

**THE CONSTITUTION**

**OF**

**THE SOCIALIST REPUBLIC OF THE UNION OF BURMA**

**1974**

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**The Constitution of the Socialist Republic of the Union of  
Burma**

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## **PREAMBLE**

We, the people residing in the Socialist Republic of the Union of Burma have throughout history lived in harmony and unity sharing joys and sorrows in weal or woe.

The people of the land have endeavoured with perseverance and undaunted courage, for the attainment of independence, displaying throughout their struggles for national liberation against imperialism an intense patriotism, spirit of mutual help and sacrifice and have aspired to Democracy and Socialism.

After attaining independence, the power and influence of the feudalists, landlords, and capitalists had increased and consolidated due to the defects in the old Constitution and the ill-effects of capitalistic parliamentary democracy. The cause of Socialism came under near eclipse.

In order to overcome this deterioration and to build Socialism, the Revolutionary Council of the Union of Burma assumed responsibility as a historical mission, adopted the Burmese Way to Socialism, and also formed the Burma Socialist Programme Party.

The Burma Socialist Programme Party has drafted the Constitution of the Socialist Republic of the Union of Burma, in accordance with the wishes of the people, after extensive and thorough discussions with them, for the purpose of building a peaceful and prosperous socialist society to which the working people of the national races have long aspired.

We, the working people, firmly resolved that we shall-

- faithfully follow the leadership of the Burma Socialist Programme Party,

- build a socialist economic system by the Burmese Way to Socialism, for the country to be peaceful and prosperous, opposing all pernicious systems characterised by exploitation of man by man, and of one national race by another, with a view to promoting justice and goodwill among the people, and to freeing them from apathy and callousness, ignorance, backwardness and want of opportunity,
- build a socialist democratic social order which will afford an opportunity to the people to shape their own destiny, by the Burmese Way to Socialism,
- live forever in harmony unity and racial equality sharing joys and sorrows through weal and woe in the Socialist Republic of the Union of Burma,
- efficiently perform all duties and fulfil all obligations in the interest of the State and for the cause of Socialism while enjoying the democratic rights and personal rights and freedom bestowed by this Constitution,
- constantly strive to promote international peace and friendly relations among the nations, do adopt this Constitution of the Socialist Republic of the Union of Burma by a nation-wide referendum this 11th day of the waxing of Pyatho of the year 1335 B.E. (the 3rd day of the month of January, 1974 A.D.).

## **CHAPTER I**

### **THE STATE**

#### **Article 1**

Burma is a sovereign independent Socialist State of the working people. The State shall be known as The Socialist Republic of the Union of Burma.

#### **Article 2**

The Socialist Republic of the Union of Burma is a State wherein various national races make their homes together.

#### **Article 3**

The territory of the State shall be the land, sea and airspace which constitute its territory on the day this Constitution is adopted.

#### **Article 4**

National sovereignty shall reside in the entire State.

## **CHAPTER II**

### **BASIC PRINCIPLES**

#### **Article 5**

A Socialist society is the goal of the State.

#### **Article 6**

The economic system of the State is a Socialist economic system.

#### **Article 7**

Socialist democracy is the basis of the State structure.

#### **Article 8**

There shall be no exploitation of man by man nor of one national race by another in the State.

#### **Article 9**

The State safeguards the interests of the working people whose strength is based on peasants and workers.

#### **Article 10**

The State shall cultivate and promote the all-round physical, intellectual and moral development of youth.

#### **Article 11**

The State shall adopt a single-party system. The Burma Socialist Programme Party is the sole political party and it shall lead the State.

#### **Article 12**

The sovereign powers of the State, legislative, executive and judicial reside in the people, comprising all national races whose strength is based on peasants and workers. The Pyithu Hluttaw[1]1, elected by citizens having the right to vote,

exercises the sovereign power invested in it by the people and delegates to Organs of State Power in accordance with this Constitution.

### **Article 13**

The Pyithu Hluttaw shall exercise the legislative power solely by itself while it may delegate executive and judicial powers to the Central and Local Organs of State Power formed under this Constitution.

### **Article 14**

The Organs of State Power at different levels shall function in accordance with socialist democratic practices which include mutual reporting, mutually offering, accepting and respecting of advice and wishes, collective leadership, collective decision making, abiding by collective decisions, lower organs carrying out the decisions and directives of the higher organs which in turn respect the views submitted by the lower organs.

### **Article 15**

Every citizen has, in accordance with this Constitution and other relevant laws, the right to-

- (a) elect, and to be elected as, people's representatives to the Organs of State Power at different levels;
- (b) recall elected people's representatives.

### **Article 16**

Every people's representative, elected to any Organ of State Power, shall report back to the electorate on his work and shall also ascertain the wishes of the people.

## **Article 17**

The working people shall have full participation in local matters, so that such matters may be resolved as far as possible, at the local level. They shall be invested with duties and powers.

## **Article 18**

The State-

- (a) is the ultimate owner of all natural resources above and below the ground, above and beneath the waters and in the atmosphere, and also of all the lands;
- (b) shall develop, extract, exploit and utilise the natural resources in the interest of the working people of all the national races.

## **Article 19**

The State shall nationalise the means of production within the land. Suitable enterprises shall be owned and operated by co-operatives.

## **Article 20**

The State may, in accordance with law, permit such private enterprises which do not undermine the socialist economic system.

## **Article 21**

- (a) The State shall be responsible for constantly developing and promoting unity, mutual assistance, amity and mutual respect among the national races.
- (b) The national races shall enjoy the freedom to profess their religion, use and develop their language, literature and culture, follow their cherished traditions and customs, provided that the enjoyment of any such freedom does not offend the laws or the public interest.

## **Article 22**

All citizens shall-

- (a) be equal before the law, regardless of race, religion, status, or sex;
- (b) enjoy equal opportunities;
- (c) enjoy the benefits derived from his labour in proportion to his contribution in manual or mental labour;
- (d) have the right to inherit according to law.

## **Article 23**

No penal law shall have retrospective effect.

## **Article 24**

Punishments shall not be awarded in violation of human dignity.

## **Article 25**

Laws shall be enacted to enforce the freedoms, powers, rights, duties and restrictions prescribed by this Constitution.

## **Article 26**

The State consistently practises an independent foreign policy, aimed at international peace and friendly relations among nations, and upholds the principles of peaceful co-existence of nations.

## **Article 27**

These basic principles constitute the guidelines for interpreting the provisions of this Constitution and of other laws.

[1] People's Congress

## **CHAPTER III**

### **STATE STRUCTURE**

#### **Article 28**

Local autonomy under central leadership is the system of the State.

#### **Article 29**

(a) Local areas of the Socialist Republic of the Union of Burma shall be organised as follows:-

- (1) villages are organised as village-tracts;
- (2) wards are organised as towns;
- (3) village-tracts and towns are organised as townships;
- (4) townships are organised as states or divisions;
- (5) states and divisions are organised as the State.

(b) The different levels of administrative areas of the Socialist Republic of the Union of Burma shall be as follows:-

- (1) wards or village-tracts;
- (2) townships;
- (3) states or divisions;
- (4) the State.

#### **Article 30**

- (a) Kawthoolei is constituted as Karen State;
- (b) Chin Special Division is constituted as Chin State;
- (c) Tenasserim Division (I) is constituted as Mon State;
- (d) Tenasserim Division (2) is constituted as Tenasserim Division;
- (e) Arakan Division is constituted as Arakan State.

