

THE THIRD INITIAL DRAFT OF  
THE CONSTITUTION OF  
CHINLAND

Working Group (I)  
CHIN FORUM

Published by

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*For and on behalf of*  
THE CHIN FORUM

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## *Forward*

This Chinland Constitution (or) Constitution of Chinland, initial 3rd draft, is here tentatively issued as a preliminary menu for use in considering a final Chinland Constitution and to show as a more or less an example of what the state constitution of the Chinland could be in form. It is thus issued mainly to collect suggestions and feedback in a way that may be drafted and adopted according to the consent of the Chin people anywhere and in the Chin homeland. In other words, this draft is a preparation made by the Chin Forum in advance to collect facts and figures in an attempt to facilitate the work of the Constituent Assembly or any authority of Chinland who will draft and adopt the Constitution. Even when we finish this third initial draft, it is not supposed to be the final one. We may keep on trying to develop the best it could be so that it could facilitate in its fullest capacity the work of the drafting authority who get the mandate from the people to adopt the final version

In issuing this Chinland Constitution preparatory draft, the Chin Forum strongly believes:

- a) that the political crisis in the Union of Burma in the post independence of the Union has been not only ideological crisis of democracy or dictatorship, but it is mainly a Constitutional crisis due to the weakness of the Constitution of Union of Burma 1947 and the illegitimate or illegal Constitution, the so called “Constitution of Socialist Republic of Union of Burma 1974” contrary, to the vision of the founding fathers of the Union;
- b) that this constitutional crisis can be solved only by constituting the Union under a federal or confederation form of Constitution which will promote democracy and freedom;
- c) that in so forming a federal union, it is crucial that each constituent state have its own separate state constitution so that each state can amend freely its Constitution whenever it is needed to suit the changing condition in their own state and the world;
- d) that the government of the Federal Union in the future constitution of the Union will no longer be controlled by only the Burman ethnic nationality or other constituent nationality as before, as the jurisdictions of the constituent states and the federal Union will be separated in the federal constitution, and equal numbers of representatives from each constituent state in the federal legislature will control the federal legislature, executive and judiciary;
- e) that the federal Constitution should be based on the Constitutions of the constituent states and not the constitutions of the constituent states on the Constitution of the federal Union as the tendency of the state constitutions to base on the federal Constitution could lead the union to a unitary form of Constitution; and
- f) that no federal union Constitution be adopted before the respective constituent states can decide their own Constitutions on the basis of the treaty made by all the existing states or the Panglong Agreement signatory states (presumably the existing States such as Arakan, Burma, Chin, Kachin, Karen, Kayah, Mon and Shan) at a national convention to beheld before drafting the Union Constitution.

The Chin State or Chinland which is being proposed to be a constituent State in the constitution of the federal Union of Burma to be in federal form have been demanded since Panglong Agreement and renewed it by the Chin delegates at the Supreme Council of the Hills' People (SCOUHP) Conference 1961 at Taunggyi, Shan State. It was General Ne Win who over threw the constitutional government of the Union when the Union constitution was to be amended in federal form according to the agreement made in the Conference of the SCOUHP.

The Chin nationals from various parts of the Chin State and the Union of Burma even after the Panglong Agreement have repeatedly demanded the Chin territories to be a unit constituent State of the Union of Burma to be in federal Union since 1969, 1971, and in 1990 general election campaign at which occasions, many leaders and activists of the Chin people were taken to political detention by the military regime and some have escaped the persecution to outside the country.

More over several groups of the Chin nationals have kept on struggling by all means to end the militarism and establish democracy and self-determination to form federal Union of Burma. The principles of the Chinland constitution drafted here have been founded on the historical process mentioned above of the Chin people. The principle reasons behind these Chinland Constitution initial drafts could be read in the Appendix (II) of this third initial draft.

Our thanks and appreciation to Salai Ngun Cung Lian, the Co-convenor of Working Group (I) is beyond we could express for his great afford making the bare act part of this draft in fuller and more complete form according to the principles laid out by the CFMB and Working Group (I) before and during the Consultative meeting in Washington DC from January 10- 16, 2002 in producing the bare act of the Chinland Constitution 3rd Initial draft in references to the suggestions and feed back received on the constitution drafting.

Pu Lian Uk (MP)  
Convener  
Working Group (I)  
The Chin Forum

## *Acknowledgement*

On behalf of the Chin Forum and Working Group (I) of the Chin Forum, I would like to express our heartfelt thanks to the European-Burma Office, the National Endowment for Democracy, and National Reconciliation Program for granting us partial financial assistances.

I would like to extend my deep gratitude to all participants of Chin Forum Working Group (I), the Members of Management Board, the participants at the Constitutional Consultative Roundtable meeting at Washington DC, and Salai Ngun Cung Lian, who has spent his precious time, energy, and intellectual capacity for conducting research, guiding the meetings, and collecting suggestions and advices from our people around the world for more than two years in order to make possible this third initial draft of Constitution of Chinland.

Dr. Vumson Suantak  
Co-Convener  
Working Group (I), Chin Forum

## P r e a m b l e

**Considering** the many conspicuous similarities of the various dialectal and cultural groups of the Chin people, which make us closer to each other than the people outside our common frontiers, the technical differences we have, which some people might try to emphasize are outweighed by the similarities we have in our common society;

**Contemplating** the fact that the different dialectal groups or tribes of the Chins, when the modern communication is improved in our region, will have more and more contact each other leading to greater mutual intelligibility of the different dialects and dialect groupings of Chin society, we can thus increase our sense of oneness as the same;

**In giving** deep respect to the fact that we should not lose the sense of brotherhood in our common similar affinities we have with all the people who fall under the definition of Chin in the Chin Hills Regulation 1896, which is still in force in the Naga Hills of Sagaing Division in the Union of Burma, the definition of the term Chin being still the same as it was in the Chin Hills Regulation 1896, and it has also been accepted in the Chin Special Division Act 1948 through the Chin representatives in the Union of Burma;

**Deliberating** that the ever closer relations, we, the Chin people of different dialectal groups or tribes have, can be seen in the fact that what was once thought to be fundamental differences in our different dialects and cultures have been now discovered as the minor differences we have in our traditions to suit our different environments accepting them as verities of tradition and fashions and as the richness of our literature and culture;

**Considering** that it is this idea which should be enshrined together with democracy and self-determination in the constitution of Chinland, (as a constituent unit of Federal Union of Burma), to guide us in freedom to carry out the task towards the ever prosperity and development of Chinland and its population;

**Paying** heed to the proposition that the reason our forefathers once worshiped the hills and dales was not only that they believed in spirits in them, but also that they have in remote regions of their consciousness that they are our protector from the invasion of their outside world, from the invasion of the alien peoples, in deeply rooted devotion to protect and develop our heritage land and society forever; and

**Seeing** clearly that we should now adopt a political means by which we can develop our distinct national identity, and as our hills and dales of our heritage, which have preserved our distinct national identity to this modern age as a people, are no longer enough of a barrier to keep out the undesirable influences and invasions of all kinds; Therefore,

### ***WE THE CHIN PEOPLE SOLEMNLY DECLARE THAT:***

We, the people of Chinland, exercising our inherent sovereignty, do hereby establish this constitution of Chinland and with this constitution, affirm our common wish to live together in peace and harmony, to preserve the heritage of the past, and to protect the promise of the future.

