless he is a natural born citizen of the Union of Burma or of its constituent parts and has been a resident therein for at least 14 years immediately preceding the election.
7. The President may be impeached for stated misbehavior.
8. (i) The President shall, on the nomination of the Chamber of Deputies, appoint the Prime Minister who is the Head of the Government.
 (ii) The President shall, on the nomination of the Prime Minister with the previous approval of the Chamber of Deputies, appoint the other members of the Government.
 (iii) A member of the Government to be known as 'The Minister for Nationalities' shall be appointed by the President on the nomination of the Prime Minister from among the members of the Chamber of Nationalities who represent a Union State, Autonomous State, National Area or a National Minority.
9. (i) The Union Assembly shall be summoned by the President on the advice of the Prime Minister.
 (ii) The Prime Minister may, in his absolute discretion, refuse to dissolve the Assembly on the advice of a Prime Minister who has ceased to obtain the support of the majority in the Chamber of Deputies.
 (iii) The President may at any time convene a meeting of either or both of the Houses of the Union Assembly.
10. Every Bill passed by both the Houses of the Union Assembly shall be signed and promulgated by the President.
11. (i) The Supreme Command of the Armed forces is vested in the President, but the President shall not exercise the Supreme Command except through a Commander-in-Chief appointed by him on the recommendation of the Prime Minister.
 (ii) Subject to these provisions the exercise of the Supreme Command of the Armed Forces shall be regulated by law.
 (iii) All Commissioned Officers of the Armed Forces shall hold their commissions from the President.
12. The right of pardon and the power to commute or remit sentences are vested in the President but, such power except in capital cases may also be conferred by law on other authorities.

13. (i) The President may, at his discretion, communicate with the Union Assembly by message or address on any matter of national or public importance.
(ii) The President may also address a message to the nation at anytime or any matter. Such message or address must however have received the approval of the Government.
13. (i) The President shall not be answerable to either House of the Union Assembly or to any Court for the exercise and performance of the powers and functions of his office, or any act done or purporting to be done by him in the exercise of the Powers and functions.
(ii) The behavior of the President may however be brought under review in either House of the Union Assembly for the purpose of impeachment.
25. The Powers and functions conferred on the President by the constitution shall be exercisable and performable by him only the advice of the Government saves where it is provided in the constitution that he shall act in his absolute discretion.
16. Subject to the constitution, additional and functions may be conferred on the President by law.
17. (i) In the event of the absence of the President or his temporary incapacity, or his permanent incapacity, or in the event of his death, resignation, removal from office, or failure to exercise and perform the powers and functions of his office, or at any time at which the office of the President may vacant, the powers and functions conferred on the President by the constitution shall be exercised and performed by a Commission constituted as herein below provided.
(ii) The Commission shall consist of the Chief Justice, the Speaker of the Chamber of Deputies and the Chairman of the Chamber of Nationalities.

THE UNION LEGISLATURE

1. (1) The Legislative power of the Union shall be vested in the Union Assembly, which shall consist of the President, a Chamber of Deputies and a Chamber of Nationalities.
(2) Subject to the provisions hereinafter mentioned in the Constitution, the sole and exclusive power of making laws in the Union is vested in the Union Assembly.
(3) Provision should be made, on principles of regional autonomy, for delegation to the Union State, autonomous State and national areas such legislative or other powers in administrative, cultural and economic matters. Such provision should determine the rights, powers and duties and their relations to the Union Assembly and to the Union Government.
(4) In relation to all matters not coming within the classes of subjects by this constitution assigned exclusively to the Legislatures of the Union State, Autonomous States and National Areas, and for greater certainty, but not so as to restrict the generality of the foregoing terms of this section it is hereby declare that (notwithstanding anything in this constitution) the exclusive legislative authority of the Union Assembly extends to all matters coming within the classes of subjects next hereinafter enumerated:
 - i. The Public Debt and Property.
 - ii. The Regulation of Trade and Commerce.
 - iii. The raising of money by any mode or system of taxation.
 - iv. The borrowing of money on the public credit.
 - v. Postal, telegraphic, telephonic, and broadcasting, services.
 - vi. The Census and Statistics.
 - vii. Militia, Military, Naval and Air Services and Works, and Defense and Defense Works.
 - viii. The fixing of and providing for the salaries and allowances of civil and other officers of the Union Government.
 - ix. Beacons, Buoys, Light Houses, and such like provisions.
 - x. Navigation and Shipping.
 - xi. Quarantine.
 - xii. Currency and coinage: Monetary Policy.
 - xiii. Banking, incorporation of Companies and Banks and Issue of Paper Money.