### **Article 31**

The States and Divisions of the Socialist Republic of the Union of Burma are as follows:-

- (a) Kachin State
- (b) Kayah State
- (c) Karen State
- (d) Chin State
- (e) Sagaing Division
- (f) Tenasserim Division
- (g) Pegu Division
- (h) Magwe Division
- (i) Mandalay Division
- (j) Mon State
- (k) Arakan State
- (l) Rangoon Division
- (m) Shan State
- (n) Irrawaddy Division.

### **Article 32**

The Socialist Republic of the Union of Burma has a unicameral Pyithu Hluttaw.

### **Article 33**

The Council of State shall be formed for the purpose of directing, supervising and co-ordinating the works of the Central and Local Organs of State Power and of the Bodies of Public Services in accordance with the laws, rules and resolutions passed by the Pyithu Hluttaw.

### **Article 34**

The following Central Organs of State Power shall be formed to carry out the tasks laid down by the Pyithu Hluttaw:-

- (a) The Council of Ministers;
- (b) The Council of People's Justices;
- (c) The Council of People's Attorneys;
- (d) The Council of People's Inspectors.

### **Article 35**

A People's Council shall be formed for each State, Division, Township, Ward and Village-tract.

### **Article 36**

- (a) An Executive Committee, a Committee of Judges and an Inspection Committee shall be formed for each State, Division, or Township People's Council.
- (b) An Executive Committee and a Committee of Judges shall be formed for each Ward or Village-tract People's Council.

### **Article 37**

Bodies of Public Services, such as bodies of Public Administrative Services, Judicial Services, Law Services and Accounts Services shall be formed where necessary at central and local levels.

### **Article 38**

The Pyithu Hluttaw may, in the interests of the State re-demarcate the territorial limits of the State by a vote of 75 per cent of all the members of the Pyithu Hluttaw.

### **Article 39**

The Pyithu Hluttaw may make laws to-

- (a) reconstitute States or Divisions as the need arises, after ascertaining the wishes of the citizens residing in the States or Divisions concerned;
- (b) re-demarcate the boundary of any State or Division, as the need arises, after ascertaining the wishes of the citizens residing in the States or Divisions concerned;
- (c) change the name of any State or Division, as the need arises, after ascertaining the wishes of citizens residing in the State or Division concerned.

### **Article 40**

The Council of Ministers may constitute or reconstitute villages, village-tracts, wards, towns and townships within a State or Division, as the need arises, in consultation with the People's Councils concerned.

## **CHAPTER IV**

### **PYITHU HLUTTAW**

#### **Article 41**

The Pyithu Hluttaw is the highest Organ of state power. It exercises the sovereign powers of the State on behalf of the people.

#### **Article 42**

The Pyithu Hluttaw shall be formed with People's representatives elected directly by secret ballot by citizens who have the right to vote under this Constitution and other electoral laws.

#### **Article 43**

The regular term of the Pyithu Hluttaw is four years from the date of its first session.

#### **Article 44**

The legislative power of the State is vested solely in the Pyithu Hluttaw.

#### **Article 45**

The Pyithu Hluttaw may delegate executive and judicial powers of the State to Central and Local Organs of State Power in accordance with this Constitution.

#### **Article 46**

The Pyithu Hluttaw shall have the right to enact laws concerning the culture of a national race only with the consent of more than half of all the members of the Pyithu Hluttaw from the State or Division concerned.

#### **Article 47**

The Pyithu Hluttaw shall have exclusive power to enact laws relating to State economic plans, annual budget and taxation.

## **Article 48**

The Pyithu Hluttaw shall decide-

- (a) important matters only by a vote of 75 per cent of all of its members;
- (b) ordinary matters by a vote of more than half of all its members;
- (c) as to whether any matter is important or ordinary by a vote of more than half of the members present.

## **Article 49**

The Pyithu Hluttaw may decide to declare war and to make peace only by a vote of 75 per cent of all its members. The Council of State shall convene an emergency session of the Pyithu Hluttaw should circumstances call for a decision while the Pyithu Hluttaw is not in session.

## **Article 50**

The Pyithu Hluttaw may decide to hold a referendum where necessary.

## **Article 51**

Regular sessions of the Pyithu Hluttaw shall be convened at least twice a year. The interval between two sessions shall not exceed eight months. The Council of State may summon a special or an emergency session of the Pyithu Hluttaw where necessary.

## **Article 52**

The Council of State shall convene a session of the Pyithu Hluttaw as soon as possible if 34 per cent of all the members of the Pyithu Hluttaw so requisition.

## **Article 53**

- (a) A Panel of Chairmen shall be elected to preside at each regular session of the Pyithu Hluttaw.

- (b) The members of the Pyithu Hluttaw from each State or Division shall elect a chairman from among themselves to the Panel of Chairmen. The Pyithu Hluttaw shall give its approval to the election of the chairmen.
- (c) Members of the Panel of Chairmen shall preside over the sessions of the Pyithu Hluttaw by rotation.
- (d) A member of the Pyithu Hluttaw who is also a member of the Council of State or of any Central Organ of State Power shall not be a member of the Panel of Chairmen. Should a member of the Panel of Chairmen be elected to the Council of State or to any Central Organ of State Power he shall resign from the Panel.
- (e) The Panel of Chairmen shall continue to carry out its duties till a new Panel has been elected at the next regular session of the Pyithu Hluttaw.
- (f) The Panel of Chairmen of the Pyithu Hluttaw shall convene a session of the Pyithu Hluttaw if the Council of State fails to comply within 30 days from the date of a requisition made under Article 52.

#### **Article 54**

The Pyithu Hluttaw shall-

- (a) constitute various Affairs Committees of the Pyithu Hluttaw relating to economic, financial, social, public administrative, legislative, foreign, national races and other affairs, with members elected from among those of the Pyithu Hluttaw;
- (b) in accordance with law constitute a National Defence and Security Committee consisting of a suitable number of members of the Council of State and of the Council of Ministers.

## **Article 55**

The Pyithu Hluttaw shall enact a law to enable the Council of People's Inspectors to conduct inspections through committees to be formed by it, to determine whether or not the activities and the work of the following bodies are beneficial to the interests of the people:-

- (a) Local Organs of State Power;
- (b) Ministries;
- (c) Bodies of Public Services; and
- (d) such other organisations as may be prescribed by law.

## **Article 56**

The Pyithu Hluttaw may form Commissions and Committees as and when necessary and invest them with duties and powers.

## **Article 57**

The Pyithu Hluttaw shall make laws, rules and procedures for itself and for its Affairs Committees.

## **Article 58**

The Council of State and the Central Organs of State Power shall be responsible to the Pyithu Hluttaw.

## **Article 59**

- (a) If need should arise to arrest any member of the Pyithu Hluttaw while it is in session, reliable evidence in support of such need shall be produced before the Panel of Chairmen. No such arrest shall be made without the prior approval of the Panel of Chairmen.
- (b) If need should arise to arrest any member of the Pyithu Hluttaw belonging to any organ of the Pyithu Hluttaw, while such organ is in

session, reliable evidence in support of such need shall be produced before the Council of State. No such arrest shall be made without the prior approval of the Council of State.

- (c) If any member of the Pyithu Hluttaw is arrested while the Pyithu Hluttaw or any organ of the Assembly to which he belongs is not in session the arrest and reliable evidence in support thereof shall be submitted to the Council of State as soon as possible.

### **Article 60**

All deliberations and actions in sessions of the Pyithu Hluttaw or of the Organs of the Pyithu Hluttaw are absolutely privileged. No member shall be liable or punishable therefor, except under the laws, rules and regulations of the Pyithu Hluttaw.

