

Analysis and recommendations for 2008 Constitution

| Chapter | Section | Original Provision | Amend/delete | Reason(s) |
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| 1 | 6 (d) | Flourishing of a genuine, disciplined multi-party democratic system; | “disciplined” should be deleted | ‘Democracy’ doesn’t need any adjective. |
| 2 | 6 (f) | Enabling the Defense Services to be able to participate in the National political leadership role of the State. | It should be deleted | In Section (4), it said ‘The Sovereign power of the Union derived from the citizens and is in force in the entire country. National political leadership should not be for a service. |
| | 8 | The Union is constituted by the Union system. | It should be amended | The type of the Federal Union should be obvious. In the original provision, genuine Union system cannot be clearly defined. |
| | 14 | The Pyidaungsu Hluttaw, the Region Hluttaws and the State Hluttaws include the Defense Services personnel as Hluttaw representatives nominated by the Commander-in-Chief of the Defense Services in numbers stipulated by this Constitution. | It should be amended | It is against the democratic principles. Through negotiations, it should be amended step by step in order to have general harmony. |
| | 17 (c) | For National races of which representatives are so permitted to participate in legislature of Regions, States or Self-Administered Areas in accord with Section 15, such representatives are to be permitted to participate, mainly to undertake their National races affairs. | It should be amended | It is against the democratic principles. |
| | 20 (c) | The Commander-in-Chief of the Defence Services is the Supreme Commander of all armed forces. | It should be deleted | Police Force is seemed to be under the supervision of the Defence Services and it is not suitable for the vision of public administration and democratic principles. |

| Chapter | Section | Original Provision | Amend/delete | Reason(s) |
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| | 26 (a) | Civil Services personnel shall be free from party politics. | It should be deleted. | It is related only with regulations for civil servants. |
| | 39 | The Union shall enact necessary law to systematically form political parties for flourishing of a genuine, disciplined multi-party democratic system. | 'disciplined' should be deleted. | 'Democracy' doesn't need any adjective. |
| | 40 (c) | If there arises a state of emergency that could cause disintegration of the Union, disintegration of national solidarity and loss of sovereign power or attempts therefore by wrongful forcible means such as insurgency or violence, the Commander-in-Chief of the Defence Services has the right to take over and exercise State sovereign power in accord with the provisions of this Constitution. | The words ' with accord of Pyidaungsu Hluttaw ' should be added before the Commander-in-Chief of the Defence Services | It should be amended according to the principle that sovereign power derives from people. |
| 3 | The President and Vice-Presidents | | | |
| | 57 | The President and Vice-Presidents represent the Union | (s) from Presidents should be moved. | There should be only one Vice-President. |
| | 59 (c) | Shall be an elected person who has attained at least the age of 45; | It should be amended. | According to international standard, the age limit is 40. |
| | 59 (d) | shall be well acquainted with the affairs of the Union such as political, administrative, economic and military; | It should be amended. | Instead of 'acquaintance with the military affair', it should be 'acquaintance with security affairs'. The President should be elected openly in democratic way. There is no such restrictions in international elections. |
| | 59 (f) | Shall be himself, one of the parents, the spouse, one of the legitimate children or their spouse not owe allegiance to a foreign power, not be subject of a foreign power or citizen of a foreign country. They shall not be persons entitled to enjoy the rights and privileges of a subject of a foreign government or citizen of a foreign country. | It should be deleted. | Section 59 (b) is enough. There is no such restriction in other countries. There is no such restriction in 1947 or 1974 Constitutions. |

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| 60 (b) (3) | Group formed with the Defence Services personnel Hluttaw representatives nominated by the Commander-in-Chief of the Defence Services for the said two Hluttaws. | It should be deleted. | There should be only one Vice-President. |
| 60 (e) | The Presidential Electoral College comprising all the Pyidaungsu Hluttaw representatives shall elect by vote one of the three Vice-Presidents who are Presidential candidates, as the President. | 'The three Vice-Presidents' should be amended as 'two Presidents'. | There should be only one Vice-President. |
| 61 (a) (b) (c) | <p>The term of office of the President or the Vice-Presidents is five years.</p> <p>After the expiry of the incumbent term, the President and the Vice-Presidents shall continue their duties until the time the new President is duly elected.</p> <p>The President and the Vice Presidents shall not serve more than two terms.</p> | <p>(s) in Vice-Presidents should be deleted.</p> <p>(s) in Vice-Presidents should be deleted and amended as 'shall not serve more than one term'.</p> | <p>There should be only one Vice-President.</p> <p>It is not to repeat the dictatorship. It is not to encourage the people to cling to positions and power.</p> |
| 62 | The President and Vice-Presidents shall not be representatives of any Hluttaw. | (s) in Vice-Presidents should be deleted in the sections (62) to (69). | There should be only one Vice-President. |
| 63 | If the President or the Vice-Presidents are Hluttaw representatives, they shall be deemed to have resigned from their seats in that Hluttaw, and if the President or the Vice-Presidents are the Civil Services personnel, they shall be deemed to have resigned or retired from their offices from the day of their election. | | |
| 64 | If the President or the Vice-Presidents are members of a political party, they shall not take part in its party activities during their term of office from the day of their election. | | |
| 65 | <p>The President and the Vice-Presidents shall make an affirmation as follows:</p> <p>"I..... do solemnly and sincerely promise and declare that I will be loyal to the Republic of the Union of Myanmar and the citizens and hold always in esteem non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty.</p> | | |