To make one nation out of the many dialectal and cultural groups of the Chin people living in many hills and dales of our past heritage, we respect the similarity of affinities we have in diversity of our dialects and cultures. The much diversity of dialects and cultures enrich us.

The many hills and dales of our common heritage bring us together, they do no longer separate us. Our heritage hills and dales sustain us; our highland nation enlarges us and makes us stronger.

Our ancestors, who made their homes on these highlands, displaced no other people. We, who remain, wish no other home than this. Having known war in the past, we hope for peace. Having been divided, we wish unity. Having been ruled, we seek freedom.

Our Chinland remain independent of itself free from outside force since time immemorial till British annexation in the nineteenth century.

We extend to all nations what we seek from each: peace, friendship, cooperation, and love in our common humanity. With this constitution, we, who have been the wards of other nations, become the proud guardian of our highland country, now and forever.

We are one. As a people, in our language, in our traditions, and in our common habitation and love of this highland, we are one.

We are rich. In the bounty and beauty of our highland and its scenic features, and in our family and communal life, we are rich.

We are proud. In our way of life, which in essence has survived the assaults of colonizers and the ravages of time, and in the wisdom of our aged people and the vigor of our youth, we are proud.

We are strong. In our faith in our communal ability for compromise and flexible growth, and in our emerging democratic institutions, we are strong.

We are concerned. In our common appreciation that, our traditions, our highland and its natural resources with flora and fauna in it, and our communal spirit will be tested as we together forge a new higher destiny, we are concerned.

To conform our oneness, to preserve our natural riches, to renew our pride, to fortify our strength, to meet concerns, to guard our aspirations, and to enable our determinations, we the people of Chinland, give life to and establish this constitution.

(OR)

We, the Chin people intently declare that in order to establish justice, guarantee peace, provide for our common security, uphold our general well being, protect and promote our national interests, do hereby exercise our fundamental right of self-determination and do ordain and ratify the Constitution of Chinland as supreme law of our land and people on the date of (Month/Date/Year).

## CHINLAND AND ITS TERRITORIES

1. The adjoining land where the Chin people live collectively shall be proclaimed as Chinland.
2. The territories outside Chinland where the Chin people live collectively shall be proclaimed as territories of Chinland.

## BILL OF RIGHTS

3. All Chin people (or) *All Chin Nationals* are by nature free and independent, and have certain inherent and inalienable rights; among these are life, liberty and the pursuit of happiness; to secure these rights; governments are instituted, deriving their just powers from the consent of the people.
4. There shall be neither slavery nor involuntary servitude in Chinland and its' territories, otherwise then for punishment of crime, whereof the party shall have been duly convicted.
5. No person shall be deprived of life, liberty, or property, without due process of law, nor be denied equal protection of the laws.
6. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that liberty; and all trials for libel, both civil and criminal, the truth when published with good motives, and for justifiable ends, shall be a sufficient defense.
7. The people shall be secure in their persons, houses, papers, and possessions from all unreasonable searches and seizures; and no warrant to search any place, or seize any person or things, shall issue without a special designation of the place to be search, and the person or things to be seized, nor without probable cause; supported by oath or affirmation. (or) *The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.*
8. The right of the people peacefully to assemble, to consult for the common good, and to petition the government, or any department thereof, shall never be abridged.
9. The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy; but a jury trial may be waived by the parties in all cases in the manner prescribed by law. Provided, however, that the legislature may, from time to time, by stature provide that a valid verdict, in civil cases, may be based on the votes of a specified number of the jury, not less than five – sixths thereof. (or) *In all civil suits, and in all controversies concerning property, the parties shall have a right to trial by jury, except in cases where it has heretofore been otherwise practiced; the party claiming the right may be heard by himself or herself and with counsel, or either, at the election of the party.*
10. Excessive bail shall not be required, nor shall excessive fines be imposed, nor cruel and unusual punishments inflicted.
11. In all criminal prosecutions the accused shall enjoy the right to be heard by himself or herself and counsel; to demand the nature and cause of the accusation against him; to meet the witness face to face; to have compulsory process to compel the attendance of

witnesses in his or her behalf; and in prosecutions by indictment, or information, to a speedy public trial by an impartial jury of the local administration units wherein the offense shall have been committed; which administrative unit shall have been previously ascertained by law. (or) *In all criminal prosecutions, the accused shall have a right to be heard by the accused and counsel to the accused, or either, at the election of the accused;*

- i. to demand the nature and cause of the accusation, and have a copy thereof;
  - ii. to be confronted by the witnesses against the accused;
  - iii. to have a speedy, public, and impartial trial, and, except in trials by martial law or impeachment, by a jury of vicininity. The accused shall not be compelled to furnish or give evidence against himself or herself, nor be deprived of life, liberty, property or privileges, but by judgment of that person's peers or the law of the Chinland.
12. No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be put twice in jeopardy of punishment, nor may be compelled in any criminal case to be a witness against himself or herself.
  13. Treason against the Chinland shall consist only in levying war against it, adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.
  14. Every person is entitled to a certain remedy in the laws for all injuries, or wrongs which he or she may receive in his or her person, property, or character; he or she ought to obtain justice freely, and without being obliged to purchase it, completely and without denial, promptly and without delay, conformably to the laws.
  15. No bill of attainder, ex post facto law, nor any law impairing the obligation of contracts, shall ever be passed, and no conviction shall work corruption of blood or forfeiture of estate.
  16. The property of no person shall be taken for public use without just compensation therefore.
  17. All lands within the Chinland and its' territories are declared to be allodial, and feudal tenures are prohibited. Leases and grants of agricultural land for a longer term than fifteen years in which rent or service of any kind shall be reserved, and all fines and like restraints upon alienation reserved in any grant of land, hereafter made, are declared to be void.
  18. No distinction shall ever be made by law between resident aliens, nationalities, and citizens, in reference to the possession, enjoyment or descent of property.
  19. No person shall be imprisoned for debt arising out of or founded on a contract, expressed or implied.
  20. The right of every person to worship according to the dictates of conscience shall never be infringed; nor shall any person be compelled to attend, erect or support any place of worship, or to maintain any ministry, without consent; nor shall any control of, or interference with, the rights of conscience be permitted, or any preference be given by law to any religious establishments or modes of worship; nor shall any money be drawn from the treasury for the benefit of religious societies, or religious or theological seminaries.
  21. No religious test shall ever be required as a qualification for any office of public trust under the state, and no person shall be rendered incompetent to give evidence in any court of law or equity in consequence of his opinions on the subject of religion.

22. No standing army shall be kept up in time of peace without the consent of the legislature, and the military shall, in all cases, and at all times, be in strict subordination to the civil power.
23. The blessings of a free government can only be maintained by a firm inherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.
24. The property of no public shall be taken for public use without just compensation therefore.
25. The people have the right to keep and bear arms for security, defense, hunting, recreation or any other lawful purpose.
26. Nothing in this provision shall prevent the Chinland Legislative Assembly from making any special provision for Chin people.