- xiv. Savings Banks.
- xv. Weights and Measures.
- xvi. Bills of Exchange, Promissory Notes and Negotiable Instruments.
- xvii. Interest: Legal Tender.
- xviii. Bankruptcy and Insolvency.
- xix. Copyrights, Trademarks and Patents or Invention and Discovery.
- xx. Naturalization and Aliens.
- xxi. Criminal Law, except the constitution of Courts of Criminal Jurisdiction, but including the Criminal Procedure.
- xxii. The Establishment, Maintenance and Management of Union Penitentiaries.
- xxiii. Such classes of subjects as are expressly excepted in the enumeration of classes of subjects by the constitution assigned exclusively to the Legislatures of the United States, Autonomous States and National Areas.

And any matter coming within any of the classes of subjects enumerated in this Sub-section shall not be deemed to come within the classes of matters of a local or private nature comprised in the enumeration of the classes of subjects by this constitution assigned exclusively to the Legislatures of the Union States, Autonomous States and National Areas.

1. A. The following matters shall also be within the exclusive jurisdiction of the Union Assembly:
 - i. Union Subjects.
 - ii. Inter-state matters.
 - iii. Subjects not specifically assigned to any Unit.
 - iv. All matters relating to territories other than the Union State, the Autonomous States and National Areas.
2. (1) The right to raise and maintain military, Naval and Airforce is vested exclusively in the Union Assembly.
- (2) No military, naval or air forces, or any military or semi-military organizations of any kind other than the forces raised and maintained by the Union Assembly shall be raised and maintained for any purpose whatsoever.
3. (1) The Union Assembly shall hold at least one ordinary session every year.
- (2) The Chamber of Deputies shall elect two of its members to be respectively the Speaker and Deputy Speaker. The Chamber of Nationalities shall elect two of its members to be respectively the Chairman and Deputy Chairman thereof.
4. All questions at any sitting or joint sittings of the Chambers shall, save as otherwise provided by the Constitution, be determined by majority votes of members present and voting

THE CHAMBER OF DEPUTIES

5. (1) Every citizen who has reached the age of 21 years and who is not otherwise disqualified by the Constitution or by law shall be eligible for membership of the Chamber of Deputies.
- (2) Every citizen who has completed the age of 18 years and who is not otherwise disqualified shall have the right to vote at any election for membership of the Chamber of Deputies.
- (3) No law shall be enacted placing any citizen under disability or incapacity for membership of the Chamber of Deputies on the ground of sex, race, or religion or disqualifying any citizen from voting at any election for membership of the Chamber of Deputies on such ground.
- (4) The Union Assembly shall revise the constituencies at least once in every ten years, with due regard to the changes in the distribution of the population, by any alteration in the Constituencies shall not take effect during the life of the Chamber of Deputies sitting when each revision is made.
6. (1) The Chamber of Deputies shall be summoned and dissolved as provided by this Constitution.
- (2) The General Election for members of the Chamber of Deputies shall take place not later than 30 days after the dissolution of the Chamber.
- (3) The Chamber of Deputies shall meet within 30 days from the polling day.

7. (1) The same Chamber of Deputies shall not continue for a period longer than four years from the date of its first meeting.
(2) Provision shall be made by law to enable the member of the Chamber of Deputies who is the Speaker immediately before the dissolution of the Chamber to be deemed without any actual election to be an elected member of the Chamber at the ensuing General Election.
8. (1) As soon as possible after the presentation to the Chamber of Deputies the Estimates of Receipts and Estimates of Expenditure of the Union for any financial year, the Chamber shall consider these Estimates save in so far as may be provided by specific enactment in each case the legislation required to give effect to the financial regulation of such year shall be enacted within the year.
9. (2) The Chamber of Deputies shall not pass any vote or resolution and no law shall be enacted for the appropriation of revenue or other public moneys unless the purpose of the appropriation shall have been recommended to the Chamber by a message from the Government signed by Prime Minister.