### **Article 61**

When the Pyithu Hluttaw is not in session, the Central Organs of State Power shall reply to written questions submitted by any member of the Pyithu Hluttaw within three weeks from the date of receipt of the question.

### **Article 62**

The Pyithu Hluttaw may be dissolved if 75 per cent of all its members so resolve.

### **Article 63**

The Pyithu Hluttaw may dissolve any People's Council or People's Councils for any of the following reasons:-

- (a) violation of any provision of this Constitution,
- (b) actions undermining national unity,
- (c) endangering the stability of the State,

- (d) contravention of any resolution adopted by the Pyithu Hluttaw,
- (e) inefficient discharge of duties.

## **CHAPTER V**

### **COUNCIL OF STATE**

#### **Article 64**

The Pyithu Hluttaw shall form the Council of State with the following persons elected from among its members:-

- (a) one member each elected by the States and Divisions, from among members of the Pyithu Hluttaw of the State or Division concerned,
- (b) members elected by the members of the Pyithu Hluttaw from among themselves, equal in number to the number of representatives elected under Clause (a) of this Article, and
- (c) the Prime Minister.

#### **Article 65**

Members of the Council of State elected under Clauses (a) and (b) of Article 64 shall elect from among themselves the Chairman and the Secretary of the Council of State and shall obtain the approval of the Pyithu Hluttaw for such election.

#### **Article 66**

The Chairman of the Council of State shall be the President of the Republic.

#### **Article 67**

The term of office of the President is the same as that of the Council of State.

**Article 68**

The President of the Republic represents the State.

**Article 69**

If the Chairman of the Council of State is temporarily incapable of performing his duties, the Secretary of the Council of State shall perform the duties of the chairman, in addition to his own.

**Article 70**

The Council of State shall be responsible for giving effect to the provisions of this Constitution.

**Article 71**

The Council of State is responsible to the Pyithu Hluttaw. It shall report on its activities to the nearest session of the Pyithu Hluttaw.

**Article 72**

The term of office of the Council of State is the same as that of the Pyithu Hluttaw. The Council of State shall, on the expiry of the Pyithu Hluttaw, continue to perform its duties and functions till a new Council of State has been duly elected and constituted.

**Article 73**

The Council of State shall-

- (a) convene sessions of the Pyithu Hluttaw in consultation with the Panel of Chairmen of the Pyithu Hluttaw;
- (b) interpret the laws other than this Constitution for the purpose of uniformity;
- (c) promulgate laws enacted and rules made by the Pyithu Hluttaw;

- (d) submit lists of candidates from among the members of the Pyithu Hluttaw to enable the Pyithu Hluttaw to elect the Council of Ministers, the Council of People's Justices, the Council of People's Attorneys and the Council of People's Inspectors. [Members of the Council of State elected under Clauses (a) and (b) of Article 64 shall collectively submit such lists.];
- (e) submit a list of candidates from among the members of the Pyithu Hluttaw to enable the Pyithu Hluttaw to elect Affairs Committees of the Pyithu Hluttaw [Members of the Council of State elected under Clauses (a) and (b) of Article 64 shall collectively submit such lists];
- (f) make decisions concerning the establishment of diplomatic relations with foreign countries, severance of such relations and appointment and recall of diplomatic representatives;
- (g) make decisions concerning the acceptance of credentials of envoys of foreign States or their recall;
- (h) make decisions concerning the entering into, ratification or annulment of international treaties, or the withdrawal from such treaties with the approval of the Pyithu Hluttaw;
- (i) make decisions concerning international agreements;
- (j) appoint or remove Deputy Ministers;
- (k) decide on the temporary suspension from duty or attendance of any session of any member of the Pyithu Hluttaw against whom action for high treason may be called for, provided the approval therefor shall be obtained from the nearest session of the Pyithu Hluttaw;
- (l) appoint or dismiss heads of Bodies of Public Services;
- (m) abrogate the decisions and orders of the Central and Local Organs of State Power if they are not consistent with the law;

- (n) institute, confer or revoke titles, honours and awards;
- (o) grant pardons or amnesty;
- (p) perform other duties and exercise powers invested under this Constitution and other laws.

#### **Article 74**

The Council of State may make, if necessary, ordinances having the force of law, on matters other than those prescribed in Article 47, during the interval between sessions of the Pyithu Hluttaw. Such orders shall be submitted for approval to the nearest session of the Pyithu Hluttaw held within go days. If no session of the Pyithu Hluttaw is due within 90 days after the promulgation of such orders, an emergency session of the Pyithu Hluttaw shall be convened and approval obtained. Such orders shall cease to have effect from the date on which they are disapproved by the Pyithu Hluttaw.

#### **Article 75**

The Council of State may take suitable military action in the face of aggression against the State and action so taken shall be submitted to an emergency session of the Pyithu Hluttaw. If the situation is such that it is absolutely impossible to convene an emergency session of the Pyithu Hluttaw, the Council of State may continue all necessary military action. Such action shall be submitted for approval to the nearest session of the Pyithu Hluttaw.

#### **Article 76**

The Council of State may declare a state of emergency and promulgate martial law in specified areas or in the entire State, if an emergency affecting the defence and security of the State should arise. It may order mobilisation in certain areas or in the entire State. Such measures shall be submitted for approval to the nearest session of the Pyithu Hluttaw.

## **Article 77**

The Council of State may propose to the Pyithu Hluttaw the extension of the term of the Pyithu Hluttaw or of the People's Councils at different levels by six months at a time up to three times, if wars or natural disasters or conditions prejudicial to security render elections impossible though the regular term of the Pyithu Hluttaw or of the People's Councils has expired.

## **Article 78**

If an emergency arises in the entire State, the Council of State shall declare a state of emergency and convene an emergency session of the Pyithu Hluttaw. If a sufficient number of Pyithu Hluttaw members necessary to form a quorum fails to attend, the Council of State may take the following measures:-

- (a) the Council of State, the Central Organs of State Power, members of the Pyithu Hluttaw belonging to the Organs of the Pyithu Hluttaw and those members who are able to attend the session shall collectively perform the duties and functions of the Pyithu Hluttaw, and
- (b) a session of the Pyithu Hluttaw shall be convened as soon as the situation permits and approval obtained on the measures taken on behalf of the Pyithu Hluttaw.

## **Article 79**

The Council of State shall direct, supervise and co-ordinate the work of the Central and Local Organs of State Power and of the Bodies of Public Services in accordance with the laws, rules and resolutions passed by the Pyithu Hluttaw.

## **Article 80**

The Chairman of the Council of State shall sign the laws, rules and resolutions passed by the Pyithu Hluttaw as well as the orders promulgated by the Council of State. These shall be promulgated in the official Gazette.

**Article 81**

Bodies of Public Services may be constituted only by decision of the Council of State.

## **CHAPTER VI**

### **COUNCIL OF MINISTERS**

#### **Article 82**

The Council of Ministers shall be formed as follows:-

- (a) The Pyithu Hluttaw elects members of the Council of Ministers from among those members of the Pyithu Hluttaw whose names are on the list submitted collectively by members of the Council of State elected under Clauses (a) and (b) of Article 64.
- (b) The Council of Ministers elects a Prime Minister from among its members.
- (c) The Council of Ministers elects Deputy Prime Ministers from among the Ministers nominated by the Prime Minister.

#### **Article 83**

The Council of Ministers is the highest executive organ of the State.

#### **Article 84**

The Council of Ministers is responsible to the Pyithu Hluttaw when the Pyithu Hluttaw is in session and to the Council of State when the Pyithu Hluttaw is not in session.