### FUNDAMENTAL DUTIES

27. Every Chin national shall have duties towards his or her family, the Chin society, Chinland and Its territories.
28. The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality, common interests and common benefits.
29. Every Chin national shall have the duty to respect and consider his or her fellow Chin national without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.
30. Every Chin national shall have the duty:
  - i. to preserve and respect the value of family, parents, and maintain them in case of need;
  - ii. to serve his or her community by endowing his or her physical, moral, and intellectual capacities at its services;
  - iii. to preserve and strengthen social and national solidarity, particularly when the latter is threatened;
  - iv. to preserve and strengthen the Chin national self-determination right and the territorial integrity of his or her country and to contribute to its defense in accordance with this Constitution and the law;
  - v. to work with the best of his or her abilities and competence, to pay taxes imposed by law in the interest of the society;
  - vi. to preserve and strengthen positive Chin cultural values in his or her relations with other member of the society, in the spirit of tolerance, dialogue, and consultation and, in general, to contribute to the promotion of the moral well being of society; and
  - vii. to contribute to the best of his or her abilities, at all times and at all levels, to the promotion and achievement of Chin unity.
31. Nothing in this provision shall present the Chinland Legislative Assembly from making any special provision for any Chin people.

## CHIN NATIONALITY

32. A Chin National shall be:
  - i. Every person both of whose parents belonged to any of the Chin tribes;
  - ii. Every person born in Chinland and its territories, at least one of whose parents belonged to any of the Chin tribe;
  - iii. Every person born in overseas, whose parents belonged to any of the Chin tribe;
  - iv. Every person born in overseas, at least one of whose parents belonged to any of Chin tribe;
33. Chinland Legislative Assembly shall by law regulate acquisition, loss and reacquisition of Chin nationality.

## SUFFRAGE AND ELECTION

34. Every Chin national who has attained the age of eighteen years and upwards, excepting persons under guardianship for reasons of mental illness, having his or her residence established in Chinland and its' territories shall be an elector of Governors, Senators, and House of Representatives, in the city, town, village, block, or plantation where his or her residence has been established, he or she continues to reside in Chinland; and election shall be by secret and written ballot.
35. Persons in the military, naval, and air force service of the Federal Union, or Chinland, shall not be considered as having obtained such established residence by being stationed in any garrison, barrack or military place, in any city, town, village, block or plantation; nor shall the residence of a student at any educational institution of learning entitle the student to the right of suffrage in the city, town, village, block or plantation where such educational institution is established.
36. No Chin national shall be deemed to have lost residence by reason of the person's absence from the Chinland and it's territories in the military service of the Federal Union, or of Chinland.
37. No person shall be qualified to vote who is non compos mentis, or who has been convicted of treason or felony under the laws of the Chinland or of the Federal Union, unless restored to civil rights by a competent court.
38. All votes shall be by ballot or by other means authorized by the Chinland Legislature whereby the vote and the secrecy of the elector's vote will be preserved.
39. The Chinland Legislature shall prescribe the electoral role, constituencies, and procedure of the any election system by law from time to time.

## LEGISLATURE

40. All legislative power shall be vested in the Legislative Assembly of the Chinland. The Chinland Legislative Assembly shall consist two Houses to be known as Senate and House of Representative.
41. The Chinland Legislative Assembly shall determine the number of Senate and House of Representative from time to time. Every Legislator shall hold his or her office for four years.
42. The Chinland Legislative Assembly shall have the law making power over all subjects without violating the interest and security of the Chinland and Federal Union.
43. There shall be a Council of Ministers with the Chief Ministers at the head to aid and advice the Governor in the exercise of his or her functions except in so far as he or she is by or under this Constitution required to exercise his or her functions or any of them in his or her discretion.
44. The Governor shall appoint the Chief Minister who is elected by the majority members of the House of Representative.
45. The Governor shall appoint the Ministers and Deputy Ministers on the advice of Chief Minister and with the approval of majority members of the House of Representatives for the following Ministries:
  - i. Ministry of Home Affairs
  - ii. Ministry of Finance
  - iii. Ministry of Revenue and Taxation
  - iv. Ministry of Judiciary
  - v. Ministry of Local Governmental Affairs
  - vi. Ministry of Public Works
  - vii. Ministry of Education
  - viii. Ministry of Forestry
  - ix. Ministry of Welfare
  - x. Ministry of Cultural and Media
  - xi. Ministry of Planning
  - xii. Ministry of State Defense and
  - xiii. Ministry of Federal Affairs
46. The Chinland Legislature shall make by law from time to time to expand or contract the Ministry.
47. The House of Representative shall chose two members of the House of Representative to be Speaker and Deputy Speaker thereof and, so often as the office of Speaker and Deputy Speaker becomes vacant, the House of Representative shall chose another member to be Speaker and Deputy Speaker, as the case may be.
48. Any Legislator holding office as Speaker or Deputy Speaker of the House of Representative shall vacate his office if he or she ceases to be a member of the Assembly may at any time by writing under his or her hand addressed, if such member is the Speaker, to the Deputy Speaker, and if such member is the Deputy Speaker, to the Speaker, resign his or her office; and may be removed from his or her office by a resolution of the House of Representatives by a majority of all the then Members of the House of Representative.

49. Whenever the House of Representative is dissolved, the Speaker and Deputy Speaker shall not vacate their office until immediately before the first meeting of the House of Representative after the dissolution.
50. While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker, or, if the office of Deputy Speaker is also vacant, by such member of the House of Representative as the Governor may appoint for the purpose.
51. Every Member of House of Representative, Speakers, Ministers, Deputy Ministers shall before taking his or her seat, make and subscribe before the Chief Justice of Chinland High Court, or any judge of Chinland High Court, an oath or affirmation according to the form set out for the purpose in this Constitution.
52. The Senate shall form a Sub Committee for every Ministry led by three Senators from different Constituencies.
53. Each Senate Sub Committee shall supervise the appropriation of each Ministry and conducting public hearing upon necessary.
54. The Senate shall make by law prescribing the power, duties, responsibilities and code of conducts of the Senate Sub Committees.
55. A person shall be disqualified for being chosen as, and for being, a member of the House of Representatives or Senate:
  - i. If he or she holds any office of profit under the Government of Chinland, Government of Federal Union, or any Government of Foreign States, other than an office declared by the Chinland Legislative Assembly by law not to disqualify its holders.
  - ii. If he or she is unsound mind and stands so declared by a competent court.
  - iii. If he or she is an un-discharged insolvent.
  - iv. If he or she is not a nationality of Chinland, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgement of allegiance or adherence to a foreign State.
  - v. If he or she has not live in Chinland for at least ten years.
  - vi. If any question arises as to whether a member of House of Representatives or Senate has become subject to any of the disqualifications mentioned in this Constitution, the question shall be referred to Chinland High Court for the final decision.
56. No person shall be eligible to the Chinland Legislature who shall not have resided ten year within the Chinland and Its' territories, and be a qualified elector in the election unit which he or she may be chosen to represent.
57. Each house shall keep a journal of its proceedings and publish the same, except such parts as require secrecy. The doors of each house shall be kept open except when the public welfare shall require secrecy. Neither house shall, without consent of the other, adjourn for more than three days.
58. Each House shall determine the rules of its own proceedings, punish for contempt and disorderly behavior, and with the concurrence of two thirds of all the member may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.
59. The legislature shall meet at the seat of government at such time as shall be provided by law, unless convened by the Governor in special session, and when so convened no business shall be transacted except as shall be necessary to accomplish the special purposes for which it was convened.