THE CHAMBER OF NATIONALITIES

10. The Chamber of Nationalities shall consist of 160 members. The said members shall be chosen in accordance with the provisions in that behalf contained in the first Schedule to the Constitution.
11. The General Election for the Chamber of Nationalities shall take place not later than 60 days after the dissolution of the Union Assembly, the first meeting of the Chamber of Nationalities after the election shall take place on the date to be fixed by the President on the advice of the Prime Minister.
Note: The first Schedule to the Constitution will contain *inter alia* the following Provisions:
 1. The members representing Burma proper shall be elected by provincial Councils: *Note:* It is intended that the present seven Commissioners' Divisions shall be renamed provinces and that each should have a Council. Such councils will not, however, be legislatures through they will have certain functions including that of electing members to the Chamber of Nationalities.
 2. The members representing the Karens shall be elected by the Karen Affairs Council. *Note:* Subject to the decision to be arrived at by agreement as to the number and manner of selection of members representing the Union State, Autonomous State, National Area and National Minorities, the following composition if proposed: -

| | |
|--|--------------------|
| 1. The Shan State | 32 Members |
| 2. The Kachin State | 13 Members |
| 3. The Chin Hills | 9 Members |
| 4. The Karenni States | 4 Members |
| 5. The Karen | 32 Members |
| 6. Remaining territories including Burma | <u>70 Members.</u> |
| | 160 Members. |

LEGISLATION

12. Every Bill except a money Bill may be initiated in either House. In case of a deadlock, the Bill shall be determined by both the Chambers in a joint sitting.
- 12 A. Any Bill abridging the rights of 'The National Minorities' shall not be deemed to have been passed unless the majority of members present representing the minority concerned voted in both Chambers in its favor.
13. (1) Money Bills shall be initiated in the Chamber of Deputies only.
(2) Every Money Bill passed by the Chamber of Deputies shall be sent to the Chamber of Nationalities for its recommendations.
(3) Every Money Bill so sent to the Chamber of Nationalities shall, at the expiration of a period not later than 21 days after it shall have been sent to the Chamber of Nationalities be returned to the

Chamber of Deputies with may accept or reject all or any of the recommendations of the Chamber of Nationalities.

(4) If Such Money Bill is not returned by the Chamber of Nationalities to the Chamber of Deputies within 21 days or is returned within such 21 days with recommendations which the Chamber of Deputies does not accept, it shall be deemed to have been passed by both Chambers at the expiration of a period of 21 days.

(5) The Speaker of the Chamber of Deputies shall certify any Bill which in his opinion is a Money Bill and his certificate will, subject to the subsequent provisions in this section, be final and conclusive.

(6) The Chamber of Nationalities, by resolution passed at a meeting at which not less than 75 members are present, may request the President to refer the questions whether the Bill is not a Money Bill to a Committee of Privileges.

(7) If the President in his absolute discretion decides to accede to the request, he shall appoint a Committee of Privileges consisting of an equal number of members of the Chamber of Deputies and of the Chambers of Nationalities and a Chairman who shall be a Judge of the Supreme Court.

(8) The President shall refer to the Committee of Privileges so appointed, and the Committee shall report its decision thereon to the President within 21 days after the day on which the Bill was sent to the Chamber. The decision of the Committee shall be final and conclusion. *Note:* A convention may be established whereby whenever a legislation affecting only one of the Units is under consideration, members who so not represent that particular unit will refrain from exercising their vote.

SIGNING AND PROMULGATION

14. (1) Every Bill passed by both Chambers of the Assembly shall be presented to the President for his signature and for promulgation by him as an Act in accordance with the provisions of this section.

(2) Every Bill so signed by the President shall become an Act on and from the date on which the Bill shall have been signed unless the contrary intention appears.

(3) Every Bill so signed shall be promulgate by the President as an Act by publication in the official gazette.

(4) The signed text of the Bill so promulgated shall be enrolled for record in the office of the Registrar of the Supreme Court.

(5) An official translation of every Act in the English language shall be issued in the Burmese language.

15. The laws of the Union shall have the same force and effect throughout the Union.

16. When a law of a Unit is inconsistent with a law of the Union, the latter shall prevail.

17. Any Constituent Unit may surrender any of its territories or any of its powers, functions, rights and prerogatives to the Union.

18. No Constituent Unit shall without the consent of the Union raise or maintain any military, naval or air force.

THE RIGHT OF RECALL

The right of recall may be exercised by voters, when a number of voters to be prescribed by Law (preferably by not less than half the electorate) present a Petition to the President to recall an elected member of the Union Assembly, the President shall order a Bye-election to he held. The member concerned should not be recalled unless two-thirds of voting desire a recall.

NEW STATES

1. The Union Assembly may admit to the Union or establish a new Constituent Unit and may upon such admission or establishment make or impose such terms and conditions including the extent of representation in the Union Assembly.
2. The Union Assembly may with the consent of a Constituent Unit increase, diminish, or otherwise alter the limits of the Unit, and may with like consent make provision respecting the effect and operation of any increase or diminution or alteration of territory in relation to any Unit affected.
3. A new Unit may be formed by separation of any territory from a Constituent Unit, and a new State may be formed by the Union of two more Constituent Units or parts thereof, but only with the consent of the Union Assembly and the Units concerned.