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| | | office of the President falls vacant due to his resignation, death, permanent disability or any other cause. | has won the second highest votes in the Presidential election” should be deleted. | |
| | 73 (d) (f) | After the group of Hluttaw representatives concerned has elected a Vice-President, the Electoral College comprising all the Pyidaungsu Hluttaw representatives shall elect the President from among the three Vice-Presidents. If the office of a Vice-President becomes vacant before the expiry of the term by reason of his resignation, death, permanent disability or any other cause when the Pyidaungsu Hluttaw is in session, the President shall promptly intimate the Head of the Pyidaungsu Hluttaw to elect a Vice-President within seven days by the group of Hluttaw representatives concerned that elected the said Vice-President. | | |
| 4 | Legislature | | | |
| | 74 (a) (b) | The Pyidaungsu Hluttaw comprises of the following two Hluttaws: In accord with the provisions of Section 109, the Pyithu Hluttaw formed with Hluttaw representatives elected on the basis of township as well as population and Hluttaw representatives being the Defence Services Personnel nominated by the Commander-in-Chief of the Defence Services; In accord with the provisions of Section 141, the Amyotha Hluttaw formed with Hluttaw representatives elected in equal numbers from Regions and States and Hluttaw representatives being the Defence Services Personnel nominated by the Commander-in-Chief of the Defence Services; | It should be amended. | It is against the democratic principles. Through negotiations, it should be amended step by step in order to have general harmony. |
| | 109 (b) | Not more than 110 Pyithu Hluttaw representatives who are the Defence Services personnel nominated by the Commander-in-Chief of the Defence Services in accord with the law. | It should be amended. | Please see the reason for Session (14) |
| | 115 (c) | If there arises a need to study and submit other affairs, in addition to legislature, executive, national races affairs, economics, finance, social and foreign affairs, Hluttaw Committees may be formed with the | ‘Committees, commissions and organizations formed | It is to be in line with the Pyithu Hluttaw Law. |

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| | | Pyithu Hluttaw representatives for a limited time. | by Pyithu Hluttaw are Union level' should be added. | |
| 121 (k) | | Proviso: (ii) the expression 'State-owned land, housing, building, vehicles and property' does not include State-owned land, housing, building and apartments, other building and apartments, State-owned aircraft, trains, vessels and motor vehicles and property, so forth, which have been permitted by the Union to be used under an existing law or as required by duty, or leased from the Union on payment. | It should be deleted. | The State-owned materials should not be obtained or utilized directly or indirectly, free of charge. |
| 124 (a) | | The first regular session of the Pyithu Hluttaw shall be held by the State Peace and Development Council after the Constitution comes into operation. | It should be deleted. | Union Government has already been established. |
| 124 (b) | | The first regular sessions for the forthcoming terms of the Pyithu Hluttaw shall be held by the Speaker of the Pyithu Hluttaw who continues to perform his duties in accord with the provisions of the Constitution. | 'The first regular sessions for the forthcoming terms' should be replaced by 'every terms of Hluttaw' | It is to perform the task of holding the sessions of the Pyithu Hluttaw. |
| 141 (b) | | 56 Amyotha Hluttaw representatives who are the Defence Services personnel nominated by the Commander-in-Chief of the Defence Services in accord with the law, four representatives from each Region or State inclusive of relevant Union territories; | It should be amended. | Please see the reason for Session (14) |
| 147 (b) | | When the occasion arises to have studies made and submitted on defence and security matters or Military affairs, the Amyotha Hluttaw shall form the Defence and Security Committee with the Amyotha Hluttaw representatives who are the Defence Services personnel, for a limited time. The Defence and Security Committee so formed may, if necessary, be included suitable Amyotha Hluttaw representatives who are not the Defence Services personnel in accord with the volume of work. | It should be deleted. | "Representatives who are the Defence Services personnel nominated by the Commander-in-Chief of the Defence Services" are exclusively favoured. |
| 147 (c) | | If there arises a need to study and submit on other affairs, in addition to legislature, executive, national races affairs, economics, finance, social and foreign affairs, the Hluttaw Committees may be formed with the Amyotha Hluttaw representatives for a limited time. | 'Committees, commissions and organizations formed by Amyotha Hluttaw | It is to be in line with the Amyotha Hluttaw Law. |

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| 147 (d) | The Amyotha Hluttaw shall determine the number of members, duties, powers, rights, and term of the Amyotha Hluttaw Committees. | are Union level' should be added. | |
| 161 (d) | Representatives of the Region or State Hluttaw who are the Defence Services personnel nominated by the Commander-in-Chief of the Defence Services in accord with the law for an equal number of one-third of the total number of Hluttaw representatives elected under Sub-Sections (a) and (b) or (a) and (c). | It should be amended. | It is against the democratic principles. Through negotiations, it should be amended step by step in order to have general harmony. |
| 172 (a) (b) | The first regular session of the Region or State Hluttaw is the day of the commencement of the term of the Pyithu Hluttaw. The first regular sessions for the forthcoming terms of the Region or State Hluttaw shall be held by the Speaker of the Region or State Hluttaw who continues to perform his duties in accord with the provisions of the Constitution. | It should be deleted. 'The first regular sessions for the forthcoming terms' should be replaced by 'every terms of Hluttaw' . | The Union Government has already been established. It is to perform the task of holding the sessions of Hluttaws. |
| 188 | The Region or State Hluttaw shall have the right to enact laws for the entire or any part of the Region or State related to matters prescribed in Schedule Two of the Region or State Hluttaw Legislative List. | Instead of 'Schedule Two' , it should be 'Schedule Two, three and Five' | To set up 'Concurrent List between 'Pyidaungsu Hluttaw and State Hluttaw' and Concurrent List between 'State and Self-Administered Region'. |
| 196 | The legislative power relating to the matters listed in the Schedule Three for respective Divisions or Zones are allotted to the Self-Administered Division or the Self-Administered Zone Leading Bodies. | Instead of 'Schedule Three' , it should be 'Schedule Four, and Five' | To set up 'Concurrent List between 'State and Self-Administered Region'. |
| 198 (b) (d) | If any provision of the law enacted by the Region Hluttaw or the State Hluttaw is inconsistent with any provision of the law enacted by the Pyidaungsu Hluttaw, the law enacted by the Pyidaungsu Hluttaw shall prevail; If any provision of the law enacted by the Leading Body of the Self-Administered Division or the Self-Administered Zone is inconsistent with any provision of the law enacted by the Region Hluttaw or the State Hluttaw concerned, the law enacted by the Region Hluttaw or the State Hluttaw concerned shall prevail. | 'Except the laws enacted in accord with the Schedule Three' should be added. 'Except the laws enacted in accord with the Schedule Five' should be added. | To set up 'Concurrent List between 'Pyidaungsu Hluttaw and State Hluttaw'. To set up 'Concurrent List between 'State and Self-Administered Region'. |