60. The Governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature.
61. Members of the legislature shall in all cases, except treason, felony and breach of the peace, be privileged from arrest; nor shall they be subject to any civil procedure, during the session of the legislature.
62. The style of all laws of the state shall be "The people of the Chinland, represented in Senate and Assembly, do enact as follows: ".....".
63. No law shall be enacted except by bill. No law shall be in force until published. The Chinland Legislature shall provide by law for the speedy publication of all laws.
64. Except money bill, any bill may originate in either House of the Chinland Legislature, and the other House may amend, reject, and repeal wholly or in part a bill passed by one House.
65. The yeas and nays of the members of either house on any question shall, at the request of one-sixth of those present, be entered on the journal.
66. The Chinland Legislature shall provide by law that all stationery required for the use of the state, and all printing authorized and required by them to be done for their use, or for the Chinland, shall be let by contract to the lowest bidder, but the Chinland Legislature may establish a maximum price; no member of the Chinland Legislature or other state officer shall be interested, either directly or indirectly, in any such contract.
67. The Chinland Legislature shall direct law in what manner and in what Courts suits may be brought against the Chinland.
68. Members of the Legislature, and all officers, Executive and Judicial, except such inferior officers as may be by law exempted, shall before they enter upon the duties of their respective offices, take and subscribe an oath or affirmation to support the Constitution of the Federal Union and the Constitution of Chinland, and faithfully to discharge the duties of their respective offices to the best of their ability.
69. The Chinland Legislature shall determine what persons shall constitute the militia of the Chinland, and may provide for organizing and disciplining the same in such manner as shall be prescribed by law.
70. All election made by the Chinland Legislature shall be by roll call vote entered in the journal.
71. The Chinland Legislature shall provide for the auditing of state accounts and may establish such offices and prescribe such duties for the same, as it shall deem necessary.
72. The Chinland Legislature, in order to ensure continuity of Chinland and Local Governmental operations in periods of emergency resulting from enemy action in the form of an attack, shall (i) forthwith provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such officers, and (ii) adopt such other measures as may be necessary and proper for attaining the objectives of this section.

## EXECUTIVE

73. There shall be a Governor of Chinland who shall take precedence over all other persons throughout Chinland and who shall exercise and perform the powers and functions conferred on him or her by this Constitution.
74. The Governor shall hold office for five years; as Lieutenant Governor shall be elected at the same time and for the same term.
75. No person shall be eligible to the office of Governor, or Lieutenant Governor, who shall not have attained the age of thirty years, and who shall not have been for ten years preceding his or her election a resident and a Chin national and a citizen of the Federal Union.
76. The Governor of Chinland shall be Commander in Chief of all State Armed Forces stationed in Chinland and its territories. The Governor shall have power to convene the legislature on extraordinary occasions, and in case of invasion, or danger for the prevalence of contagious disease at the seat of government, Governor may convene them at any other suitable place within Chinland.
77. The Governor of Chinland shall communicate to the legislature, at every session, the condition of the state, and recommend such matters to them for their consideration, as he or she may deem expedient. He or she shall transact all necessary business with the officers of the government, civil and military. He or she shall expedite all such measures as may be resolved upon by the legislature, and shall take care that laws be faithfully executed.
78. The Governor of Chinland shall have power to grant reprieves, commutations, and pardons, after conviction, for all offenses, except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he or she may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons.
79. The Governor of Chinland shall annually communicate to the legislature each case of reprieve, commutation or pardons granted, stating the name of the convict, the crime of which he or she was convicted, the sentence and its date, and the date of the commutation, pardon or reprieve, with his or her reasons for granting the same.
80. Every bill, which shall have passed the Chinland Legislature, shall before it becomes a law, be presented to the Governor of Chinland. If the Governor approves and signs the bill, the bill shall become a law.
81. The Governor of Chinland may approved the appropriation bills in whole or in part by the Governor, and the part approved shall become law. In approving an appropriation bill in part, the Governor may not create a new word by rejecting individual letters in the words of the enrolled bill.
82. If the Governor rejects the bill, the Governor shall return the bill, together with the objections in writing, to the house in which the bill originated. The House of origin shall enter the objections at large upon the journal and proceed to reconsider the bill. If, after such reconsideration, two-thirds of the members present agree to pass the bill notwithstanding the objections of the governor, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present it shall become law.

83. The rejected part of an appropriation bill, together with the Governor's objections in writing, shall be return to the house in which the bill originated. The house of origin shall enter the objections at large upon the journal and proceed to reconsider the rejected part notwithstanding the objections of the governor, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present the rejected part shall become law.
84. In all such cases the votes of both houses shall be determined by "yes" and "no", and the names of the members voting for or against passage of the bill or the rejected part of the bill notwithstanding the objections of the Governor of Chinland shall be entered on the journal or each house respectively.
85. Any bill not returned by the Governor of Chinland within 14 days (Sunday excepted) after it shall have been presented to the Governor of Chinland shall be law unless the legislature, by final adjournment, prevents the bill's return, in which case it shall not be law.
86. Upon the Governor's death, resignation or removal from office, the Lieutenant Governor of Chinland shall become Governor of Chinland for the balance of the un-expired term.
87. If the Governor of Chinland is absent from Chinland, impeached, or from mental or physical disease, becomes incapable of performing the duties of the office, the Lieutenant Governor of Chinland shall serve as acting Governor of Chinland for the balance of the un-expired term or until the Governor returns, the disability ceases or the impeachment is vacated. But when the Governor of Chinland, with the consent of the legislature, shall be out of Chinland in time of war at the head of the Chinland's military forces, the Governor of Chinland shall continue as Commander in Chief of the State's military forces.
88. If there is a vacancy in the office of Lieutenant Governor of Chinland and the Governor of Chinland dies, resigns or is removed from office, the Secretary of General of State shall becomes Governor of Chinland for the balance of the un-expired term.
89. If there is a vacancy in the office of Lieutenant Governor of Chinland and the Governor of Chinland is absent from Chinland, impeached, or from mental or physical disease becomes incapable of performing the duties of the office, the Secretary of State shall serve as acting Governor of Chinland for the balance of the un-expired term or until the Governor of Chinland returns, the disability ceases or the impeachment is vacated.
90. The Governor of Chinland shall appoint (three) or (five) Senators with his or her own discretion who are experts in Economy, Health, Law, and Science subjects. The rights, privileges, powers, and duties of these appointed Senators shall be the same as elected Senators of Chinland Legislative Assembly.

## JUDICIARY

91. The judicial power of the Chinland shall be vested in a Chinland High Court, an Appellate court, and Township Courts in and for village, with one or more judges for