UNION EXECUTIVE

1. (1) The President shall appoint a Prime Minister on the recommendation of the Chamber of Deputies.
(2). The President shall appoint other members of the Government on the recommendation of the Prime Minister and subject to the prior approval of the Chamber of Deputies.
The Executive power of the Union shall be exercise by and on the authority of the Government.
2. War shall not be declared, and the Union shall not participate in any Wars except with the assent of the Union Assembly.
 - (i) The Government shall be responsible to the Chamber of Deputies.
 - (ii) The Government shall meet and act as a collective authority and shall be collectively responsible.
3. The Prime Minister shall keep the President informed on matters of domestic and international policy.

UNION JUDICIARY

1. The judicial power of the Union shall be vested in a Union Supreme Court to be called 'The Supreme Court'.
2. The judges of the Supreme Court are to be elected by the Union Assembly in join sitting.
3. A judge of the Supreme Court shall hold office for a term of 10 years unless he resigns or in incapacitated or removed by impeachment.

Note: All the provisions in the Draft Constitution enumerating the subjects especially assigned to the Union State, Autonomous State, and National Area are subject to amendable after the Executive Council of the AFPFL has ratified the agreement arrived at between the Negotiation Committee appointed by the Convention on the one part and members of the Constituent Assembly representing those Units on the other part.

THE UNION STATE

1. The Union State shall have its own constitution in conformity with the constitution of the Union and its own specific characteristics and features.
2. It is suggested that the Head of the Union State may be called the GOVERNOR who should be elected by the State Legislature.
3. In the Union State the legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated: -

(I). Constitutional Affairs:

- i. The amendment from time to time the Union State Legislature and other local bodies.*
- ii. The conduct of elections to the Union State Legislature and other local bodies.*

- iii. *The establishment and tenure of Union State officers and the appointment and payment of State officers.*

(II). Finance:

- i. *Direct taxation within the Union State, other than federal taxes and revenue, in order to the raising of a revenue, for Union State purposes;*
- ii. *Land revenue;*
- iii. *Minor minerals as defined in Chapter VIII of the Shan States manual;*
- iv. *Timber other than exportable timber;*
- v. *Taxes on luxuries and entertainment;*
- vi. *Sale tax;*
- vii. *Taxes on profession, trade, callings and employment;*
- viii. *Excise duties on alcoholic liquors and narcotic drugs;*
- ix. *Shop, saloon, tavern, auctioneer and other licenses in order to the raising of revenue for State, local or municipal purposes.*

(III). Economic affairs:

- i. *Agriculture and Veterinary;*
- ii. *Fisheries within the State;*
- iii. *Regulation of land tenures;*
- iv. *Internal trade and commerce;*
- v. *Water Supplies and Irrigation;*
- vi. *Unemployment and Relief of the poor.*

(IV). Security:

- i. *Police Administration;*
- ii. *Administration of justice by Courts subordinate to High Court;*
- iii. *The imposition of punishment by fine, penalty or imprisonment for enforcing any law of the Union State made in relation to any matter coming within any of the classes of subjects enumerated in this section.*

(V). Communication:

Local works and undertakings within the State other than Railways, subject to the power of the Union Assembly to declare any work a national work and to provide for its construction and by arrangement with the State legislature or otherwise.

(VI). Education:

- i. *Education, other than higher education;*
- ii. *Management and control of all educational institutions;*
- iii. *Non-federal libraries, museums and other institutions;*
- iv. *Treaters, dramatic performances and cinemas.*

(VII). Health:

- i. *Public Health and sanitation;*

- ii. *The establishment, maintenance and management of hospitals, asylums and dispensaries.*

(VIII). Local Government:

- i. *Municipalities and other local bodies;*
- ii. *Charities and charitable institutions.*

AUTONOMOUS STATE (CHIEF OF STATE)