#### **Article 85**

The Council of Ministers-

- (a) shall submit to the Council of State a list of those members of the Pyithu Hluttaw who should be appointed as Deputy Ministers;
- (b) may propose to the Council of State the termination of the service of a Deputy Minister, when necessary.

## **Article 86**

- (a) The term of office of the Council of Ministers is the same as that of the Pyithu Hluttaw. On the expiry of the term of the Pyithu Hluttaw, the Council of Ministers shall continue to perform its duties until a new Council of Ministers has been elected.
- (b) The term of office of Deputy Ministers is the same as that of the Council of Ministers.

## **Article 87**

The Council of Ministers-

- (a) is responsible for the management of executive, economic, financial, social, cultural and foreign affairs and national defence on behalf of the Pyithu Hluttaw in accordance with the principle of collective leadership;
- (b) implements the socialist economic system through the economic plan of all the national races;
- (c) implements the resolution of the Pyithu Hluttaw and the orders of the Council of State;
- (d) directs and co-ordinates the Ministries, organs of public administration and the executive Committees of the People's Council at different levels;
- (e) maintains the rule of law and upholds law and order;
- (f) perform such other duties as may be laid down by the Pyithu Hluttaw or the Council of State.

## **Article 88**

The Council of Ministers shall draw up, after making necessary adjustments, and submit the following to the Pyithu Hluttaw through the Council of State:-

- (a) long-term, short-term and annual economic plans;
- (b) annual budgets;
- (c) annual reports on the situation of the State;
- (d) reports that may be required from time to time.

### **Article 89**

The Council of Ministers shall be solely responsible for the submission of the following bills to the Pyithu Hluttaw through the Council of State for enactment into law:-

- (a) bills on economic plans;
- (b) bills on budgets;
- (c) bills on taxation.

### **Article 90**

Each Minister is responsible for the successful performance of the duties of those organs of public administration with which he is charged at their different levels.

### **Article 91**

A Minister is responsible to the Council of Ministers. A Deputy Minister is responsible to the Minister concerned.

### **Article 92**

The Council of Ministers may, with the approval of the Council of State, constitute such Bodies of Public Administrative Services at different levels as may be necessary and may appoint the required personnel to such Services, according to law.

**Article 93**

The Council of Ministers shall prescribe the duties and powers of organs of public administration at all levels.

**Article 94**

Organs of public administration at different levels shall be responsible to those of the next higher level as well as to the People's Councils concerned and be subject to their supervision and inspection.

**CHAPTER VII**  
**COUNCIL OF PEOPLE'S JUSTICES**

**Article 95**

- (a) The Pyithu Hluttaw elects members of the Council of People's Justices from among those members of the Pyithu Hluttaw whose names are on the list submitted collectively by members of the Council of State elected under Clauses (a) and (b) of Article 64.
- (b) Members of the Council of People's Justices shall elect a Chairman from among themselves.

**Article 96**

- (a) The following Judicial Organs shall be constituted in the State-
  - (1) The Council of People's Justices;
  - (2) State Judges' Committee, Divisional Judges' Committee;
  - (3) Township Judges' Committee;
  - (4) Ward Judges' Committee, Village-tract Judges' Committee;
- (b) The Pyithu Hluttaw shall prescribe, by law, the duties and powers of the Judicial Organs.

**Article 97**

The term of office of the Council of People's Justices shall be the same as that of the Pyithu Hluttaw. The Council of People's Justices shall, on expiry of the term of the Pyithu Hluttaw, continue to perform its duties and functions till a new Council of People's Justices has been elected.

**Article 98**

Justice shall be administered collectively by each judicial organ.

### **Article 99**

Military justice for members of the People's Defence Services may be administered according to law by a collective organ or by a single Judge.

### **Article 100**

Administrative tribunals may be formed according to Law.

### **Article 101**

Administration of justice shall be based on the following principles-

- (a) to protect and safeguard the Socialist system;
- (b) to protect and safeguard the interests of the working people;
- (c) to administer justice independently according to law;
- (d) to educate the public to understand and abide by the law;
- (e) to work within the framework of law as far as possible for the settlement of cases between members of the public;
- (f) to dispense justice in open court unless otherwise prohibited by law;
- (g) to guarantee in all cases the right of defence and the right of appeal under law;
- (h) to aim at reforming moral character in meting out punishment to offenders.

### **Article 102**

The Burmese language shall be used in the administration of justice. Languages of the national races concerned may also be used, when necessary, and arrangements shall then be made to make interpreters available.

### **Article 103**

The Council of People's Justices-

- (a) is the highest judicial organ of the State and;

- (b) shall form the necessary judicial Courts only with its members and administer justice.

#### **Article 104**

The Council of People's Justices shall be responsible to the Pyithu Hluttaw and shall report to the Pyithu Hluttaw on the state of the administration of justice. When the Pyithu Hluttaw is not in session, the Council of People's Justices shall be responsible to the Council of State.

#### **Article 105**

The Council of People's Justices shall supervise all judicial organs and courts within the State.

#### **Article 106**

- (a) The State People's Councils, the Divisional People's Councils, the Township People's Councils, the Ward People's Councils and the Village-tract People's Councils shall respectively form the State Judges' Committees, the Divisional Judges' Committees, the Township Judges' Committees, the Ward Judges' Committees and the Village-tract Judges' Committees with persons elected from among the members of the respective People's Councils.
- (b) Members of the Judges' Committees elected by the People's Councils at different levels under Clause (a) above shall each elect a Chairman from among their members.

#### **Article 107**

- (a) The Judges' Committees of the People's Councils at different levels shall form with its members, such Courts as may be necessary.

- (b) If the number of members of the Judges' Committees is not sufficient to form Courts under Clause (a) above Courts may be formed with members of the Peoples' Councils concerned under the leadership of a member of the Judges' Committee at the respective level. Other suitable citizens may be included in such Courts only if the number of members of the respective People's Council is not sufficient to form such Courts.

### **Article 108**

The term of office of State Judges' Committees, Divisional Judges' Committees, Township Judges' Committees, Ward Judges' Committees and Village-tract Judges' Committees shall be the same as that of the People's Councils concerned at different levels. On expiry of the term of the People's Councils at different levels, the respective Judges' Committee shall continue to perform its duties and functions until a new Judges' Committee has been elected.

### **Article 109**

The Council of People's Justices may, with the approval of the Council of State, form bodies of judicial services at different levels as may be necessary and appoint the required personnel to such services according to law.

### **Article 110**

The State Judges' Committees, the Divisional Judges' Committees, the Township Judges' Committees, the Ward Judges' Committees and the Village-tract Judges' Committees shall supervise the judicial organs and Courts formed by them and such Judges' Committees shall be responsible to the People's Councils concerned.

## **CHAPTER VIII**

### **COUNCIL OF PEOPLE'S ATTORNEYS**

#### **Article 111**

- (a) The Pyithu Hluttaw elects members of the Council of People's Attorneys from among those members of the Pyithu Hluttaw whose names are on the list submitted collectively by members of the Council of State elected under Clauses (a) and (b) of Article 64.
- (b) Members of the Council of People's Attorneys shall elect a Chairman from among themselves.

#### **Article 112**

The Council of People's Attorneys shall-

- (a) protect and safeguard the Socialist system;
- (b) protect and safeguard the rights and privileges of the working people;
- (c) tender legal advice to the Council of State and to the Council of Ministers;
- (d) report to the Council of State any acts of the Central and Local Organs of State Power and of the Bodies of Public Services which infringe the law;
- (e) undertake any other duties prescribed by law.