- each village or with one judge for two or more villages, as the Legislature shall provide, and such other courts inferior to the High Court as may be created by law.
92. In accordance with rules established by the Chinland High Court and not in conflict with other provisions of this Constitution and laws governing such matters, general administrative authority over all courts in Chinland shall be vested in the Chinland High Court and shall be exercised by the Chief Justice of Chinland High Court. The Chief Justice of Chinland High Court shall be the executive head of all Courts in Chinland and may appoint the inferior officers with approval and consent of the Senate.
  93. The Governor of Chinland shall appoint (five) or (seven) Justices of High Court, including the Chief Justice of Chinland High Court with consent and approval of both Senate and House of Representatives of the Chinland Legislature.
  94. Except the Chief Justice of Chinland High Court, the rest of Chinland High Court Judges shall be addressed as Associate Justice of Chinland High Court.
  95. A majority of the Justices of Chinland High Court shall be necessary to constitute a quorum. A majority of the members sitting shall have authority to pronounce a decision except in cases involving the constitutionality of an act of the legislature.
  96. The Chinland High Court shall have jurisdiction in all cases relating to the revenue, civil cases in which the state is a party, mandamus, quo warranto, habeas corpus, election contexts involving state officers other than members of the legislature, and such appellate jurisdiction as may be provided by law. The legislature may provide that any Justice of the Chinland High Court or Judge of appellate court created pursuant to this Constitution who has retired may be called upon for temporary duty by the Chinland High Court.
  97. Whenever necessary for the prompt submission and determination of causes, the Governor of Chinland may appoint judges of the Township Court or Appellate Court to act as Associate Justice of the Chinland High Court, sufficient in number, with the Associate Justice of the Chinland High Court.
  98. Judges of the Township Court or the Appellate Court so appointed shall serve during the pleasure of the Governor of Chinland and shall have all the power of Justices of Chinland High Court.
  99. The Chief Justice shall make assignment of Associate Justices to the divisions of the Court, preside over the division of which he or she is a member, and designate the presiding judge of the other divisions. The Associate Justices of the Chinland High Court, sitting without division, shall hear and determine all cases involving the constitutionality of a statute and all appeals involving capital cases and may review any decision rendered by a division of the court. In such cases, in the event of the disability or disqualification by interest or otherwise of any of the Associate Justices of the Chinland High Court, the Court may appoint Judges of the Township Court or the Appellate Court to sit temporarily as Associate Justices of the Chinland High Court, sufficient to constitute a full court of (five) or (seven) Justices.
  100. Judge of Township Court or Appellate Court shall receive no additional salary by virtue of their appointment and service as herein provided, but they shall be reimbursed their necessary traveling and lodging expenses.
  101. The Chief Justice of Chinland High Court and Associate Justices of Chinland High Court shall reside at the place where the Chinland High Court is located, and no Chief Justice or Associate Justices of the Chinland High Court shall be deemed thereby to have lost his or her residence at the place from which he or she was

- selected. The offices of Chief Justice of Chinland and Associate Justices of the Chinland High Court shall be at the place where the Chinland High Court is located.
102. The Chief Justice of Chinland High Court shall preside at all terms and sittings of the Chinland High Court, and in his or her absence or disability the Associate Justices present shall select one of their numbers Chief Justice pro tempore of Chinland High Court.
  103. No person shall be eligible to the office of Chief Justice of Chinland High Court or Associate Justices of Chinland High Court unless he or she shall be at least forty years of age, a Chin National, and a citizen of the Federal Union, and shall have resided in Chinland at least ten years next preceding his or her election.
  104. No person shall be eligible to the office of Chief Justice of Chinland High Court or Associate Justice of Chinland High Court unless he or she has for at least ten years held a judicial office in the competent Court in Chinland or in the Federal Union; or, has for at least ten years been an advocate of High Court or Lower Courts in Chinland or certain Courts in the Federal Union; or has for at least ten years been a member of Law Faculty at accredited University or College in Chinland or in the Federal Union.
  105. The Township Courts shall have both chancery and common law jurisdiction, and such other jurisdiction as the Chinland Legislature may provide; and the Judges thereof may admit persons charged with felony to a plea of guilty and pass such sentence as may be prescribed by law.
  106. The Chief Justice of Chinland High Court, the Associate Justice of Chinland High Court, the Judges of Appellate Court, and Township Courts shall receive such salaries and allowances as may be provided by Chinland Legislature by law.
  107. No Justice of the High Court, Judge of Appellate Court, and Township Courts shall act as attorney or lawyer or counselor at law in any manner whatsoever. No judge shall practice law in any court in any matter arising in or growing out of any proceedings in his own court.
  108. The organization, jurisdiction, powers, proceedings, and practice of all courts of the same class or grade, so far as regulated by law and the force and effects of the proceedings, judgments and decrees of such courts, severally, shall be uniform.
  109. All judicial officers provided for in this Constitution shall hold their offices until their successors shall be qualified and they shall respectively reside in the Township or Village from which they shall be selected. All officers, when not otherwise provided for in this Article, shall perform such duties and received such compensations as may be prescribed by law.
  110. Chinland may sue and be sued, and the Chinland Legislature shall provide by law in what manner and in what courts suits shall be brought. All process shall run in the name of "Chinland," and all prosecutions shall be carried on in the name of "Chinland."
  111. For the effectual administration of justice and the prompt disposition of judicial proceedings, the Chinland High Court may promulgate rules of practice and procedure for all courts, uniform as to each class of courts, not in conflict with laws governing such matters. To the same end, the court may, and when requested by the Chinland Legislature by joint resolution, shall certify to the Chinland Legislature, its conclusions as to desirable amendments or changes in the general laws governing such practice and proceedings.

112. The Chinland Legislature shall provide for a Commission on Judicial Qualifications consisting of: (1) Three Judges, including one Appellate Court Judge, one Township Court Judge, and one Judge of any other court inferior to the High Court as now exists or may hereafter be created by law, all of whom shall be appointed by the Chief Justice of the Chinland High Court; (2) three members of the Chinland Bar Association who shall have practiced law in Chinland for at least ten years and who shall be appointed by the Executive Council of the Chinland Bar Association; (3) three Chin nationals, none of whom shall be a Justice of the Chinland High Court or Judge of any Court in Chinland, active or retired, nor a member of the Chinland Bar Association, and who shall be appointed by the Governor of Chinland; and (4) the Chief Justice of the High Court, who shall serve as its chairperson.
113. The Commission on Judicial Qualifications shall act by a vote of the majority of its members and no action of the Commission shall be valid unless concurred in by the majority of its members.
114. A Justice or Judge of High Court or Judge of any court of Chinland may be reprimanded, disciplined, censured, suspended without pay for a definite period of time, not to exceed six months, or removed from office for (a) willful misconduct in office, (b) willful disregard of or failure to perform his or her duties, (c) habitual intemperance, (d) conviction of a crime involving moral turpitude, (e) disbarment as a member of the legal profession licensed to practice law in Chinland or (f) conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or he or she may be retired for physical or mental disability seriously interfering with the performance of his or her duties if such disability is determined to be permanent or reasonably likely to become permanent.
115. Any Chin national may request the Commission on Judicial Qualifications to consider the qualifications of any Justice or Judge of the High Court or other judge, and in such event the commission shall make such investigation as the commission deems necessary and shall, upon a finding of probable cause, reprimand such Justice or Judge of the High Court or other judges or order a formal open hearing to be held before its concerning the reprimand, discipline, censure, suspension, removal, or retirement of such Justice or Judge of the High Court or other judges.
116. The High Court shall appoint a person who shall investigate and hold a formal open hearing to take evidence in any such matter, and to report to the Commission. After considering the record and report of the judge, the commission finds that the charges are established by clear and convincing evidence, it shall recommend to the High Court that the Justice or Judge of the High Court or other Judge involved shall be reprimanded, disciplined, censured, suspended without pay for a definite period of time not to exceed six months, removed, or retired as the case may be.
117. The High Court shall review the record of the proceedings and in its discretion may permit the introduction of additional evidence. The High Court shall make such determination as it finds just and proper, and may order reprimand, discipline, censure, suspension, removal, or retirement of such Justice or Judge of the Supreme Court or other judge, or may wholly reject the recommendation. Upon an order form removal, the Justice or Judge of the High Court or other judge shall be removed from office, his or her salary shall cease from the date of such order, and he or she shall be ineligible for judicial office. Suspension shall not create a vacancy in the office of Justice of Judge of the High Court of other judge.

118. No Justice or Judge of the High Court or other judge shall participate, as a member of the Commission, or as a master, or as a member of the High Court, in any proceedings involving his or her own reprimand, discipline, censure, suspension, removal, or retirement.
119. The decision of the High Court shall be final in the interpretation of the Constitution of Chinland and the laws in force in the Chinland and the laws enacted by the Chinland Legislative Assembly.

