

**The Principles laid down to serve as bases in prescribing State Fundamental Principles**

**In connection with the State, it is laid down that -**

1. Myanmar Naing-Ngan is a sovereign, independent nation;
2. the State shall be known as Pyidaungsu Thamada Myanmar Naing-Ngan Daw;
3. sovereign power of the State is derived from the citizens and is in force in the whole country;
4. the territorial boundary of the State is as it is on the day this State Constitution comes into force

**In connection with the aims and objectives of the State, it is laid down that -the State is consistently aimed at –**

5. non-disintegration of the Union,
6. non-disintegration of national solidarity,
7. perpetuation of sovereignty,
8. flourishing of a genuine multiparty democracy system,
9. further burgeoning of the noblest and worthiest of worldly values namely justice, liberty and equality in the State,
10. for the Tatmadaw to be able to participate in the national political leadership role of the State.

**In connection with multiparty democracy, it is stipulated that**

11. the State practices genuine multiparty democracy system.

**In connection with State structure, it is laid down that**

12. the Union is constituted by Pyidaungsu (Union) systems;
13. the existing seven divisions are designated seven regions and the existing seven states are designated seven states. Those seven regions and seven states are of equal status and authority;
14. the names of those seven regions and seven states are retained as they are at present;
15. if it is desired to change the name of a region or a state, it shall be done so with enactment of law after ascertaining the wishes of citizens residing in the region or state concerned;
16. in regions or states, self-administered areas are to be prescribed for national races who reside together in communities on the same common stretches of land in appropriate sizes of population, other than national races who have already got regions or states;
17. depending on size of population and inhabited area, they are to be prescribed as self-administered divisions or self-administered zones as suitable;
18. no part of the territory of the Union, namely regions, states and self-administered areas etc., shall ever secede from the Union.

**In connection with the Head of State, it is laid down that –**

19. the Head of State is the President of the Union;
20. the President of the Union shall be elected by presidential electoral college.

**In connection with separation and distribution of sovereign State power, it is laid down that –**

21. the three branches of State power, namely legislative power, executive power and judicial power are separated as much as possible and exert reciprocal control, check and balance among themselves;
22. the three branches of State power, so separated, are distributed among Pyidaungsu (Union), regions, states and self-administered areas.

**In connection with legislature, it is laid down that –**

23. the legislative power of the State is distributed among Pyidaungsu Hluttaw, Region Hluttaws and State Hluttaws, legislative power stipulated by the State Constitution shall be distributed to self-administered areas;
24. Pyidaungsu Hluttaw consists of two Hluttaws - one Hluttaw elected on the basis of population and the other one with equal number of representatives elected from regions and states;
25. there will be a Region Hluttaw in each of the seven regions and a State Hluttaw in each of the seven states;
26. Pyidaungsu Hluttaw, Region Hluttaws and State Hluttaws include Tatmadaw servicemen Hluttaw representatives nominated as such by the Defence Services Commander-in-Chief in numbers stipulated by the State Constitution
27. for national races with appropriate sizes of population, national race representatives are to be permitted to participate in legislatures of regions, states or self-administered areas concerned.

**In connection with executive branch, it is laid down that –**

28. the head of executive of the State is the President of the State;

29. the executive power of the State is distributed among the administrative organs of Pyidaungsu, regions and states; self-administered areas as stipulated by the State Constitution;
30. Pyidaungsu, regions, states, self-administered areas and district executive organs include Tatmadaw servicemen nominated by Defence Services Commander-in-Chief to undertake responsibilities of the defence, security, border administration etc,
31. for national races of which representatives are so permitted to participate in legislatures of regions, states or self-administered areas in accord with above paragraph (7) sub-paragraph (e), representatives are to be permitted to participate, mainly to undertake their national race affairs, in administration of respective region, state or self-administered area;
32. "The National Convention shall forthwith carry out matters included in above mentioned Paragraph (4) Sub-paragraphs (e) and (f) Paragraph (7) Sub-paragraph (e) and this Paragraph Sub-paragraph (d)".\*

\* 'Basic principle as amended as laid down by the plenary session of the National Convention held on 29-3-96

**In connection with the judiciary, it is laid down that –**

33. the judicial power of the State is distributed among Pyidaungsu Taya Hluttaw (Supreme Court), Region Taya Hluttaw (Region High Court), State Taya Hluttaw (State High Court) and law courts of different levels including law courts of self-administered areas;
34. in the Pyidaungsu is constituted one Pyidaungsu Taya Hluttaw Pyidaungsu Taya Hluttaw is the supreme law court of the State;
35. Pyidaungsu Taya Hluttaw has powers to issue writs;
36. a Region Taya Hluttaw is constituted in each of the regions and a State Taya Hluttaw is constituted in each of the states;
37. the following are stipulated as judicial principles-independent administration of justice in accord with law; administration of justice in public except where restricted by law; giving of right of defence and right of appeal by law in cases.