1. In the Autonomous State there should be a Chief Executive Officer elected by the State Council and in whose name all Executive acts relating to State Affairs which should be done.
2. Such Chief should hold office for a term not exceeding 4 years, removable by impeachment or incapacity.
3. There shall be a State Council. The number of members and the method of election or appointment should be regulated by law.
4. Subject to the provisions of the constitution and the assent of the President as hereafter provided, the State Council may make ordinances in relation to matters coming within the following classes of subjects: -
 - i. Direct Taxation within the State in order to raise a revenue for State purpose.
 - ii. The borrowing of money for the sole credit of the State with the consent of the President and in accordance with regulation to be framed by the Union Assembly.
 - iii. Education, other than higher education.
 - iv. Agriculture, to the extent and subject to the conditions to be defined by Union Assembly.
 - v. The Establishment, Maintenance, and Management of Hospitals and Charitable Institutions.
 - vi. Municipal Institutions, District Councils, and other local institutions having authority and functions in any area in respect of the Local Government of, or to preservation of Public Health, in that are.
 - vii. Local works and undertakings within the Province, other than railways subject to the power of the Union Assembly to declare any work a national work and to provide for its construction and by arrangement with the State Council or otherwise.
 - viii. The imposition of punishment by fine, penalty or imprisonment, for enforcing any law or any ordinance of the Province made in relation to any matter coming within any other clause or subjects enumerated in this section.
 - ix. Generally, all matters which, in the opinion of the President, are of a merely local or private nature in the State.
5. Any ordinance made by the State Council should have effect in an for the State so long as so far only as it is not repugnant to any Act of the Union Assembly.
6. The State Council may recommend to the Union Assembly the passing of any law relating to any matter in respect of which such Council in not competent to make ordinance.
7. The State Revenue Fund should be formed into which should be paid all revenues raised by the State or accruing to the State Council and all moneys paid over the President to the Council. Such fund should be appropriated by the State Council by ordinances for the purposed of the State administration, generally. Or in the case of moneys paid over by the President for particular purpose, then for such purposes.

STATE EXECUTIVE

8. (i). The State Council should at its First Meeting elect from among its members or otherwise 4 persons to form with the Chief who shall be chairman, the Executive of the Autonomous State. The

members of the Executive other than the Chief shall hold office until the election of their successors in the same manner.

(ii). The Chief and any other member of the Executive, not being a member of the Council, shall have the right to take part in the proceedings of the Council but shall not have the right to vote.

9. The Executive shall, on behalf of the State Council, carry on the administration of the State Affairs. Until the first election of the members to serve on the Executive such administration shall be carried on by the Chief.
10. All questions arising in the Executive shall be determined by a majority of votes of the members present, and, in the case of an equality of votes, the Chief shall have also a casting vote. Subject to the approval of the President, the Executive may make rules for the conduct of its proceedings.
11. Subject to the provisions of any law passed by the Union Assembly regulating the conditions of appointment, tenure of office, retirement and superannuation of Public service, the Executive shall have power to appoint such officers as may be necessary, in addition to officers appointed to the State by the President under the provisions of this constitution, to carry out the services entrusted to them and to make or enforce regulations for the organization and discipline of such officers.
12. In regard to all matters in respect of which no powers are reserved or delegated to the State Council, the Chief shall act on behalf of the President when required to do so, and in such matters the Chief may act without reference to the members of the Executive.

Note: (This part is a model on the Constitution of the Constituent Units forming part of the Union of South Africa including all the subjects and powers assigned by the Act to the Constituent Provinces.)

NATIONAL AREA ADMINISTRATOR

1. In each national area there should be Chief Executive Officer appointed by the President who should be called 'the Administrator' and in whose name all executive acts relating to the Area should be done.
2. In the appointment of the Administrator of any area, the President should, as far as practicable, give preference to person resident in such area.
3. Such Administrator should not hold office for a longer term than three years and should not be removed before the expiration thereof except by the President for cause assigned.
4. The President may, from time to time, appoint a Deputy Administrator to execute the office and functions of the Administrator during his absence, illness or incapacity and to generally assist him.
5. There should be Advisory Council in each area to aid and advice the Administrator, the number and method of selection may be prescribed by law.

Power of the Advisory Council

6. The Council should have the following powers and functions: -
 - (i). All the powers and functions of the local self-governing bodies of Burma.
 - (ii). All matters which in the opinion of the President are of merely local or private nature and should be better left to the Council concerned.
7. The Union Assembly may by law delegate such other powers as it may deem necessary and desirable

NATIONAL MINORITIES

1. The following rights should be guaranteed to such group of persons which come within the definition of the 'national minority': -
 - i. Human Rights,
 - ii. National or Cultural Rights,