#### ADMINISTRATIVE

120. The qualified electors of Chinland, at the times and places of choosing the members of the legislature, shall every five years thereafter elect a Secretary General of State, Treasurer General of State, Advocate General of State, Auditor General of State, and Commissioner of Civil Services.
121. The Secretary General of State shall carefully keep and preserve the records of all the official acts and proceedings of the Governor, Senate, and House of Representatives, and when required, lay the same before either branch of the Legislature, and perform such other duties as are enjoined by this Constitution, or shall required by law.
122. The Secretary General of State, Treasurer General of State, Advocate General of State, Auditor General of State, and Commissioner of Civil Services shall attend the Governor, Senate and House of Representatives, in person or by their deputies, as they shall respectively require.
123. The powers, duties, privileges, and compensation of the Secretary General of State, Treasurer General of State, Advocate General of State, Auditor General of State, and Commissioner of Civil Services shall be prescribed the Chinland Legislature by law.

#### CIVIL SERVICE COMMISSION

124. The legislature shall establish and ordain a Civil Service Commission of Chinland.
125. The Civil Service shall conduct the Civil Service examination based on merit and reservation as the Chinland Legislature may provide by law.
126. The Chinland Legislature shall makes laws for Civil Service Commission's Rights, Privileges, Responsibilities, Duties and Impeachment from time to time.

#### IMPEACHMENT

127. The House of Representatives shall have power to impeach the Chief Justice, Associate Justices and all other Judges; the Senators, and all other officials who are appointed for public office by the consent and the approval of Senate.

128. The senate shall have power to impeach any member of the House of Representative and any members appointed for public office by the consent and the approval of the House of Representatives.
129. When sitting for impeachment purpose, House of Representatives or Senators shall be on oath or affirmation. No person shall be convicted without the concurrence of at least two-thirds of the members present.
130. Both houses of the Chinland Legislature shall impeach the Governor. When the governor is impeached, the Chief Justice of Chinland High Court shall preside.
131. The Governor, and all other executive and judicial officers, shall be liable to impeachment; but judgments in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit under the state. The party convicted, shall, nevertheless, be liable and subject to indictment, trial and punishment according to law.
132. Treason against the state shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of at least two witnesses to the same overt act, or on confession in open court. No conviction of treason, or attainder, shall work corruption of blood, or forfeiture.

#### LOCAL GOVERNMENT

133. The Chinland Legislature may provide by law for the creation, organization, administration, consolidation, division and dissolution of 20 to 25 Local Government units “Townships” and their functions, for the change of boundaries thereof, for their elective and appointive officers including qualifications for office and for the transfer of Township seats.
134. The Chinland Legislature may not change a Township boundary or a Township seat transferred until approved in each Township affected by a majority of the voters voting on the question.
135. Any Local Government unit when authorized the Chinland Legislature by law may adopt a Local Government Charter for their own Local Government units. A Charter shall become effective if approved by such majority of the voters of the Local Government unit as the Chinland Legislature prescribes by law. If a Charter provides for the consolidation or separation of a Township, in whole or in part, it shall not be effective without approval of the voters in the remainder of the Township by the majority required by law.
136. Chinland High Court shall nominate township Judge, and the Township Courts shall be established and ordained by State Legislature by law.
137. Enumerated powers prescribe by this Constitution in succeeding provisions shall be vested in Local Government units, i.e., Towns, Villages, Blocks, and Wards Councils. The Chinland Legislature may delegate taxing powers to organized Towns, Villages, Blocks, and Wards.
138. The Local Government shall have the powers to make its own Charter on the following matters:
  - i. Acts or Rules making power for Local Government Administration;

- ii. Establishment of Local Police Forces;
  - iii. Maintenance of Local Sanitary;
  - iv. Maintenance of Local Hospital, School, Library, and Safety;
  - v. Establishment of Roads, Parks, and Recreational Centers;
  - vi. Entitlement of Landownership;
  - vii. Regulation of Local Tax and establishment of Local Bonds;
139. The Governing Body of each Local Governments shall be called Council. The Structure of each Local Governments shall be:
- i. Township Council
  - ii. Village Tract Council
  - iii. Village Council
  - iv. Block Council
  - v. Ward Council
140. Each Local Government unit shall inform the Secretary General of State regularly the legislation, execution, and adjudication of Local Government Charters as prescribe by the Chinland Legislature by law.

#### FINANCE, TAXATION, AND REVENUE

141. The power of taxation shall never be surrendered. This power shall not be suspended or contracted away, except as provided in this Constitution.
142. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose alterations as on other bills; and no bill from the operation of which, when passed into laws, revenue may incidentally arise shall be accounted a bill raising revenue; nor shall any matter or cause whatever not immediately relating to and necessary for raising revenue be in any matter blended with or annexed to a bill for raising revenue.
143. No money shall be borrowed or debt created by or on behalf of the Chinland but pursuant to an Act of the Chinland Legislature, passed with the concurrence of three-fourths of all members elected to each house, except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend the Chinland in war, or pay existing debts; and any law authorizing the borrowing of money by or on behalf of the Chinland shall specify the purpose for which the money by or on behalf of the Chinland shall specify the purpose for which the money is to be borrowed, and the money so borrowed shall be used exclusively for such purpose; but should the money so borrowed or any part thereof be left after the abandonment of such purpose or the accomplishment thereof, such money, or the surplus thereof, may be disposed of according to law.
144. No appropriation of the public money shall be made to, nor the bonds of the Chinland be issued or loaned to any Local Governments or corporation, nor shall the credit of the Chinland, by the guarantee or the endorsement of the bonds or other undertakings of any Local Government or corporation, be pledged otherwise than pursuant to an Act of the Chinland Legislature, passed with the concurrence of three-fourths of all the members elected to each house.

145. The Chinland Legislature shall provide for levying and collecting a capitation tax from every National and Citizens of the Chinland of the age of twenty-one years or upwards; but such tax to be collected in any Local Government shall be uniform throughout that Local Government, and such capitation tax shall be used exclusively in the Local Government in which it is collected.
146. No money shall be drawn from the treasury but pursuant to an appropriation made by Act of the Chinland Legislature; provided, however, that the compensation of the members of the Chinland Legislature and all expenses connected with the session thereof may be paid out of the treasury pursuant to resolution in that behalf; a regular account of the receipts and expenditures of all public money shall be published annually.
147. The real and personal property of the Chinland or its political subdivisions shall be exempt from taxation under conditions and exceptions which may be provided by law. All, or any portion of, property used exclusively for non-profit religious, charitable, cemetery, or educational purposes, as defined by law, shall be exempt from taxation. General law may grant other exemptions of like or different kind. All valid existing exemptions shall be retained until otherwise provided by law.
148. Private leaseholds, contracts, or interests in land or property owned or held by the Federal Union, the Chinland, or its political subdivisions, shall be taxable to the extent of the interests.
149. No tax shall be levied, or appropriation of public money made, or public property transferred, nor shall the public credit be used, except for a public purpose.
150. The Governor of Chinland shall submit to the legislature, at a time fixed by law, a budget for the next fiscal year setting forth all proposed expenditures and anticipated income of all departments, offices, and agencies of the Chinland. The governor, at the same time, shall submit a general appropriation bill to authorize the proposed expenditures, and a bill or bills covering recommendations in the budget for new or additional revenues.
151. No money shall be withdrawn from the treasury except in accordance with appropriations made by law. No obligation for the payment of money shall be incurred except as authorized by law. Un-obligated appropriations outstanding at the end of the period of time specified by law shall be void.

