

Burmese Constitution, 1947

CHAPTER I

Form of State

1. Burma is a **Sovereign Independent Republic** to be known as "the Union of Burma."
2. The Union of Burma shall comprise the whole of Burma, including - (i) All the territories that were heretofore governed by His Britannic Majesty through the Governor of Burma, and
(ii) the Karenni States.
3. The sovereignty of the Union resides in the people.
4. **All powers, legislative, executive and judicial, are derived from the people** and are exercisable on their behalf by, or on the authority of, the organs of the Union or of its constituent units established by this Constitution.
5. The territories that were heretofore known as the Federated Shan States and the Wa States shall form a constituent unit of the Union of Burma and be hereafter known as "the Shan State."
6. The territories that were heretofore known as the Myitkyina and Bhamo Districts shall form a constituent unit of the Union of Burma and be hereafter known as "the Kachin State."
7. The territories that were heretofore known as the Karenni States, viz., Kantarawaddy, Bawlake and Kyebogyi, shall form a constituent unit of the Union of Burma and be hereafter known as "the Kayah State."
8. All powers, legislative, executive and judicial, in relation to the remaining territories of the Union of Burma shall, subject to the provisions of [sections 180 and 181] be exercisable only by, or on the authority of, the organs of the Union.

CHAPTER II Fundamental Rights

DEFINITION OF "STATE."

9. In this Chapter and in Chapters III and IV, the term "State" means the executive or legislative authority of the Union or of the unit concerned according as the context may require.

CITIZENSHIP.

10. There shall be but one citizenship throughout the Union; that is to say, there shall be no citizenship of the unit as distinct from the citizenship of the Union.

11. (i) Every person, both of whose parents belong or belonged to any of the indigenous races of Burma

(ii) every person born in any of the territories included within the Union, at least one of whose grand-parents belong or belonged to any of the indigenous races of Burma

(iii) every person born in any of the territories included within the Union, of parents both of whom are, or if they had been alive at the commencement of this Constitution would have been, citizens of the Union;

(iv) every person who was born in any of the territories which at the time of his birth was included within His Britannic Majesty's dominions and who has resided in any of the territories included within the Union for a period of not less than eight years in the ten years immediately preceding the date of the commencement of this Constitution or immediately preceding the 1st January 1942 and who intends to reside permanently therein and who signifies his election of citizenship of the Union in the manner and within the time prescribed by law, shall be a citizen of the Union.

12. Nothing contained in section 11 shall derogate from the power of the Parliament to make such laws as it thinks fit in respect of citizenship and alienage and any such law may provide for the admission of new classes of citizens or for the termination of the citizenship of any existing classes.

RIGHTS OF EQUALITY.

13. All citizens irrespective of birth, religion, sex or race are equal before the law; that is to say, there shall not be any arbitrary discrimination between one citizen or class of citizens and another.

14. There shall be equality of opportunity for all citizens in matters of public employment and in the exercise of carrying on of any occupation, trade, business or profession.

15. Women shall be entitled to the same pay as that received by men in respect of similar work.

RIGHTS OF FREEDOM.

16. No citizen shall be deprived of his personal liberty, nor his dwelling entered, nor his property confiscated, save in accordance with law.

17. There shall be liberty for the exercise of the following rights subject to law, public order and morality:

(i) The right of the citizens to express freely their convictions and opinions

(ii) The right of the citizens to assemble peaceably and without arms.

(iii) The right of the citizens to form associations and unions. Any association or organization whose object or activity is intended or likely to undermine the Constitution is forbidden.

(iv) 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.

18. Subject to regulation by the law of the Union trade, commerce and intercourse among the units shall be free: Provided that any unit may by law impose reasonable restrictions in the interests of public order, morality, health or safety.