**In connection with the Tatmadaw, it is laid down that –**

38. the Tatmadaw is strong, modern and must be the sole existing Tatmadaw;
39. the Tatmadaw has the right to independently administer all affairs concerning the forces;
40. the Defence Services Commander-in-Chief is the Supreme Commander of all armed forces;
41. the Tatmadaw has the right to administer for participation of the entire people in State security and defence;
42. the Tatmadaw is mainly responsible for safeguarding non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty;
43. the Tatmadaw is mainly responsible for safeguarding the State Constitution

**In connection with citizens and citizens' fundamental rights and responsibilities, it is laid down that –**

44. all persons born of parents both of whom are nationals are citizens; all persons who have become citizens in accord with law on the date the State Constitution comes into force are citizens; and citizenship, naturalization and revocation of citizenship shall be as prescribed by law;
45. every citizen shall enjoy rights of equality, rights of liberty and rights of justice etc. as prescribed in the State Constitution;
46. there shall be no right to hold a citizen in detention for more than 24 hours without the permission of a law court;
47. every citizen has the duty to safeguard non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty;
48. every citizen is responsible to abide by and uphold the State Constitution;
49. every citizen shall have the duty to learn military service as prescribed by law;
50. every citizen shall be responsible to undergo military service as prescribed by law;
51. public peace and tranquility and prevalence of law and order is the responsibility of every citizen;
52. necessary law shall be enacted to make citizens' freedoms, rights, benefits, responsibilities and restrictions effective, firm and complete.

**In connection with the national races, it is laid down that –**

53. the State shall help develop language, literature, fine arts and culture of the national races;
54. the State shall help promote solidarity, mutual amity, and respect and mutual help among the national races;
55. the State shall help promote socio-economic development including education, health, economy, transport and communications of less developed national races.

**In connection with the peasantry it is laid down that –**

56. the State shall enact necessary law to protect the rights of the peasantry;
57. the State shall help the peasantry get equitable value for their agricultural produce.

**In connection with workers, it is laid down that –**

58. the State shall enact necessary laws to protect the rights of workers.

**In connection with intellectuals and intelligentsia, it is laid down that –**

59. the State shall help promote the interests of the intellectuals and intelligentsia.

**In connection with the State service personnel, it is laid down that –**

60. State service personnel shall be free from party politics;
61. the State shall enact necessary laws for State service personnel to have due security in service and sufficiency of food, clothing and shelter, for married women in service to get maternity benefits, and for welfare to ease livelihood of persons who have retired.

**In connection with national culture, it is laid down that –**

62. the State shall help for development, consolidation and preservation of national culture

**In connection with education and health, it is laid down that –**

63. The State shall earnestly strive to improve education and health of the people;
64. the State shall enact necessary law to enable the national people to participate in matters of education and health of the people;
65. the State shall implement free compulsory primary education system;
66. the State shall implement a modern education system that will promote all-around correct thoughts and good morals and contribute towards building of the nation,

**In connection with agriculture, it is laid down that**

67. the State shall provide inputs such as technology, investments, machinery, raw materials etc. as much as it can for changeover from manual to mechanized agriculture;

**In connection with industry, it is laid down that –**

68. the State shall provide inputs such as technology, investments, machinery, raw materials etc. as much as it can for development of industries,

**In connection with employment, it is laid down that –**

69. the State shall, as much as it can, help reduce unemployment among the people.

**In connection with mothers, children, the old and the infirm, it is laid down that –**

70. the State shall care for mothers and children, orphans, fallen Tatmadaw servicemen's children, the old and the infirm, and the disabled;
71. the State shall arrange for disabled Tatmadaw servicemen to be able to make a respectable livelihood and get free vocational training.

**In connection with the youths, it is laid down that –**

72. the State shall strive to imbue youths with strong and dynamic patriotic spirit, correct way of thinking and the five noble strengths.

**In connection with religion, it is laid down that –**

73. every citizen is equally entitled to freedom of conscience and the right freely to profess and practise religion subject to public order, morality or health and to the other provisions of the State Constitution;
74. the above right shall not include any economic, financial, political or other secular activities that may be associated with religious practice;
75. the freedom so guaranteed shall not debar the State from enacting laws for the purpose of social welfare and reform;
76. the State recognizes the special position of Buddhism as the faith professed by the great majority of the citizens of the State;
77. the State also recognize Islam, Christianity, Hinduism and Animism as some religions existing in the Union at the date of the coming into force of the State Constitution;
78. the State shall help and protect as much as it can the religions it recognizes;

79. the abuse of religion for political purposes is forbidden; and any act which is intended or is likely to promote feelings of hatred, enmity or discord between racial or religious communities or sects is contrary to the State Constitution and may be made punishable by law.