#### **Article 113**

The term of office of the Council of People's Attorneys is the same as that of the Pyithu Hluttaw. On expiry of the term of the Pyithu Hluttaw, the Council of People's Attorneys shall continue to perform its duties and functions till a new Council of People's Attorneys has been elected.

**Article 114**

The Council of People's Attorneys shall be responsible to the Pyithu Hluttaw. It shall report to the Pyithu Hluttaw on the progress of its work. It shall be responsible to the Council of State when the Pyithu Hluttaw is not in session.

**Article 115**

The Council of People's Attorneys may, with the approval of the Council of State, form as necessary, bodies of law services at different levels and shall also appoint the required law officers in accordance with law.

**Article 116**

The Council of People's Attorneys shall direct and supervise the Central law officers, State and Divisional law officers and Township law officers.

**Article 117**

The Pyithu Hluttaw shall by law prescribe the duties and powers of the Council of People's Attorneys, the Central, State and Divisional law officers and Township law officers.

## **CHAPTER IX**

### **COUNCIL OF PEOPLE'S INSPECTORS**

#### **Article 118**

- (a) The Pyithu Hluttaw elects members of the Council of People's Inspectors from among those members of the Pyithu Hluttaw whose names are on the list submitted collectively by members of the Council of State elected under Clauses (a) and (b) of Article 64.
- (b) Members of the Council of People's Inspectors shall elect a Chairman from among themselves.

#### **Article 119**

The Council of People's Inspectors is the highest organ of inspection of public undertakings.

#### **Article 120**

The Council of People's Inspectors shall be responsible to the Pyithu Hluttaw. It shall submit reports to the Pyithu Hluttaw on the progress of inspection of public undertakings. It shall be responsible to the Council of State when the Pyithu Hluttaw is not in session.

#### **Article 121**

- (a) The Council of People's Inspectors shall conduct inspections to determine whether the activities of the Local Organs of State Power, Ministries, Bodies of Public Services and such other organisations as may be prescribed by law prove beneficial to the interests of the public.

- (b) The Council of People's Inspectors shall report on its findings and measures taken by it, to the Pyithu Hluttaw through the Council of State.

### **Article 122**

The term of office of the Council of People's Inspectors is the same as that of the Pyithu Hluttaw. On expiry of the term of the Pyithu Hluttaw, the Council of People's Inspectors shall continue to perform its duties and functions till a new Council of People s Inspectors has been elected.

### **Article 123**

- (a) The State, Divisional and Township People's Councils shall form State, Divisional and Township Inspectorates with members of State, Divisional and Township People's Councils concerned.
- (b) Members of each Local Inspectorate shall elect a Chairman from among themselves.
- (c) The Pyithu Hluttaw shall by law prescribe the duties and powers of Local Inspectorates.

### **Article 124**

Each Local Inspectorate shall be responsible to the People's Council concerned.

### **Article 125**

The Local Inspectorates shall perform the following duties-

- (a) reporting to the People's Council concerned on the activities carried out during the interval between the meetings of the People's Council;
- (b) implementing tasks and submitting reports under the guidance of the People's Council concerned and of the organs at higher level.

**Article 126**

The term of office of the Local Inspectorates is the same as that of the People's Councils at different levels. On expiry of the People's Council, the Local Inspectorate shall continue to perform, its duties and functions until a new Local Inspectorate has been elected.

**Article 127**

The Council of People's Inspectors may, with the approval of the Council of State, form as necessary, Bodies of Accounts Services at different levels and shall also appoint the required accounts officers in accordance with law.

**Article 128**

The Central Accounts Office shall be responsible to the Council of People's Inspectors and accounts offices at different levels shall be responsible to the Inspectorates concerned and to the accounts offices at the higher level and shall submit to their supervision and inspection.

## **CHAPTER X**

### **PEOPLE'S COUNCILS**

#### **Article 129**

The People's Councils at different levels shall be formed in accordance with this Constitution and electoral laws with people's representatives elected directly by secret ballot by citizens having the right to vote in the area concerned.

#### **Article 130**

The number of people's representatives constituting the People's Councils at different levels as well as the Organs of the People's Council shall be prescribed by law.

#### **Article 131**

The term of office of the People's Councils at different levels shall be the same as the regular term of office of the Pyithu Hluttaw.

#### **Article 132**

The People's Councils at different levels are Local Organs of State Power and they shall implement the following tasks within the framework of law:-

- (a) economic and social affairs and public administration;
- (b) administration of justice;
- (c) local security, defence, maintenance of rule of law and order;
- (d) solidarity of the national races and preservation, protection and promotion of their traditional cultures;
- (e) Protection of the rights of the people in the area concerned and organising and urging them to perform their duties efficiently;
- (f) formulation of economic plans and their implementation;
- (g) preparation of annual budgets and their co-ordination;

- (h) construction, settlement and rural and urban development works;
- (i) communications;
- (j) directing, supervising and co-ordinating Local Organs of State Power and Bodies of Public Services relating to them;
- (k) providing leadership to the people and keeping in close contact with them to obtain their active participation in works of public interest;
- (l) preservation, protection and development of natural environment;
- (m) co-ordinating the affairs of Local Bodies of Public Services;
- (n) Performing such other necessary works of public interest as may be prescribed by law.

### **Article 133**

- (a) The People's Councils at different levels shall hold meetings as prescribed by law.
- (b) The Members of the Panel of Chairmen shall be elected from among the members of the People's Councils to preside over the regular meetings of the People's Councils at different levels.
- (c) The Members of the Panel of Chairmen shall preside over the meetings by rotation.
- (d) A member of a People's Council who is also a member of the Executive Committee, the Judges' Committee or the Inspectorate of such People's Council shall not be a member of the Panel of Chairmen of such Council. Should a member of the Panel of Chairmen be elected to the Executive Committee, the Judges' Committee or the Inspectorate he shall resign from the Panel of Chairmen.

- (e) The Panel of Chairmen shall continue to perform its duties till the next regular session of the People's Council is convened and a new Panel of Chairmen has been elected therefor.
- (f) The Executive Committee of a People's Council shall convene a meeting of the Council if 34 per cent of all the members of the Council so requisition. If the Executive Committee fails to convene the meeting within 30 days from the date of such a requisition, the Panel of Chairmen shall, as soon as possible, convene the meeting.

**Article 134**

The State People's Council, Divisional People's Council- and Township People's Council shall form People's Council Affairs Committees with members of the People's Council concerned.

**Article 135**

An Executive Committee shall be elected from among its members by each of the People's Councils at different levels, to implement the tasks decided upon by the People's Council. The members of the Executive Committee shall elect a chairman and a secretary from among themselves. The chairman and the secretary so elected shall concurrently be the Chairman and the Secretary of the People's Council concerned.

**Article 136**

The Chairman of each of the People's Councils shall concurrently be the Chairman of the State, Division, Township, Ward or Village-tract concerned.

**Article 137**

The Executive Committee of each of the People's Councils at different levels shall be responsible to the People's Council concerned.

### **Article 138**

The Executive Committees of the People's Councils at different levels shall perform the following duties-

- (a) convening meetings of the People's Council in consultation with the Panel of Chairmen;
- (b) promulgation and implementation of decisions, orders and directives of the People's Councils;
- (c) implementation of the tasks laid down by the Council of Ministers as well as by the People's Councils concerned;
- (d) maintaining intercommunications between the Executive Committees at different levels and co-ordinating their activities; directing and supervising of the Executive Committee at the lower level by the one at the higher level;
- (e) directing, supervising and co-ordinating the work of Local Bodies of Public Services, co-ordinating the affairs of Public Services;
- (f) submitting to the People's Council concerned, reports on the activities carried out during the interval between meetings of the People's Council;
- (g) the temporary suspension from duty or attendance of any session of any member of the People's Council against whom action for high treason may be called for, provided that approval therefor shall be obtained from the nearest session of the People's Council.