| 5 | Executive | | |
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| 200 (b) | Vice Presidents; | (s) should be deleted. | There should be only one Vice-President. |
| 201 | <p>The National Defence and Security Council led by the President, to enable it to discharge the duties assigned by the Constitution or any law, shall be formed with the following persons:</p> <ul style="list-style-type: none"> (a) The President; (b) Vice-President; (c) Vice-President; (d) Speaker of the Pyithu; (e) Speaker of the Amyotha Hluttaw; (f) Commander-in-Chief of the Defence Services; (g) Deputy Commander-in-Chief of the Defence Services; (h) Minister for Defence; (i) Minister for Foreign Affairs; (j) Minister for Home Affairs; (k) Minister for Border Affairs; | <p>Vice-President should be deleted. Pyithu Hluttaw's Deputy Speaker should be included. Amyotha Hluttaw's Deputy Speaker should be included.</p> <p>(Remaining sessions will be changed in order)</p> | Deputy Speakers should be included as Vice President and Deputy Commander-in-Chief of the Defence Services are included. |
| 203 | The President shall be responsible to the Pyidaungsu Hluttaw. The Vice-Presidents shall be responsible to the President and also to the Pyidaungsu Hluttaw through the President. | (s) in Vice-Presidents should be deleted. | There should be only one Vice-President. |
| 204 (b) | The President has: The power to grant amnesty in accord with the recommendation of the National Defence and Security Council . | 'Pyidaungsu Hluttaw and' should be added before 'National Defence and Security Council' | There should be support of people's representatives. |
| 225 | In carrying out functions of the Region Government, the State Government, and the Leading Bodies of Self-Administered Division and Self-Administered Zone, the Union Government co-operates and co-ordinates with them to be effective and successful. | It should be amended as may co-operate and co-ordinate | 'co-operates and co-ordinates' indicates for all time. |

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| 226 (a) | The Union Government, with the exception of Constitutional disputes and the disputes over territorial re-delineation shall: Mediate and if necessary, decide , on disputes over administration between the Region and State, among Regions, among States, between Region or State and Self-Administered Area, among Self-Administered Areas; and | It should be amended as may decide . | 'Decide' indicates for all time. |
| (b) | Mediate and if necessary, decide , on dispute over administration between the Region or State and Union territory, between Self-Administered Area and Union territory. | It should be amended as may decide . | 'Decide' indicates for all time. |
| 229 (a) | The Financial Commission shall be formed with the following persons: (ii) Vice-Presidents Vice-Chairpersons | (s) should be deleted. | There is only one Vice-President. |
| 230 (a) | The budgets of the Union Ministries and Union level organizations are to be vetted by a Vice-President assigned by the President , and the estimated budgets of the Union level organizations including the Union Ministries are to be submitted to the Financial Commission. | 'assigned by the President' and 'a' should be deleted. | Because there is only one Vice-President. |
| (b) | The budgets of the Region or State are to be vetted by the other Vice-President assigned by the President , and the estimated budgets of the Region or State are to be submitted to the Financial Commission. | 'by the other Vice-President assigned by the President' should be deleted. | Only Regions/States' Prime Ministers should be responsible for it. |
| 232 (a) | The President shall appoint the Union Ministers who possess the following qualifications: (i) Person who has attained the age of 40 years ; | It should be amended as 'the age of 35 years' . | Capable young generations should be encouraged. |
| 232 (b) | In order to appoint the Union Ministers, the President shall: (i) select suitable persons who have qualifications prescribed in Sub-Section (a) from among the Hluttaw representatives or persons who are not Hluttaw representatives ; | 'Hluttaw representatives or persons who are not Hluttaw representatives' should be deleted. | There is no difference by putting this phrase in it. |
| 232 (d) | The appointment of a person as a Union Minister nominated by the President shall not be refused by the Pyidaungsu Hluttaw unless it can clearly be proved that the person concerned does not meet the qualifications of the Union Minister. | The whole paragraph should be deleted. | It is no longer needed. |
| (j) | (ii) The Defence Services personnel who are appointed as Union Ministers for the Ministries of Defence, Home Affairs and Border Affairs are not required to retire or resign from the Defence Services. | It should be amended as 'are considered as retired' . | For equality reason. They should be retired like other representatives or civil servants. |