**In connection with the economy, it is laid down that –**

80. the State economic system shall be market economic system;

81. the State permits all economic forces such as the State itself, regional organizations, cooperative organizations, joint venture organisations and private concerns etc. to take part in economic activities for the development of national economy;

82. The State shall prevent acts that harm public interests through monopolization or manipulation of prices by an individual or group with intent to jeopardize fair competition in economic activities

83. the State shall strive towards uplift of living standards of the people and development of general investments;

84. the State shall assist to acquire technology, investments, machinery and raw materials etc. for development of national economy;

85. the State will not nationalize economic enterprises;

86. the State will not demonetize the currency that is legally put into circulation.

**In connection with the land, the waters, the atmosphere and natural resources, it is laid down that –**

87. the State is the ultimate owner of all the land, and natural resources above and below the ground, above and beneath the waters and in the atmosphere within its territorial boundary;

88. the State shall enact necessary law to supervise economic forces extraction and utilization of State owned natural resources;

89. the State shall permit citizens right of private property, right of inheritance, right of private enterprise, right of initiative and right of patent in accord with law.

**In connection with elections, it is laid down that –**

90. every citizen shall have the right to vote and to stand for election according to law;

91. voters concerned, shall have the right, in accord with provisions of the State Constitution, to recall elected people's representatives.

**In connection with political parties, it is laid down that –**

92. the State shall enact necessary law for systematic formation of political parties for flourishing of genuine multiparty democracy system.

**In connection with state of emergency, it is laid down that –**

93. when there arises a state of emergency characterized by inability to perform executive functions in accord with provisions of the State Constitution in a region or a state or a self-administered area, the President of the State is empowered to exercise executive power in that region, state or self-administered area and if necessary in doing so, the President of the State is empowered to exercise legislative powers concerning that region, state or self-administered area in accord with provisions of the State Constitution;

94. when there arises or there is sufficient reason to arise a state of emergency endangering life and property of the people in a region, a state or a self-administered area, the Tatmadaw has the right, in accord with provisions of the State Constitution, to preempt that danger and provide protection;

95. When there arises a state of emergency that could cause disintegration of the Union, disintegration of national solidarity and loss of national sovereignty, due to takeover of sovereign State power or attempts therefor by wrongful forcible means such as insurgency or violence, the Defence Services Commander-in-Chief has the right to take over and exercise State power in accord with provisions of the State Constitution.

**In connection with foreign affairs, it is laid down that –**

96. the State practises independent, active and non-aligned foreign policy, aims at world peace and friendly relations with nations, and upholds the principles of peaceful co-existence among nations;

97. the State never starts aggression against any nation;

98. no foreign troops are permitted to be deployed within the borders of the Union.

**In connection with punishments, it is laid down that –**

- 99. there is no right for any penal law to provide for retrospective effect;
- 100. there is no right to proscribe punishments that violate human dignity.

**In connection with the natural environment, it is laid down that –**

- 101. the State shall protect the natural environment

**In connection with general provisions, it is laid down that –**

- 102. Myanmar language is the official language;
- 103. the State fundamental principles are guidelines to be followed by the legislative. Hluttaws in enacting laws and in interpreting provisions of the State Constitution and other laws;
- 104. a Constitutional Tribunal shall be set up to interpret provisions of the State Constitution, to scrutinize whether or not laws enacted by Pyidaungsu Hluttaw, Region Hluttaws and State Hluttaws and functions of executive authorities of Pyidaungsu, regions, states and self-administered areas are in conformity with the State Constitution, to decide on disputes in connection with the State Constitution between Pyidaungsu and regions, between Pyidaungsu and states, between regions and states, among regions, among states, and between regions or states and self-administered areas and among self-administered areas themselves [and?] to perform other duties prescribed in the State Constitution.

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(b) when there arises or there is sufficient reason to arise a state of emergency endangering life and property of the people in a region, a state or a self-administered area, the Tatmadaw has the right, in accord with provisions of the State Constitution, to preempt that danger and provide protection;  
(c) when there arises a state of emergency that could cause disintegration of the Union, disintegration of national solidarity and loss of national sovereignty, due to takeover of sovereign State power or attempts therefor by wrongful forcible means such as insurgency or violence, the Defence Services Commander-in-Chief has the right to take over and exercise State power in accord with provisions of the State Constitution.
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