### **Article 139**

The term of office of the Executive Committees of the People's Councils at different levels is the same as that of the People's Councils. On the expiry of the

term of the People's Council, the Executive Committee shall continue to perform its duties and functions till a new Executive Committee has been elected.

#### **Article 140**

- (a) If need should arise to arrest any member of a People's Council in session, reliable evidence in support of such need shall be produced before the Panel of Chairmen of the People's Council. No arrest shall be made without the prior approval of the Panel of Chairmen of the People's Council concerned.
- (b) If need should arise to arrest any member of an organ People's Council, while such organ is in session, reliable evidence in support of such need shall be produced before the Executive Committee concerned. No arrest shall be made without the prior approval of the Executive Committee.
- (c) If any member of a People's Council is arrested while the People's Council or any of its organs is not in session, reliable evidence in support of such arrest shall be produced before the Executive Committee as soon as possible.

#### **Article 141**

All deliberations and actions at the meetings of a People's Council and of any of its organs are absolutely privileged. No member shall be liable or punishable therefor except under the laws, rules and bye-laws of the People's Council.

#### **Article 142**

Members of the People's Councils shall maintain contacts with their electorate and shall report back on their activities and keep them informed from time to time on questions of policy.

**Article 143**

Members of the People's Councils shall seek, and submit, the wishes, opinions and proposals of the people to the People's Council concerned and work for their realisation.

**Article 144**

The People's Councils may report on local matters of importance and submit advice for the benefit of the public, from the lower to the higher levels of the People's Councils, up to the Council of State.

## CHAPTER XI

### FUNDAMENTAL RIGHTS AND DUTIES OF CITIZENS

#### Article 145

- (a) All persons born of parents both of whom are nationals of the Socialist Republic of the Union of Burma are citizens of the Union.
- (b) Persons who are vested with citizenship according to existing laws on the date this Constitution comes into force are also citizens.

#### Article 146

Citizenship, naturalisation and revocation of citizenship shall be as prescribed by law.

#### Article 147

All citizens are equal before the law irrespective of race status official position wealth, culture birth religion or sex.

#### Article 148

Every citizen shall have the right to-

- (a) enjoy the benefits derived from his labour in proportion to his contribution in manual or mental labour and diligence;
- (b) freely undertake any vocation permitted by the State within the framework of the Socialist economy;
- (c) settle and reside in any place within the State according to the law.

#### Article 149

Every citizen in sickness shall have the right to medical treatment as arranged by the State.

### **Article 150**

Every working citizen has the right to-

- (a) rest and recreation,
- (b) fixed working hours and leave as prescribed by law.

### **Article 151**

- (a) Every working citizen shall e enjoy benefits as prescribed by law for injury due to occupational accidents or when disabled or sick or old.
- (b) Heirs to any working citizen shall e enjoy benefits as prescribed by law on his death.

### **Article 152**

- (a) Every citizen shall have the right to education.
- (b) Burmese is the common language Languages of the other national races may also be taught.
- (c) Every citizen shall be given bask education which the State prescribes by law as compulsory.

### **Article 153**

- (a) Every citizen shall have the right to freely conduct scientific research, work with creativity and initiative to develop the arts, literature and other branches of culture.
- (b) Every citizen shall have the right to freely use one's language and literature follow one's customs, culture and traditions and profess the religion of his choice The exercise of this right shall not, however, be to the detriment of national solidarity and the socialist social order which are the basic requirements of the entire Union Any particular action in this respect which might adversely affect the interests of one

or several other national races shall be taken only after consulting with and obtaining the consent of those affected.

- (c) Notwithstanding the rights enjoyed under Clauses (a) and (b) acts which undermine the unity and solidarity of the national races, national security or the socialist social order are prohibited. Persons who violate this prohibition shall be punished according to law.

#### **Article 154**

- (a) Women shall enjoy equal political, economic, social and cultural rights as men.
- (b) Mothers, children and expectant mothers shall enjoy those rights prescribed by law.
- (c) Children born of citizens shall enjoy equal rights.
- (d) Women shall enjoy freedoms and rights guaranteed by law as regards marriage, divorce, partition of property, succession and custody of their children.

#### **Article 155**

Every citizen shall have the right-

- (a) subject to the provisions of this Constitution, to elect and be elected to the Pyithu Hluttaw and the People's Councils at different levels;
- (b) to submit in accordance with law a list of candidates for election as people's representatives to the Pyithu Hluttaw and the People's Councils at different levels;
- (c) to recall in accordance with law people's representatives elected to the Pyithu Hluttaw and the People's Councils at different levels.

### **Article 156**

- (a) Every citizen shall have the right to freedom of thought, and of conscience, and to freely profess any religion.
- (b) Notwithstanding the rights and freedoms granted under Clause (a), the State may enact laws in the interests either of the working people or of law and order.
- (c) Religion and religious organisations shall not be used for political purposes. Laws shall be enacted to this effect.

### **Article 157**

Every citizen shall have freedom of speech, expression and publication to the extent that the enjoyment of such freedom is not contrary to the interests of the working people and of socialism.

### **Article 158**

Every citizen shall have the right freely to take part in political, social, class and mass organisations permitted by law and to enjoy freedom of association, assembly and procession. The State shall provide necessary assistance to the people to enable them to enjoy fully these rights and freedoms.

### **Article 159**

- (a) Personal freedom and security of every citizen shall be guaranteed.
- (b) No citizen shall be placed in custody for more than 24 hours without the sanction of a competent judicial organ.
- (c) The State shall be responsible for the protection, in accordance with law, of citizens of the Socialist Republic of the Union of Burma who are abroad.

### **Article 160**

The privacy and security of the home, property, correspondence and other communications of citizens shall be protected by law subject to the provisions of this Constitution.

### **Article 161**

Every citizen's income, savings, property and residential buildings lawfully earned and acquired by his diligence and manual and mental contribution, instruments of production permitted to be owned within the framework of the socialist economic system, and other lawful possessions shall be protected by law.

### **Article 162**

The right of every citizen to inheritance shall be recognised by law.

### **Article 163**

- (a) Every citizen shall fully enjoy the rights provided by this Constitution.
- (b) Laws shall be enacted to ensure the most expeditious and effective protection of the rights of citizens and prevent their violation.

### **Article 164**

- (a) Every citizen shall have the right to lodge complaints concerning their grievances to the competent organ of State power.
- (b) The organ of State power shall investigate the complaints expeditiously and take such action as in be necessary.

### **Article 165**

The right to sue for compensation any member of an organ of State power or any of the organs of State power or any public servant or any body of Public

Services for abuse of authority entrusted by the people in violation of the rights or interests of any citizen shall be guaranteed and prescribed by law.

### **Article 166**

Every citizen shall be under a duty in the exercise of his rights and freedom to abstain from undermining any of the following-

- (a) the sovereignty and security of the State;
- (b) the essence of the socialist system prescribed by this Constitution;
- (c) the unity and solidarity of the national races;
- (d) public peace and tranquillity;
- (e) public morality.