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| 234 (a) | The President shall appoint the persons, from among Hluttaw representatives or from those who are not Hluttaw representatives , possessing the following qualifications, as Deputy Ministers to assist the Union Ministers: | 'from among Hluttaw representatives or from those who are not Hluttaw representatives' should be deleted. | It is not needed. |
| 235 (c) | (ii) shall co-ordinate with the Commander-in-Chief of the Defence Services if it relates to a Defence Services personnel who is a Minister or Deputy Minister to resign or remove from office. | The whole paragraph should be deleted. | For equality reason. |
| 237 (a) | The President, with the approval of the Pyidaungsu Hluttaw appoint a person, from among Hluttaw representatives or persons who are not Hluttaw representatives having the following qualifications as the Attorney-General of the Union to obtain legal advice and assign duties on legal matters: (iv) (dd) person who is, in the opinion of the President, as an eminent jurist, | 'from among Hluttaw representatives or persons who are not Hluttaw representatives' should be deleted. The whole paragraph should be deleted. | It is no longer needed. Jurists should not be considered based on the fact of being eminent. |
| 237 (b) | The appointment of a person as the Attorney-General of the Union by the President shall not be refused by the Pyidaungsu Hluttaw unless it can clearly be proved that the person concerned does not meet the qualification of the Attorney-General of the Union. | The whole paragraph should be deleted. | It is no longer needed. |
| 239 (a) | The President shall appoint, in his own volition, the persons from among the Hluttaw representatives or from among those who are not Hluttaw representatives who have the following qualifications, as Deputy Attorney General to assist the Attorney General of the Union: (iv) (dd) person who is, in the opinion of the President, as an eminent jurist, | 'from among the Hluttaw representatives or from among those who are not Hluttaw representatives' should be deleted. The whole paragraph should be deleted. | It is not necessary. Jurists should not be considered based on the fact of being eminent. |
| 242 (a) | The President, with the approval of the Pyidaungsu Hluttaw, shall appoint a person from among Hluttaw representatives or from among those who are not Hluttaw representatives , who has the following qualifications, as the Auditor-General of the Union so as to audit Union | 'from .. representatives' should be deleted. | It is not necessary. |

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| | | Budget and report thereon to the Pyidaungsu Hluttaw: (iv) (cc) person who is, in the opinion of the President, as an eminent accountant, statistician or economist. | The whole paragraph should be deleted | Economists should not be considered based on the fact of being eminent. |
| 242 | (b) | The person nominated by the President to be appointed as the Auditor-General of the Union shall not be refused by the Pyidaungsu Hluttaw unless it can clearly be proved that the person concerned does not meet the qualification to be the Auditor-General of the Union. | The whole paragraph should be deleted | |
| 244 | (a) | The President, with the approval of the Pyidaungsu Hluttaw, shall appoint a person from among Hluttaw representatives or from among those who are not Hluttaw representatives , who has the following qualifications, as the Deputy Auditor-General of the Union so as to audit Union Budget and report thereon to the Pyidaungsu Hluttaw: (iv) (cc) person who is, in the opinion of the President, as an eminent accountant, statistician or economist. | ‘from among Hluttaw representatives or from among those who are not Hluttaw representatives’ should be deleted. The whole paragraph should be deleted | It is not necessary. Economists should not be considered based on the fact of being eminent. |
| 248 | (c) | The President , with the approval of the Region or State Hluttaw concerned, may: (i) Specify the Region or State Ministries as may be necessary. Moreover, he may make changes and additions to the specified Ministries; (ii) Specify the number of the Ministers of the Region or State as may be necessary. Moreover, the specified number may be increased or decreased. | It should be amended as ‘Chief Minister of Region or State’ | It is for Region/State to have self-determination. |
| 261 | (b) | In order to appoint the Chief Minister of the Region or State concerned, the President shall: (i) Select a suitable Hluttaw representative who has the prescribed qualifications from among the Region or State Hluttaw representatives concerned; (ii) Submit the list of the elected Hluttaw representatives to the | ‘The President’ should be replaced with Hluttaw of Region/State concerned. It should be deleted. | Self-administration will be fulfilled by allowing Hluttaw of Regions/States concerned to select Chief Minister. (i) has already been |

| | | Region or State Hluttaw concerned for its approval. | | amended. |
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| | 261 | The President shall appoint the Hluttaw representative approved by the Region or State Hluttaw as the Chief Minister of the Region or State concerned. | It should be deleted. | (b) (i) has already been amended. |
| | (c) | | | |
| | (d) | The appointment of a person as a Chief Minister of the Region or State nominated by the President shall not be refused by the Region or State Hluttaw unless it can clearly be proved that the person concerned does not meet the qualifications of the Chief Minister of the Region or State. | It should be deleted. | (b) (i) has already been amended. |
| | (e) | The President has the right to submit again the list with a new name replacing the one who has not been approved by the Region or State Hluttaw for the appointment of the Chief Minister. | It should be deleted. | (b) (i) has already been amended. |
| | 262 | The Chief Minister of the Region or State shall : | | |
| | (a) | (i) select suitable persons who have prescribed qualifications under Sub-Section (a) of Section 261, from among the Region or State Hluttaw representatives or from among persons who are not Hluttaw representatives concerned; | 'from among the Region or State Hluttaw representatives or from among persons who are not Hluttaw representatives' should be deleted. | There is no difference between being a representative or not. |
| | (c) | The appointment of a person as a Minister of the Region or State nominated by the Chief Minister of the Region or State shall not be refused by the Region or State Hluttaw unless it can clearly be proved that the person concerned does not have the qualifications of the Minister of the Region or State. | It should be deleted. | It is no longer necessary. |
| | (e) | The Chief Minister of the Region or State shall submit the list of persons who are approved by the Region or State Hluttaw or Chairpersons of the Self-Administered Division or Self-Administered Zone and the list of persons who are representatives elected to undertake the affairs of National races to appoint as the Ministers of the Region or State to the President . | 'Submit' and 'to the president' should be deleted. And appoint should be replaced with 'submit' . | The Chief Minister of the Region or State should appoint them. |
| | (f) | The President shall appoint the persons who have been approved by the | It should be deleted. | Sub-Session (e) has |