## PUBLIC EDUCATION

152. The Chinland Legislature shall by general law establish and maintain a system of public schools open to all children of the Chinland, and shall provide for other public educational institutions.
153. The school and institution established by the Chinland Legislature shall be free from sectarian control.
154. No money shall be paid from public funds for the direct benefit of any religions or other private educational institution.
155. The University of Chinland is hereby established as the State University and constituted a body corporate. It shall have title to all real and personal property now

or hereafter set aside for or conveyed to it. Its property shall be administered and disposed of according to law.

156. A Board of Regents shall govern the University of Chinland. The Governor, subject to confirmation of a majority of the member of the Chinland Legislative Assembly in joint session, shall appoint the regents.
157. The Board of Regents shall, in accordance with law, formulate policy and appoint the president of the university. There shall be the executive officer of the board.
158. The State Legislature shall by general law establish uniform guideline for the primary, secondary, high school, college, and vocational educations.
159. Pursuant to laws now or hereafter enacted by the Chinland Legislature, public funds may be expended for any of the following purposes:
  - i. To provide grants, scholarships, loans, or other assistance to students and to parents of students for educational purposes.
  - ii. To provide for a program of guaranteed loans to students and to parents of students for educational purposes and to pay interest, interest subsidies, and fees to lenders on such loans. The Chinland Legislature is authorized to provide such tax exemptions to lenders as shall be deemed advisable in connection with such program.
  - iii. To provide grants, scholarships, loans, or other assistance to public employees for educational purposes.
  - iv. To provide for the purchase of loans made to students for educational purposes who have completed a program of study in a field in which critical shortages exist and for cancellation of repayment of such loans, interest, and charges thereon.
  - v. Contributions made in support of any educational assistance program now or hereafter established under provisions of this section may be deductible for state income tax purposes as now or hereafter provided by law.
  - vi. The Chinland Legislature shall be authorized by general law to provide for an education trust fund to assist students and parents of students in financing postsecondary education and to provide for contracts between the fund and purchasers for the advance payment of tuition by each purchaser for a qualified beneficiary to attend a state institution of higher education. Such general law shall provide for such terms, conditions, and limitations as the Chinland Legislature shall deem necessary for the implementation of this subparagraph. Notwithstanding any provision of this Constitution to the contrary, the Chinland Legislature shall be authorized to provide for the guarantee of such contracts with state revenues.
  - vii. Guaranteed revenue debt may be incurred to provide funds to make loans to students and to parents of students for educational purposes, to purchase loans made to students and to parents of students for educational purposes, or to lend or make deposits of such funds with lenders which shall be secured by loans made to students and to parents of students for educational purposes.
  - viii. Public authorities or public corporations heretofore or hereafter created for such purposes shall be authorized to administer educational

assistance programs and, in connection therewith, may exercise such powers as may now or hereafter be provided by law.

- ix. The Board of Regents of the University System of Chinland shall be authorized to establish programs allowing attendance at units of the University System of Chinland without payment of tuition or other fees, but the Chinland Legislature may provide by law for the establishment of any such program for the benefit of elderly citizens of the state.

#### PUBLIC HEALTH

160. The Chinland Legislature shall provide by law for promotion and protection of public health.
161. The Chinland Legislature shall provide by law for the treatment and rehabilitation of handicapped persons.
162. The Chinland Legislature shall provide by law to provide financial assistance, medical assistance and social services for persons who are found to be in need of and are eligible for such assistance and services as provided by law.

#### PUBLIC WELFARE

163. The Chinland Legislature shall provide by law for promotion and protection of general public welfare.
164. The Chinland Legislature shall provide by law for the security of the elderly by establishing and promoting programs to assure their economic and social well-being.
165. The Chinland Legislature shall provide by law to provide for, or assist in, housing, slum clearance and the development or rehabilitation of substandard areas. The exercise of such power is deemed to be for a public use and purpose.
166. The Chinland Legislature shall provide by law for public welfare on:
  - i. social security
  - ii. unemployment
  - iii. senior citizens
  - iv. foster homes, nursing homes, daycare, etc.
  - v. care for orphanage, disabled, etc.
  - vi. government sponsored welfare agency
  - vii. private sponsored welfare agency.
167. Minimum standard guidelines of the Chinland public welfare standards shall be prescribed by Chinland Legislature from time to time.

## CULTURAL AND MEDIA

168. State shall have exclusive authority in Media, Communication, Broadcasting, Telephonic, Telegraphic, Cultural and others as prescribe by Chinland Legislature by law.
169. The Chinland Legislature shall provide by law to conserve and develop objects and places of historic or cultural interest and provide for public sightliness and physical good order.
170. The Chinland Legislature shall provide by law for these purposes private property shall be subject to reasonable regulation.

## STATE ARMED FORCES

171. Chin people able-bodied person the age of 18 and under the age of 40 years shall serve the Chin National Army for at least three years. All Commissioned Officers of the State Armed Forces shall be appointed and commissioned by the Governor, from such person as are qualified by law to hold such office.
172. The Chinland Legislature shall, by law, designate the qualifications necessary for holding a commission in the State Armed Forces and shall prescribe the mode of selection of officers for the several grades.
173. The Governor of Chinland shall Commissioned the Commissioners as directed by the Chinland Legislature.
174. The Chinland Legislature shall have the final authority for creation of State Armed Forces and making rules and regulations of State Armed Forces by making law.
175. The Federal Armed Forces shall not be stationed in Chinland without the consent and approval of Chinland Legislative Assembly.

## GENERAL PROVISIONS

176. The seal of Government of Chinland shall be .....
177. The national anthem of Chinland shall be.....
178. The national flag of Chinland shall be.....
179. The Seal of Governor of Chinland shall be .....
180. The Flower of Chinland shall be “Rhododendron”.
181. The National Animal of Chinland shall be “Mythun”.
182. The National Bird of Chinland shall be “Great Hornbill”.
183. The Official Language of Chinland shall be English and Chin.
184. The Constitution shall be made in English and Chin and signed by the Governor of Chinland and enrolled for record in the office of the registrar of the Chinland High Court.
185. Without approval of the Legislative Assembly and Chinland High Court, interpretation of this Constitution into Chin language shall not be signed by the

Governor of Chinland and shall not be treated as the authorized Constitution of Chinland.

## INTER-STATE AND INTER-FEDERAL RELATION

186. The Constitution of Federal Union shall not override any provision of the Constitution of Chinland.
187. Every Bill made by the Federal Legislature, Executive Order, or Adjudication of the Supreme Court of Federal Union on Chinland shall be null and void unless the consent and approval of the Chinland Legislature with two third of majority vote.
188. The Government of Federal Union shall have power to make laws on the following provisions:
  - i. Foreign policy and affairs;
  - ii. The Federal Debt and Property;
  - iii. The raising of money by any mode or system of Federal Taxation;
  - iv. The borrowing of money on public debt;
  - v. The fixing of and providing for the salaries and allowances of civil and other officers of the Government of Federal Union;
  - vi. Quarantine;
  - vii. Currency and Coinage,
  - viii. Monetary Policy of the Federal Union;
  - ix. Federal Banking, Incorporation of Companies, Banks and Issue of Paper Money;
  - x. Weight and Measures;
  - xi. Bills of Exchanges, Promissory Notes, and Negotiable Instrument;
  - xii. Copy Rights, Trademarks, and Patents or Invention and Discovery;
  - xiii. Naturalization of Aliens; and
  - xiv. Establishment, Maintenance and Management of Federal Penitentiaries.
189. The Government of Federal Union and Chinland shall have concurrence powers on the following provisions:
  - i. Federal Armed Forces;
  - ii. Federal Seaways, Highways, and Airways;
  - iii. Regulation of Federal Trade and Commerce;
  - iv. The Census and Statistic;
  - v. Navigation and Shipping;
  - vi. Savings Banks;
  - vii. Interests and Legal Tender;
  - viii. Bankruptcy and Insolvency; and
  - ix. Beacons, Buoys, Light Houses.