- iii. Freedom of association with cultural autonomy.
- iv. *Human Rights* embrace the time-honored elementary rights of man:
 - v. Citizenship,
 - vi. The protection of life and liberty,
 - vii. Equality before the law,
 - viii. Civil and political rights,
 - ix. Religious freedom,
 - x. Freedom from discrimination generally, including equality of economic opportunity.
 (Note: These would be included in the Chapter relating to the Fundamental Rights. These are repeated here in order to give a complete picture of the safeguards accorded to the national minorities).
- 1. National or cultural rights. Special safeguards against linguistic and educational discrimination should be provided for.
- 2. Freedom of association with cultural autonomy- This right of association already guaranteed as a fundamental right would lead minorities as measure of organic existence especially for protection against discrimination. The minorities will be entrusted by the State with autonomous management of their educational and cultural affairs. In other words, a Council chosen democratically by the members of the minorities would become the agency of the State for the administration of the educational and cultural institutions of that particular group. The Government of the State should have the authority to set normal standards for the entire population of the country, and it should exercise general supervision. But the direction and management of the minorities' institutions should be in their own hands.
- 3. The financing of the educational and cultural undertakings of a minority should be to a large extent the responsibility of the State. To avoid all quarrels over the 'due' or 'equitable share', provision should be made for an allotment proportional to the numbers of the minority. A minority should, however, be authorized to supplement such State funds by levying taxes upon its own members, subject always to the supervision of the State authorities.
- 4. In the Chamber of Deputies, a certain number of seats proportional to their population should be reserved to the national minorities. In the Chamber of Nationalities greater weightage may be given.
- 2. A Karen Affairs Council shall be constituted in order to aid and advice the Union Government on matters relating to the Karens; the composition and method of selection of the said Council shall be prescribed by law.
 - (1) The right to secession shall be accorded to the Union State and autonomous states, subject to the provisions hereinafter prescribed.
 - (2) No right of secession shall be exercised within 10 years from the date on which the State concerned comes into the Union of Burma.
 - (1) The resolution for secession shall have been passed by two-thirds of the members of the legislative of the State concerned.
 - (2) The Union Assembly shall then order a plebiscite to be taken in order to ascertain the will of the people of the State concerned.
 - (3) A commission to be called the plebiscite commission consisting of equal numbers of Members representing the Union of Burma and of the State concerned shall be set up to supervise a plebiscite to ensure that it is fair play and freely conducted.

RIGHT OF SECESSION

- 1. (1). The Right of secession shall be accorded to the Union State and autonomous states, subject to the provisions hereinafter prescribed.

- (2). No right of secession shall have exercised within 10 years from the date on which the State concerned comes into the Union of Burma.
2. (1). The resolution for secession shall have been passed by two-thirds of the members of the legislature of the State concerned.
(2). The Union Assembly shall then order a plebiscite to be taken in order to ascertain the will of the people of the State concerned.
3. A commission to be called the plebiscite commission consisting of equal numbers of Members representing the Union of Burma and of the State concerned shall be set up to supervise a plebiscite to ensure that it is fair-play and freely conducted.

PROVISIONS RELATING TO TRANSITORY PERIOD

Provisions shall be made in order to enable the Constituent Assembly to constitute itself the Provisional Union Assembly, elect the Provisional President and a Provisional Government. As soon as the Independence Resolution shall have been passed by the Constituent Assembly in its first session, a Committee to be known as the Transfer of Sovereignty Negotiating Committee may be appointed by the Constituent Assembly in order to negotiate with H.M.G. for the transfer of sovereignty to the Union of Burma. The first General Elections under the Constitution are to be held within 18 months from the date of the coming into operation of the Constitution.

AMENDMENT OF THE CONSTITUTION

1. Any provision of the Constitution may be amended, whether by way of variation, addition, or repeal, in the manner hereinafter provided.
2. (1). Every proposal for an amendment of the Constitution shall be expressed as 'An Act to amend the Constitution'.
(2). The Bill containing a proposal or proposals for the amendment of this Constitution shall not contain any other proposal.
3. (1). Such Bill to amend the Constitution may be initiated in either Chamber of the Union Assembly.
(2). After each shall have been considered by both Chambers at a joint sitting.
(3). Such Bill shall be deemed to have been passed only when two-thirds of the members present voted in its favor.
(4). A Bill, which seeks to amend any provision relating to any subject specifically assigned to any of the Units, shall not be deemed to have been passed unless the majority of the members representing the Unit concerned present voted in its favor.

CITIZENSHIP

1. There shall be but one nationality or citizenship throughout the Union.
2. (1). Subject to the law of the Union,
 - i. Every person born in the Union or in any of its constituent Units subject to the jurisdiction thereof, or
 - ii. Every person naturalized therein, shall be a citizen of the Union.
(2). Further provision regarding the acquisition and termination of the Union Citizenship may be provided by law.
(3) A citizen or subject or national of a foreign state shall not at the same time be a citizen of the Union.