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| | <p>Chief Minister of the Region or State as Ministers of the Region or State. In doing so, he shall, in co-ordination with the Chief Minister of the Region or State concerned, designate the Ministry or Ministries which each Region or the State Minister to take responsibility.</p> | | <p>already been amended.</p> |
| (g) | <p>The President shall :</p> <p>(i) assign duties to the Chairpersons of the Self-Administered Division and the Self-Administered Zone who are the Ministers of the Region or State, to perform the affairs of the Self-Administered Division or Self-Administered Zone concerned;</p> <p>(ii) assign duties to the Hluttaw representatives who are the Ministers of the Region or State, to perform the affairs of National races concerned.</p> | <p>The President should be replaced with 'The Chief Minister with the consent of State/Region Hluttaw'</p> | <p>In order to fulfill the Self-Administration.</p> |
| (h) | <p>The President shall relax the prescribed age limit under the Constitution in appointing the Minister of the Region or State, the Chairperson of the Self-Administered Division or the Self-Administered Zone or elected Hluttaw representative to perform the affairs of National races concerned.</p> | <p>The President should be replaced with 'The Chief Minister with the consent of State/Region Hluttaw'</p> | <p>In order to fulfill the Self-Administration.</p> |
| (i) | <p>The President may, in co-ordination with the Chief Minister, appoint Ministers for the Self-Administered Division or the Self-Administered Zone or Ministers for National races affairs as Ministers concurrently in charge of other Ministries.</p> | <p>The President should be replaced with "The Chief Minister with the consent of State/Region Hluttaw"</p> | <p>In order to fulfill the Self-Administration.</p> |
| (k) | <p>The President shall intimate the appointments of the Chief Minister and Ministers of the Region or State to the Region or State Hluttaw concerned and Pyidaungsu Hluttaw.</p> | <p>It should be amended as 'The Chief Minister'.</p> | <p>In order to fulfill the Self-Administration.</p> |
| (l) | <p>(i) The Chief Minister of the Region or State shall be responsible to the President.</p> <p>(ii) The Ministers of the Region or State shall be responsible to the Chief Minister of the Region or State concerned and to the President through the Chief Minister of the Region or State concerned.</p> | <p>'and to the President through the Chief Minister of the Region or State concerned' should be deleted.</p> | <p>In order to fulfill the Self-Administration.</p> |

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| | (m) | (ii) The Defence Services personnel who are appointed as Ministers of the Region or State for Ministries of Security and Border Affairs are not required to retire or resign from the Defence Services. | It should be deleted. | For equality reason, they should retire like other representatives. |
| | 264 | The Chief Minister or any Minister of the Region or State may resign from office on his own volition due to a certain reason before expiry of the term of office, after submitting his written resignation to the President . | Instead of 'The President' , 'to the Sate/Region Hluttaw' should be replaced. | Hluttaws concerned have already prepared to ??? |
| | (b) | The President shall : (i) direct to resign the Chief Minister or Minister of the Region or State who cannot discharge his duties efficiently. If he fails to comply, he shall be terminated from his duties; (ii) co-ordinate with the Commander-in-Chief of the Defence Services concerning the Denfence Services personnel who is Minister of the Region or State who has to resign or be terminated from his duties. | Instead of the President , it should be amended as 'Hluttaws concerned shall apply the procedure of impeachment' . It should be deleted. | Hluttaws concerned have already prepared to ??? For the reason of the equality of rights. |
| | 271 | The President shall appoint the person submitted by the relevant Chief Minister of the Region or State with the approval of the Hluttaw concerned as the Auditor-General of the Region or State. | It should be amended as 'The Chief Ministers concerned shall appoint the Auditor-General of the Region or State in accord with Hluttaw concerned.' | It is for Region/State to have self-determination. |
| | 271 | The person nominated by the Chief Minister of the Region or State concerned to be appointed as the Auditor-General of the Region or State shall not be refused by the Region or State Hluttaw concerned unless it can clearly be proved that the person concerned is not qualified to be the Auditor-General of the Region or State. | It should be deleted. | It is no longer necessary. |
| | 271 | The Auditor-General of the Region or State shall : (i) be responsible to the President through the Chief Minister of the Region or State concerned; | It should be deleted. | To be consistent with the previous amendment. |
| | 276 | Members of the Leading Bodies of the Self-Administered Division or the Self-Administered Zone stated in above Sub-Section (d) (i) and (ii) shall, | 'the President through' should be deleted. | It is for Region/State to have self-determination. |