### **Article 167**

- (a) Laws may be enacted imposing necessary restriction on the rights and freedoms of citizens to prevent in infringements of the sovereignty and security of the State the essence of the socialist system prescribed by this Cons the unity and solidarity of the national races public pence and tranquillity or public morality.
- (b) Such a preventive e law shall provide that the restrictive order shall only be made collectively by a body and that the order shall be regularly reviewed and modified as necessary and that e a aggrieved person shall have the right of appeal to a higher organ.

### **Article 168**

Every citizen shall be under a duty to abide by the provisions of this Constitution as well as the laws work discipline and local rules made for the building of a socialist society and discharge efficiently such duties as may be assigned to him by the State.

**Article 169**

Every citizen shall be under a duty to protect nationalised property co-operative owned property and public property and strive to the best of his ability for socialist capital accumulation for strengthening the defensive capacity of the State and enhancing the standards of living of the people.

**Article 170**

Every citizen shall be under a duty to protect and safeguard the independence sovereignty and territorial integrity of the Socialist Republic of the Union of Burma. This is a noble duty.

**Article 171**

Every citizen shall in accordance with law-

- (a) undergo military training, and
- (b) undertake military service for the defence of the State.

**Article 172**

Every citizen shall be under a duty to pay taxes and duties as prescribed by law.

## **CHAPTER XII**

### **ELECTORAL SYSTEM**

#### **Article 173**

The basic aims of the electoral system are as follows-

- (a) to elect people's representatives who will truly represent the working people;
- (b) to secure a broad participation of citizens in the electoral process;
- (c) to elect Organs of the Pyithu Hluttaw and of the People's Councils at different levels that will truly represent the working people.

#### **Article 174**

- (a) Citizens shall directly elect people's representatives by secret ballot.
- (b) Every citizen who has attained the age of eighteen years shall have the right to vote.
- (c) All citizens who have the right to vote shall enjoy equal voting rights.

#### **Article 175**

Constituencies for the election of people's representatives to the Pyithu Hluttaw and the People's Councils at different levels shall be formed as follows-

- (a) constituency for Ward or Village-tract People's Council;
- (b) constituency for Township People's Council;
- (c) constituency for State or Divisional People's Council;
- (d) constituency for the Pyithu Hluttaw.

#### **Article 176**

- (a) Constituencies for the Pyithu Hluttaw shall be delimited on township basis.
- (b) Each township shall elect one representative to the Pyithu Hluttaw.

- (c) Townships with large populations shall, in addition to the right granted under Clause (b), elect representatives in proportion to population as prescribed by electoral law.
- (d) Additional members of the Pyithu Hluttaw shall, by law, be allotted to States or Divisions having less than 10 townships and less than 10 lakhs in population.

### **Article 177**

Persons having the right to vote and possessing the following qualifications are eligible to stand for election as people's representatives to the Pyithu Hluttaw and to the People's Councils at different levels-

- (a) being a citizen born of parents both of whom are also citizens;
- (b) having attained the age of 20 years to stand for election to Ward, Village-tract and Township People's Councils;
- (c) having attained the age of 24 years to stand for election to State and Divisional People's Councils;
- (d) having attained the age of 28 years to stand for election to the Pyithu Hluttaw.

### **Article 178**

The following persons shall not have the right to vote or to stand for election-

- (a) members of religious orders, and
- (b) persons disqualified by electoral law.

### **Article 179**

The Burma Socialist Programme Party, in consultation with mass and class organisations formed under its leadership and with the electorate of the constituency concerned, and respecting their wishes, shall submit lists of

candidates for election as people's representatives to the Pyithu Hluttaw and to the People's Councils at different levels.

### **Article 180**

A candidate for election as a people's representative-

- (a) shall stand for election to the Pyithu Hluttaw to the People's Council at one level only and
- (b) from only one constituency.

### **Article 181**

- (a) The elections of people's representatives to the Pyithu Hluttaw and the People's Councils at different levels shall be valid only if more than half of all the persons from the respective constituencies having the right to vote have cast their votes.
- (b) A candidate for election as a people's representative shall be duly elected only if he obtains more than half of the votes cast in an election found valid under Clause (a) above.

### **Article 182**

- (a) The Pyithu Hluttaw shall form an Election Commission six months before the expiry of the terms of the Pyithu Hluttaw and the People's Councils for the purpose of electing a new Pyithu Hluttaw and new People's Councils at different levels.
- (b) The Council of State shall submit to the Pyithu Hluttaw, a list of names of citizens who are qualified by law, other than members of the Council of State and of the Council of Ministers, from among whom the Election Commission may be formed.

- (c) The Pyithu Hluttaw which decides to dissolve itself under Article 62, shall form, in accordance with Clause (b), an Election Commission for the election of a new Pyithu Hluttaw.
- (d) Elections for the Pyithu Hluttaw and the People's Councils at different levels shall be held as prescribed by law, prior to the expiry of the terms of the Pyithu Hluttaw and the respective People's Councils.
- (e) Sessions of the new Pyithu Hluttaw and of the new People's Councils at different levels shall be converted with the newly elected people's representatives on the date of expiry of the term of the old Pyithu Hluttaw and the old People's Councils.

### **Article 183**

- (a) If the Pyithu Hluttaw or any People's Council is dissolved before the expiry of its term elections shall be held as prescribed by law and sessions of the Pyithu Hluttaw or of the People's Council concerned shall be convened.
- (b) If any State, Divisional or Township People's Council is dissolved, the Council of State shall form with suitable citizens, an Executive Committee, a Committee of Judges and a Local Inspectorate and temporarily assign duties to them pending the election of the respective new People's Council.
- (c) If a Ward or Village-tract People's Council is dissolved, the Council of State shall form with suitable citizens, an Executive Committee and a Committee of Judges and temporarily assign duties to them pending the election of the respective new People's Council.

#### **Article 184**

Expenses incurred in the elections of people's representatives to the Pyithu Hluttaw and to the People's Councils at different levels shall be met out of State funds.

#### **Article 185**

- (a) If the situation is not yet ripe for the election of any State, Divisional or Township People's Council, the Council of State shall form, with suitable citizens, an Executive Committee, a Committee of Judges and a Local Inspectorate and temporarily assign duties to them for the purpose of performing the functions of the People's Council concerned.
- (b) If the situation is not yet ripe for the election of any Ward or Village-tract People's Council, the Council of State shall form with suitable citizens, an Executive Committee and a Committee of Judges and temporarily assign duties to them for the purpose of performing the functions of the People's Council concerned.

#### **Article 186**

The Pyithu Hluttaw shall enact such laws as may be necessary in connection with the election of people's representatives.

## **CHAPTER XIII**

### **RECALL, RESIGNATION AND REPLACEMENT**

#### **Article 187**

Any organ of State or the people who have elected and assigned duties to a people's representative or an organ wishing to recall such representative or organ for any of the following reasons, shall have the right to do so in accordance with law-

- (a) violation of any provision of the Constitution;
- (b) inefficient discharge of duties or
- (c) misbehaviour.

#### **Article 188**

Any people's representative who has been elected, or any representative who has been assigned duties in any organ of the Pyithu Hluttaw or of any People's Council, may submit his resignation to the respective organ in accordance with law.

#### **Article 189**

A vacancy arising for any reason in the Pyithu Hluttaw or in any People's Council at any level or in an organ of the Pyithu Hluttaw or the Council concerned shall be filled by election in accordance with law.

## **CHAPTER XIV**

### **STATE FLAG, STATE SEAL, NATIONAL ANTHEM, AND STATE CAPITAL**

#### **Article 190**

The State Flag shall be as shown below:- [Image pending].