RIGHTS OF EQUALITY

3. All citizens irrespective of birth, rank, religion, sex, or race are equal before the law. That is to say there shall not be any arbitrary discrimination between a citizen or class of citizens and another.
4. There shall be equality or opportunity for all citizens in matters of public employment and in the exercise or carrying on of any occupation, trade, business or profession.
4. (A). Any propagation of national, racial, and religious hatred or discord is contrary to the Constitution and punishable by law.

RIGHTS OF FREEDOM

5. No citizen shall be deprived of his personal liberty nor his dwelling be entered, or his property confiscated save in accordance with law.
6. There shall be liberty for exercise of the following rights subject to the law, public order and morality:
 - i. the right of the citizens to express freely their convictions and opinions;
 - ii. the rights of citizens to assemble peaceably and without arms;
 - iii. the right of citizens to form associations and unions.Provided that an association for undermining the Constitution and for undemocratic purposes is forbidden.
7. It is the right of every citizen to reside and settle in any part of the Union, to acquire property and to follow any occupation, trade, business or profession. Provision may be made by law to impose such reasonable restrictions as may be necessary in the public interest including the protection of minority groups and tribes.
8. Subject to regulation by law of the Union, trade, commerce and intercourse among the Units by and between the citizens shall be free. Provided that any Unit may by law impose reasonable restrictions in the interest of public order, morality or health or in any emergency.
9. (1). Traffic in human beings, and
(2). Forced labor in any form and involuntary servitude except as a punishment for crime where the party shall have been duly convicted shall be prohibited.
Explanation: Nothing in this sub-section shall prevent the Union from imposing compulsory service for public purpose without any discrimination on ground of race, religion or class.
10. Children below the age of 14 shall not be employed in mines and factories using power.
11. Freedom of association shall be secured to all individuals and classes of workers subject only to law, public order and morality.

RIGHTS RELATING TO RELIGION

12. All persons are equally entitled to freedom of conscience and the right freely to profess and practice religion subject to public order, morality or health and to the other provisions of this Chapter.
Explanation 1. The above right shall not include any economic, financial, political or other secular activities that may be associated with religious practice.
Explanation 2. The freedom of religious practice guaranteed in this clause shall not debar the Union from enacting laws for the purpose of social welfare and reform.
13. The abuse of the church or religion for political purposes is forbidden. The Union shall observe neutrality in religious matters. It may, however, extend material or other assistance to religious institutions. Religious communities, whose teaching is not contrary to the Constitution, are free in their religious affairs and in the performance of religious ceremonies and also to have schools for the educational of priests; but such schools shall, however, be under the general supervision of the Union.

CULTURAL AND EDUCATIONAL RIGHTS

14. No minority whether based on religion, race or language shall be discriminated against in regard to the admission into public educational institutions, nor shall any religious instruction be compulsorily imposed on it.
15. (1). Private property and private initiative in economy are guaranteed.
(2). No person is permitted to use the right of private property to the detriment of the people's community.
(3). The existence of private monopolist organizations such as cartels, syndicates, trusts and similar organizations created for the purpose of dictating prices, monopolizing the market and damaging the interest of the national economy is forbidden.
(4). Private property may be limited or expropriated if the common interest requires it, but only in accordance with the law, which shall prescribe in which cases and to what extent the owner shall be compensated.
(5). Under the same conditions individuals branches of national economy or single enterprises may be nationalized by law if the common interest requires it.

CIVIL RIGHTS

16. No person shall be convicted of crimes except for violation of a law in force at the time of the commission of that act charged as an offence, nor shall he be subjected to penalty greater than that applicable at the time of the commission of the offence.
17. No person shall be tried for the same offence more than once nor shall be compelled in any criminal case to be a witness against himself.
18. Full faith and credit shall be given throughout the territories of the Union to the law, the public Acts and records, and the judicial proceedings of the Union and every Unit thereof and the manner in which and the conditions under which such Acts, records and proceedings shall be proved and the effect thereof determined shall be prescribed by the law of the Union.
19. Final civil judgements delivered in any Unit shall be executed throughout the Union subject to such conditions as may be prescribed by the law of the Union.
20. Every citizen, whether within or without the territory of Union, shall be entitled to the protection of the Union in his relations with foreign states.
21. No citizen shall be handed over to a foreign government for prosecution or punishment save in accordance with law.