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| | | after co-ordinating among themselves, select a suitable person as the Chairperson of the Self-Administered Division or the Self-Administered Zone from the Region or State Hluttaw representatives elected from the townships in the Self-Administered Division or the Self-Administered Zone. The name of the person so elected shall be submitted to the President through the Chief Minister of the Region or State concerned. | | |
| | (f) | The President shall appoint the person who is nominated as the Chairperson of the Self-Administered Division or the Self-Administered Zone concerned. | Instead of the President, Chief Minister should be replaced. | It is for Region/State to have self-determination. |
| | (k) | The Chairperson of the Leading Bodies of the Self-Administered Division or Self- Administered Zone shall be responsible to the Region or State Chief Minister concerned, and to the President through the Chief Minister concerned. | ‘and to the President through the Chief Minister concerned’ should be deleted. | It is for Region/State to have self-determination. |
| | 285 (a) | The Chairperson and members of the Nay Pyi Taw Council shall have the following qualifications : (iv) who have other qualifications prescribed by the President. | It should be deleted. | There is no clarity. |
| | 286 (a) | (iii) (bb) co-ordinate with the Commander-in-Chief of the Defence Services concerning with the Defence Services personnel who is the member of the Nay Pyi Taw Council and has to resign or be terminated from office. | It should be deleted. | For the reason of equality. |
| 6 | | Judiciary | | |
| | 294 | In the Union, there shall be a Supreme Court of the Union. Without affecting the powers of the Constitutional Tribunal and the Courts-Martial, the Supreme Court of the Union is the highest Court of the Union. | ‘Without affecting the powers of the Constitutional Tribunal and the Courts-Martial’ should be deleted. | The Supreme Court should be highest in judiciary. |
| | 299 (c) (ii) | The Pyidaungsu Hluttaw shall have no right to refuse the person nominated by the President for the appointment of Chief Justice of the Union and Judges of the Supreme Court of the Union unless it can clearly be proved that the persons do not meet the qualifications for the post prescribed in Section 301. | It should be deleted. | It restricts the power of Pyidaungsu Hluttaw. |

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| | (d) (ii) | The Pyidaungsu Hluttaw has no right to refuse the persons nominated by the President for the appointment of the Chief Justice of the Union and Judges of the Supreme Court of the Union unless it can clearly be proved the persons concerned do not possess the qualifications prescribed for Judges of Supreme Court of the Union. in Section 301. | It should be deleted. | It restricts the power of Pyidaungsu Hluttaw. |
| | 301 (d) (iv) | who is, in the opinion of the President, an eminent jurist; | It should be deleted. | Jurists should not be considered based on the fact of being eminent. |
| | 308 (b) | <p>(i) The President, in co-ordination with the Chief Justice of the Union and the Chief Minister of the Region or State concerned, shall prepare the nomination for the appointment of the Chief Justice of the High Court of the Region or State concerned and the Chief Minister of the Region or State concerned, in co-ordination with the Chief Justice of the Union, shall prepare the nomination for the appointment of the Judges of the High Court of the Region or State concerned, and the said nomination shall be sent to the Region or State Hluttaw concerned.</p> <p>(ii) The Region or State Hluttaw concerned shall have no right to refuse the person or persons nominated by the President, in coordination with the Chief Justice of the Union and the Chief Minister of the Region or State concerned, for the appointment of the Chief Justice of the High Court of the Region or State concerned, or the person or persons nominated by the Chief Minister of the Region or State concerned, in co-ordination with the Chief Justice of the Union, for the appointment of Judges of the High Court of the Region or State concerned unless it can clearly be proved that the person does not meet the qualifications prescribed under Section 310 for the Chief Justice of the High Court of the Region or State and the Judge of the High Court of the Region or State.</p> <p>(iv) The President shall appoint persons approved by the Region or State Hluttaw as the Chief Justice of the High Court of the Region or State concerned and Judges of the High Court of the Region or State concerned.</p> | <p>The President should be deleted and the Chief Justice of the Union should be moved into the place of The President.</p> <p>It should be deleted.</p> <p>It should be deleted.</p> | <p>The President should not interfere into the responsibilities of States/Regions.</p> <p>The President has the power to interfere into the responsibilities of States/Regions.</p> |


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| 310 (d) | (iii) who is, in the opinion of the President, an eminent jurist. | It should be deleted. | Jurists should not be considered based on the fact of being eminent. |
| 311 (b) (e) (h) | <p>If the President wishes to impeach the Chief Justice of the High Court of the Region or State or the Chief Minister of the Region or State wishes to impeach any of the Judges of the High Court of the Region or State concerned, he shall submit the charge to the Speaker of the Region or State Hluttaw.</p> <p>(i) If the President or the Chief Minister of the Region or the Chief Minister of the State wishes to carry out the impeachment, an investigation body shall be formed with the representatives of the Region or State Hluttaw concerned and a suitable person from among the members of the investigation body shall be assigned as the Chairperson.</p> <p>(ii) The President or the Chief Minister of the Region or State concerned may, himself in person or through a representative, explain the charge before the investigation body and has also the right to submit relevant evidences and witnesses.</p> <p>The Speaker of the Region or State Hluttaw shall, if the resolution is passed that the charge has been substantiated and the alleged person is unfit to continue to serve as the Chief Justice of the High Court of the Region or State or a Judge of the High Court of the Region or State by two-thirds of the total number of the representatives of the Region or State Hluttaw, if it is the case concerning the Chief Justice of the High Court of the Region or State, the said resolution is submitted to the President and if it is the case concerning a Judge of the High Court of the Region or State, the said resolution is submitted to the Chief Minister of the Region or State concerned. The Chief Minister of the Region of the State shall, on receiving the said resolution, submit it to the President.</p> | <p>The President should be replaced with the Chief Minister.</p> <p>'The President or' should be deleted.</p> <p>'The President or' should be deleted.</p> <p>The President should be replaced with the Chief Justice of the Union.</p> | <p>The President should not interfere into the responsibilities of States/Regions.</p> <p>The President should not interfere into the responsibilities of States/Regions.</p> <p>The President should not interfere into the responsibilities of States/Regions.</p> <p>Judiciary should stand on its own.</p> |