[ The flag has a red background with a blue rectangle top left containing 14 white stars surrounding a white wheel with 15 outward-pointing cogs, at the centre of which is a yellow rice stalk - unofficial description]

#### **Article 191**

State Seal shall be as shown below: [image pending]

#### **Article 192**

The Pyithu Hluttaw shall prescribe the National Anthem Until a new National Anthem is prescribed the present National Anthem shall be used.

#### **Article 193**

The capital of the Republic is Rangoon.

#### **Article 194**

(a) The Preamble of this Constitution Articles I and 4 of Chapter I Articles 5, 6, 7, 8, 9, II, I2, I4, I8 and 2I of Chapter II Articles 28, 29 and 32 of Chapter III Articles 4I, 44 and 46 of Chapter IV and Article I94 of Chapter XV shall be amended with the prior approval of 75 per cent of all the members of the Pyithu Hluttaw in a nation-wide referendum only with a majority vote of more than half of those who have the right to vote.

- (b) Provisions other than those mentioned in Clause (a) shall be amended only with a majority vote of 75 per cent of all the members of the Pyithu Hluttaw.
- (c) Members of the Pyithu Hluttaw may submit to the Pyithu Hluttaw motions for amending this Constitution.
- (d) If a People's Council wishes to submit a motion for amending this Constitution such a motion shall be submitted stage by stage from the lower to the higher levels and finally to the Pyithu Hluttaw.

## **CHAPTER XVI**

### **GENERAL PROVISIONS**

#### **Article 195**

This Constitution shall come into force throughout the Union after its adoption in a nation-wide referendum by more than half of all the people who have the right to vote.

#### **Article 196**

The Revolutionary Council of the Union of Burma shall, continuing to exercise State sovereignty, carry out during the interval between the coming into force of this Constitution and the day the first session of the Pyithu Hluttaw is convened, all the functions of the Pyithu Hluttaw under the Constitution. The work done by the Revolutionary Council to bring the Constitution into force shall be deemed to have been carried out in accordance with this Constitution.

#### **Article 197**

Interpretation of the preamble, articles, clauses, words and expressions contained in this Constitution shall be based only on the Burmese text.

#### **Article 198**

Burmese shall be used as the official language for the purpose of uniformity and clarity in communications between the higher and lower level organs of the State and between such organs at the same level. If necessary the language of the national race concerned may be used.

#### **Article 199**

All policy guidelines, laws, rules, regulations, notifications, proclamations, measures, responsibilities and rights of the Revolutionary Council of the Union of Burma shall devolve on the Socialist Republic of the Union of Burma.

## **Article 200**

- (a) In interpreting the expressions contained in this Constitution, reference shall be made to the Interpretation Law promulgated by the Revolutionary Council of the Union of Burma.
- (b) Amendments to and further interpretation of expressions contained in the Law mentioned in Clause (a), shall only be made by the Pyithu Hluttaw.
- (c) The validity of the acts of the Council of State, or of the Central or Local Organs of State Power under this Constitution shall only be determined by the Pyithu Hluttaw.

## **Article 201**

The Pyithu Hluttaw may publish interpretations of this Constitution from time to time as may be necessary.

## **Article 202**

- (a) This Constitution is the basic law of all laws of the State.
- (b) Existing laws and rules shall remain in force in so far as they are not contrary to this Constitution until and unless they are repealed or amended by the Pyithu Hluttaw.
- (c) Existing regulations, bye-laws, notifications, orders, directives and procedures shall remain in force in so far as they are not contrary to this Constitution until and unless they are repealed or amended by the Council of State.
- (d) Existing laws and rules shall be repealed or amended by the Pyithu Hluttaw to bring them into consonance with this Constitution.

- (e) Existing regulations, bye-laws, notifications, orders, directives and procedures shall be repealed or amended by the Council of State to bring them into consonance with this Constitution.
- (f) Existing laws, rules, regulations, bye-laws, notifications, orders, directives, and procedures shall, pending their repeal or amendment, be interpreted and acted upon by the Central and Local- Organs of State Power in the spirit of this Constitution.
- (g) The Bodies of Public Services shall perform their duties in the spirit of this Constitution.
- (h) All functioning organs and all public servants and workers serving under the Revolutionary Council of the Union of Burma on the day this Constitution comes into force shall continue in their functions unless otherwise prescribed by the Council of State.

### **Article 203**

- (a) The Council of State and the Central Organs of State Power may, subject to this Constitution and to laws, rules and resolutions passed by the Pyithu Hluttaw, promulgate such regulations, bye-laws, orders, directives and procedures as may be necessary.
- (b) The Local Organs of State Power may, subject to this Constitution and to laws, rules and resolutions passed by the Pyithu Hluttaw and to regulations, bye-laws, orders, directives and procedures promulgated by the respective Central Organs of State Power, promulgate such orders, directives and procedures for the respective local areas as may be necessary.

## **Article 204**

- (a) Members of the Pyithu Hluttaw, the Council of State, the Council of People's Justices, the Council of People's Attorneys and the Council of People's Inspectors shall have the right to submit to the Pyithu Hluttaw draft legislation on matters other than those mentioned in Article 89.
- (b) The Council of Ministers shall have the right to submit to the Pyithu Hluttaw draft legislation on matters mentioned in Article 89 as well as on other matters.
- (c) The People's Councils at different levels may submit draft legislation on matters other than those mentioned in Article 89, stage by stage from the lower to the higher levels of the People's Councils and finally to the Pyithu Hluttaw.

## **Article 205**

The Burma Socialist Programme Party, mass and class organisations formed under its leadership, and the working people may submit suggestions and advice to the organs of State power at different levels, on legal matters, economic planning, the annual budget and other matters.

## **Article 206**

- (a) Members of the Council of State, and of the Council of Ministers shall not serve on any other Organ of State Power other than the organ to which they belong, except in cases provided for in Clause (b) of Article 54 and in Clause (c) of Article 64.
- (b) Members of the Council of People's Justices, of the Council of People's Attorneys and of the Council of People's Inspectors shall not

serve on any Organ of State Power other than the organ to which they belong or on any other Organ of the Pyithu Hluttaw.

- (c) Members of the Executive Committee and of tile Inspectorates of the People's Councils at the State, Divisional and Township levels shall not serve on any Local Organ of State Power other than the organ to which they belong or on any Affairs Committee.
- (d) Members of the Committee of Judges of the People's Councils at different levels shall not serve on any Local Organ of State Power other than the organ to which they belong. They may, however, serve on the Affairs Committees of the People's Council concerned.

#### **Article 207**

The number of people's representatives which shall constitute the quorum at meetings of the Pyithu Hluttaw and the People's Councils at different levels shall be 75 per cent of all the people's representatives.

#### **Article 208**

The Council of State or an Affairs Committee of the Pyithu Hluttaw may invite any Central Organ of State Power to attend and answer questions, and such organ shall be under a duty to respond.

#### **Article 209**

- (a) Should the Pyithu Hluttaw or any People's Council at any level be dissolved before the expiry of its regular term, the term of office of the newly elected Pyithu Hluttaw or People's Council shall be for the remaining period of the term of the dissolved Pyithu Hluttaw or People's Council.

- (b) Should any People's Council be formed after the formation of the Pyithu Hluttaw, the term of such People's Council shall be the same as the regular term of the Pyithu Hluttaw.

P.P.C. 87II/74/2.5.

[This text is derived from/checked against the versions contained in "Democracy and Politics in Burma" (NCGUB, 1993); "Constitutions of the Countries of the World: Union of Myanmar (formerly Union of Burma)" Oceanea Publications Inc.,1990; and "The Constitution of the Socialist Republic of the Union of Burma" UNHCR 2001.]