RIGHTS TO CONSTITUTIONAL REMEDIES

22. (1). The right to move the Supreme Court by appropriate proceedings for the enforcement of any the rights conferred by this Chapter is hereby guaranteed.
(2). Without prejudice to the powers that may be invested in this behalf in other courts, the Supreme Court shall have power to issue directions in the nature of the Habeas Corpus, Mandamus, Prohibition, Quo warranto and Certiorari appropriate to the right guaranteed in this part of the Constitution.
(3). The right to enforce these remedies shall not be suspended unless when, in cases of rebellion, or invasion, or grave emergency, the public safety may require it.
23. The Union legislature may by law determine to what extent of the rights guaranteed by this part shall be restricted or mitigated for the members of the armed forces or forces charged with the maintenance of public order so as to ensure fulfillment of their duties and the maintenance of discipline.

24. The Union legislature shall make laws to give effect to the provisions of this Chapter which require such legislation and to prescribe punishments for those acts which are declared to be offences in this Chapter and are not already punishable.

ECONOMIC RIGHTS

1. The means of production in the hands of the Union are exploited by the Union itself or given to others for exploitation.
2. Foreign trade is under the control of the Union.
3. In order to protect the vital interests of the people, to further the people's prosperity and the right use of all economic Potentialities and forces, the Union directs the economic life and development of the country in accordance with a general economic plan, relying on the States and co-operative economic sectors, while achieving a general control over the private economic sector.
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RIGHTS OF WOMEN

1. Women have equal rights with men in all fields of state, economic and social-political life.
2. Women have the right to the same pay as that received by men for the same work and as workers or employees, they enjoy special protection.
3. The Union especially protects the interests of mothers and children by the establishment of maternity hospitals, children's homes and day-nurseries and by the right of mothers to leave with pay before and after childbirth.

RIGHTS TO HEALTH AND EDUCATION

1. The Union promotes the improvement of public health by organizing and controlling health services, hospitals pharmacies, sanatoria, nursing and convalescent homes and other health institutions.
2. The Union extends its care to the physical education of the people, especially young people, in order to increase the health and working capacity of the people and the power of defense of the Union.
3. The Union pays special attention to the young and protects their education.
4. Schools are Union-owned. The founding of private schools may be permitted only by law and their work is controlled by the Union.

DIRECTIVE PRINCIPLES OF UNION POLICY

1. The principles set out in this Chapter are intended for the general guidance of the Union. The application of these principles in Legislation and Administration shall be the care of the Union.
2. The Union shall direct its policy to secure to each citizen:
 - i. The right to work.
 - ii. The right to maintenance in old age and during sickness or loss of capacity to work,
 - iii. The right to rest and leisure,
3. The right to education. In particular the Union should make provision for free and compulsory primary education.
4. The Union shall promote with special care the educational and economic interests of the weaker and backward sections of the people and shall protect them from social injustice and all forms of exploitation.
5. The Union shall regard the raising of the standard of its people and the improvement of public health as among its primary duties.

6. The Union shall ensure that the strength and health of workers, men and women, and the tender age of children shall not be abused and that they shall not be forced by economic necessities to take up occupation unsuited to their sex, age, and strength.
7. The economic life of the Union is determined and protected by the National Economic Plans with the aim of increasing the public wealth, of steadily improving the material conditions of the people and raising their cultural level, of consolidating the independence of the Union and strengthening its defensive capacity. There can be no large land holdings on any basis whatsoever. The maximum size of private land holdings will be determined by law.
8. The Union shall have the right to regulate, alter or abolish tenures or resume possession of any land and distribute the same for collective or cooperative forming or to agriculture tenants.
9. By economic and other measures, the Union may assist workers to associate and organize themselves for protection against economic exploitation. The Union shall protect the workers by assuring them the right of association, by limiting working day, by ensuring the right to annual holidays, by controlling working conditions, by devoting attention to housing conditions and by social insurance.
10. The Union shall direct its policy to give material assistance to national economic organizations not working for profit. Preference will be given to cooperate and similar economic organizations.
11. All useful arts and sciences and research institutes shall enjoy the protection and support of the Union.
12. (1). The means of production in the Union are either the property of the entire people, or the property of the peoples' co-operative organizations or else, the property of private persons or legal entities.
(2) All forest and all material and other wealth under-ground, the waters including medicinal and mineral waters, the sources or natural power, the rail transport, post, telephones and broadcasting are national property.
(3). The means of production which are the property of private persons may be acquired by the Union according to law.

The property of the entire people is the mainstay of the Union in the development of the National Economy. The property of the entire people is under the special protection of the Union. The administration and disposal of the property of the entire people shall be determined by law

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