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| | (i) | On receiving the report, the President shall, proceed to remove the Chief Justice of the High Court of the Region or State or the Judge of the High Court of the Region or State who has been impeached from office. | The President should be replaced with the Chief Justice of the Union . | |
| | (j) | If the Region or State Hluttaw concerned resolves that the charge has failed, the Speaker of the Region or State Hluttaw shall, if it is the case concerning the Chief Justice of the High Court of the Region or State, such resolution is submitted to the President and if it is the case concerning the Judge of the High Court of the Region or State, such resolution is submitted to the Chief Minister of the Region or State concerned. | 'to the President' should be replaced with 'to the Chief Justice of the Union' . | |
| | 317 | The Judges appointed in accord with the law at the Courts formed by the Constitution or any other law shall administer all judicial affairs in the entire Union. | 'or any other law' should be deleted. | There is no clarity. |
| | 319 | According to Sub-Section (b) of Section 293, the Courts-Martial shall be constituted in accord with the Constitution and the other law shall adjudicate Defence Services personnel. | 'and the other law' should be amended. | The other law should be replaced with military law. |
| | From 328 to 336 | Formation of the Constitutional Tribunal of the Union, Functions and Duties of the Constitutional Tribunal of the Union, Effect of the Resolution of the Constitutional Tribunal of the Union, Submission to obtain the interpretation, resolution and opinion of the Constitutional Tribunal of the Union, Appointment of the Chairperson and members of the Constitutional Tribunal of the Union, Qualifications of the Member of the Constitutional Tribunal of the Union, Impeachment of the Chairperson and the Members of the Constitutional Tribunal of the Union, Term of the Constitutional Tribunal of the Union | All of them should be deleted. | The responsibilities of the Constitutional Tribunal should be bestowed to the Union Supreme Court. |
| 7 | Defence Services | | | |
| | 338 | All the armed forces in the Union shall be under the command of the Defence Services. | It should be amended. | There should be a separate ministry for police force. |
| | 339 | The Defence Services shall lead in safeguarding the Union against all internal and external dangers. | It should be amended. | The Head of State should lead and Defence Service should safeguard the Union. |

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| 8 | Citizen, Fundamental Rights and Duties of the Citizens | | | |
| | 359 | The Union prohibits forced labor except hard labor as a punishment for crime duly convicted and duties assigned by the Union in accord with the law in the interest of the public. | 'and duties assigned by the Union in accord with the law in the interest of the public' should be deleted. | It is to abolish the forced labour. |
| | 376 | No person shall, except matters on precautionary measures taken for the security of the Union or prevalence of law and order, peace and tranquility in accord with the law in the interest of the public, or the matters permitted according to an existing law, be held in custody for more than 24 hours without the remand of a competent magistrate. | 'except..... an existing law,' should be deleted. | It is to be in line with the Basic Principle 21 (b). |
| | 383 | Every citizen has the duty to uphold : (a) non-disintegration of the Union; (b) non-disintegration of national solidarity; (c) perpetuation of sovereignty. | It should be deleted. | It has already been described in Basic Principles Session (6). Not only the citizens but also the Government is also responsible. |
| 9 | Election | | | |
| | 396 (b) | A minimum of one percent out of the original voters of the electorate of the constituency concerned shall submit the complaint to the Union Election Commission against the Hluttaw representative on whom it wishes to recall. | One percent should be replaced with twenty percent. | For reason of justice and stability within multi-party system |
| | 398 (a) | The President shall constitute a Union Election Commission. In constituting the Commission, he may appoint a minimum of five members including the chairman of the Union Election Commission in accord with the provisions on appointment of the Union Minister prescribed in this Constitution. | It should be amended as 'The President should appoint Union Election Commission and its members in accord with the Pyidaungsu Hluttaw' | It should be in harmony with appointment of Union Ministers from Executive Branch. |
| | (b) | The chairman and members of the Union Election Commission shall be persons who : (3) (dd) shall be deemed by the President to be an eminent person. | It should be deleted. | Considering as being eminent should not be a base for selection. |

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| | | (7) shall not be a member of a political party; | It should be amended as 'shall not be a person who has given up political membership to accept the position. | In order not to have bias on a political party |
| 10 | | Political Parties | | |
| | 405 | A political party shall : (a) accept and practise a genuine and discipline-flourishing multi-party democratic system; | 'and discipline-flourishing' should be deleted. | Democracy does not need special emphasis. |
| | 406 | A political party shall, in accord with the law, have the right in the Union to: (a) organize freely; (b) participate and compete in the elections. | Sub-Session (c) 'perform activities beneficial to the State and citizens' should be added. | A political party should do good for the country and its people. |
| | 407 (c) | directly or indirectly receiving and expending financial, material and other assistance from a foreign government, a religious association, other association or a person from a foreign country; | It should be amended. | Citizens should have rights to participate in the political process of the country. |
| 11 | | Provisions on State of Emergency | | |
| | 418 (b) | Notwithstanding anything contained in the Constitution , commencing from the day of transfer of the sovereign power to the Commander-in-Chief of the Defence Services, it shall be deemed that the members appointed and assigned duties by approval of the relevant Hluttaws in accord with the Constitution, Self-Administered Division Leading Bodies or the members of Self-Administered Zone Leading Bodies, with the exception of the President and the Vice-Presidents, have been terminated from duty. | 'Notwithstanding anything contained in the Constitution' should be deleted. | The Constitution should not be breached at any time. Nobody should exceed the Constitution. |
| | 421 (b) | may, if the Commander-in-Chief of the Defence Services submits the extension of the prescribed duration by giving reasons why he has not yet been able to accomplish the duties assigned to him, and after co-ordinating with the National Defence and Security Council, normally permit two extensions of the prescribed duration for a term of six months for each extension. The matter relating to the extension shall be reported to the emergency session of the Pyidaungsu Hluttaw by summoning it. | 'shall be reported to the' should be replaced with 'shall obtain the approval of the' | The responsibility of Pyidaungsu Hluttaw should be highly regarded. |

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| | 427 | (a) exercises the powers of the legislature, executive and judiciary before the Hluttaws are formed in accord with the Constitution; (b) has the right to exercise the sovereign power until the new President has been elected and the Union level administrative bodies have been formed in accord with the provisions in this Constitution. In exercising thereof, the legislative power shall be exercised by itself. The executive power and the judicial power may be transferred to and exercised by the appropriate Bodies that have been formed or a suitable person at the Union, Region or State and Self-Administered Area levels. | It should be deleted. | The Union Government has already been established. |
| | 432 | The legitimate measures of any administrative body or any of its members, any Civil Services body or any of its members, and any military body or any of its members assigned powers and duties to take measures as required in order to speedily restore the security, stability, community peace and tranquility and prevalence of law and order to its original state on behalf of the President while a declaration of emergency is in operation or during the duration the sovereign power is being exercised by the Commander-in-Chief of the Defence Services or during the duration the sovereign power is being exercised by the National Defence and Security Council, shall be valid. No legal action shall be taken on such legitimate measures. | 'No legal action shall be taken on such legitimate measures' should be deleted. | It is not in line with international standards. |
| 12 | | Amendment of the Constitution | | |
| | 436 (a) | If it is necessary to amend the provisions of Sections 1 to 48 in Chapter I, Sections 49 to 56 in Chapter II, Sections 59 and 60 in Chapter III, Sections 74, 109, 141 and 161 in Chapter IV, Sections 200, 201, 248 and 276 in Chapter V, Sections 293, 294, 305, 314 and 320 in Chapter VI, Sections 410 to 432 in Chapter XI and Sections 436 in Chapter XII of this Constitution, it shall be amended with the prior approval of more than seventy-five percent of all the representatives of the Pyidaungsu Hluttaw, after which in a nation-wide referendum only with the votes of more than half of those who are eligible to vote. | It should be amended as "With the prior approval of the two-third of the representatives of the Pyidaungsu Hluttaw or more than half of the representatives of the Pyidaungsu Hluttaw, after which in a nation-wide referendum only with the votes of more than half of those who have turned out to vote. | The way to amend the Constitution should be flexible. If it is rigid, unnecessary problems, conflicts and crisis will not be able to be solved in time. The fact that the decision of the Military is key to the amendment of the Constitution creates animosity between the Military and the People. The National League for |

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| | 436 (b) | Provisions other than those mentioned in Sub-Section (a) shall be amended only by a vote of more than seventy-five percent of all the representatives of the Pyidaungsu Hluttaw. | It should be amended as 'only by a vote of more than two-third of all representatives of the Pyidaungsu Hluttaw or more than half of the representatives of the Pyidaungsu Hluttaw. | Democracy is always willing to do for the national reconciliation. To realize it, equality and justice is necessary. There are 643 representatives in the Pyidaungsu Hluttaw. If 166 Military reps are excluded, there are only 477 civilian reps. Two-third of it is 318 reps which is equal to 321 reps which is half of the reps of the Pyidaungsu Hluttaw. |
| 13 | State Flag, State Seal, National Anthem and the Capital | | | |
| | 437 (a) | The State Flag shall be as shown below:  | It should be replaced. | A complete change of the appearance of the flag that aroused the morale of our citizens and that the country had used since Independence is not appropriate. And it is similar to that of some countries. |

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| 14 | Transitory Provisions | | | |
| | 442 | The State Peace and Development Council shall continue to exercise State sovereignty before this Constitution comes into operation. | It should be deleted. | It is related to the period prior to the approval of this Constitution. |
| | 443 | The preparatory work done by the State Peace and Development Council, before this Constitution comes into operation, to bring the Constitution into operation, shall be deemed to have been carried out in accord with this Constitution. | It should be deleted. | The Constitution has already been approved. |
| | 444 (a) | The Government that exists on the day this Constitution comes into operation shall continue to discharge the respective duties until the emergence of the new Government formed and assigned duties in accord with this Constitution. | It should be deleted. | It is no longer necessary as the new Government has already been formed. |
| | (b) | All courts existing on the day the coming into operation of this Constitution shall continue to exercise their jurisdiction until new courts are constituted by law in accord with this Constitution. All cases, civil, criminal and revenue, pending in the said courts, shall be disposed of in accord with the laws exercised on the day on which the cases came up for trial. | | |
| | 445 | All policy guidelines, laws, rules, regulations, notifications and declarations of the State Law and Order Restoration Council and the State Peace and Development Council or actions, rights and responsibilities of the State Law and Order Restoration Council and the State Peace and Development Council shall devolve on the Republic of the Union of Myanmar. No proceeding shall be instituted against the said Councils or any member thereof or any member of the Government, in respect of any act done in the execution of their respective duties. | It should be deleted. | It is no longer necessary as the new Government has already been formed. |
| | 448 | All functioning Civil Services personnel of departmental organizations including the Defence Services under the State Peace and Development Council on the day this Constitution comes into operation, shall continue in their functions unless otherwise prescribed by the Government of the Republic of the Union of Myanmar. | It should be deleted. | It is no longer necessary as the new Government has already been formed. |

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| 15 | | General Provisions | | |
| | 451 | The application of the Basic Principles of the Union in the legislation and administration shall be the care of the Union but shall not be enforceable in any Court of law. | 'but shall not be enforceable in any Court of law' should be deleted. | Citizens' rights will be lost. |