## AMENDMENT

190. Any Provision of this Constitution shall be amended by the approval of 75 percent of the Members of the Chinland Legislature.
191. Any Provisions in this Constitution will be amended by the approval of 65 percent of the Chin nationals who are of the age of 18 and above by exercising referendum.

## APPENDIX (I)

### THE DOCTRINAL GUIDELINES AND PRICIPLES OF THE CHINS ON FEDERAL UNION

1. The sole purpose of forming Union is to protect and promote the common interest, benefit, and security of distinct nationalities accordingly federal principles known as “self-rule” and “shared-rule”. Therefore the Federal Union shall be formed based on the National States, and the federal government shall be established for the purpose to protect and promote common interests.
2. In order to form the Federal Union, the Constitution of Federal Union shall be draft by representatives of National States without nullifying the State Constitutions and without violating the principles of federalism.
3. The Draft Constitution of Federal Union shall be enforced only after ratification of each National State through referendum.
4. Each Federal Defense Force shall be formed base on equal contribution of members from each National State and shall be funded by the Federal Government.
5. Each State shall elect and send a Federal Justice to serve at the Supreme Court of Federal Union to protect and promote the spirit of the federalism and the interest and benefit of the Union and shall have the highest authority on interpretation of the Constitution Federal Union.
6. Regardless of the size and population of National States, each State shall have equal number of Representatives in the Upper House (or) House of Nationalities.
7. The number of Member of Lower House or House of Representatives shall be based on population ratio. However, total number of Burman Representatives in both Houses (upper house and lower house) shall be equal as Total Non-Burman Representatives in both Houses (upper house and lower house).
8. Members of both Houses and Governors of National States shall elect the President and Vice President of the Federal Union. President and Vice President shall not be from the same State or Nationality.
9. International Treaties, Bilateral Treaties, Multilateral Treaties shall not be enforced in the Federal Union without the consent and approval of majority number of the Upper House (or) House of Nationalities.
10. When proven that any ethnic national or the nationals commit and violate gross human rights, genocide, crimes against humanity, and war crimes, and other crimes toward another national in the Federal Union, victimized national shall secede from

the Federal Union at anytime and shall have a right to declare independence and establish an independent state or nation.

## APPENDIX (II)

### **POLITICAL HISTORY AND SOCIAL BACKGROUND OF THE CHIN PEOPLE**

#### ***A. Geographical position and Economic background***

The heart of Chinland though some might want to call it Eastern Chinland is here just called Chinland for convenience. It is situated in the west of Burma, covering many mountain ranges and valleys over the western part of the two main rivers plains – Irrawaddy and Chindwin, from the Patkoi range in the North to Cape Negrais in the south on the shore of Bay of Bengal in the Indian Ocean.<sup>1</sup>

The Chinland mountain ranges has its highest peak at Sarameti in the north, which is over 12,000 ft above sea level and at its second highest peak in the south at Victoria or Khawnu M'tung, over 10,000 ft. above sea level. The lowest part is at Paletwa, 120 miles from the sea shore of Bay of Bengal, which is reached by high tide along the Kaladan river that enters the Bay of Bengal at Akyab, the capital and sea port of Arakan State.

Chinland is thus endowed with many sorts of natural resources including forest products of flora and fauna of great variety. The exploitation of these natural resources is hindered, however, by lack of effective communications. The communications have been systematically ignored by the successive military regimes and the one party system Burma Socialist Program Party (BSPP), subsequently known as the National Unity Party (NUP). [NOTE: The NUP obtained only 10 parliamentary seats out of 485 seats in the 1990 general election of Union of Burma though it was fully supported by the present ruling military regime, which was known then as State Law and Order Restoration Council (SLORC) and now is the State Peace and Development Council (SPDC)].<sup>2</sup>

We even contend that the reason for ignoring communications in the Chin heartland by the successive military regimes of course is no other than to make it uninhabitable with an aim to wipe out the existence of the Chins as a people to serve the military regimes' chauvinistic selfish interest. This contention is proved to be true by the persecution the military regime launched on the Chin people that makes them escape the persecutions to several countries the world over in diasporas in tens of thousands as refugees.

The Chinland mountain ranges separate the Ganges-Brahmaputra plains and the Irrawaddy plain as an immense natural wall in South Asia rather as the Alps, on which Switzerland is situated, separate the Great-lowland plain and the Lombard plain in the South of Europe. As Switzerland serves as a bridge between the two plains, so is Chinland between the Ganges-Brahmaputra plain and the Irrawaddy plain.

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<sup>1</sup> BURMANICA ENCYCLOPEDIA 389, (Vol. II).

<sup>2</sup> BURMA LAWYERS COUNCIL, BURMA: THE MILITARY AND ITS CONSTITUTION 5 (1999).

This position of Chinland between the two plains makes it very strategic to the two plains in trade and in other respects. It was this strategic point which had helped the Chin guerilla forces in their small numbers to expel the Japanese forces invading India, from their homeland at the time the British administration left them to the mercy of the Japanese fascists during World War II, saving India and the Allied forces immense loss and sufferings; for, it would not have been easy to repel the invading forces if they had reached the Ganges and Brahmaputra plain valley<sup>3</sup>

This geographical strategic position of Chinland can also be a great help towards rapid development if the Chin people have the full right to develop it in freedom. The first thing to get done to develop the Chinland is to improve motor road communication and create a network of such roads reaching all its villages and areas as soon as possible.

### ***B. Background of political history***

Historically, the territories inhabited by the Chin people, known as Chinland in many publications of the British administration, was independent territory from time immemorial, outside the jurisdiction of neighboring ancient kingdoms which are now known especially as India and Burma.<sup>4</sup> As a matter of fact, Chins and their related ethnic people have common affinities, which provide a possible basis for a common distinct national identity for those known as Chin from Burma; and Kuki and Naga from India. As with the Burman or Burmese, the Chin and the Burman have mutually recognized each other as different people historically and traditionally due to differences in their languages as well as in their cultural life though their feature and complexion may be of the same Asian stock as other Asians in the Far East and Southeast Asia. It was this recognition of distinct national identity of the Chin people, living in their own formerly independent territory, outside the successive Burmese kingdoms at the time of the British invasion, which led the Chin people to sign the Panglong Agreement under British administration.

The British invaded the Chin homeland from three fronts, namely: from Bengal, which is now Bangladesh, Assam now in India, and Burma, in synchronization in three wars in 1872, 1888 and in 1889 to 1890. The Chinland territories occupied in those wars by each military front were put under the administration of each occupying military front. Thus one part of the occupied territory was administered by the military front under the British Governor of Bengal, which is now Bangladesh. Another part occupied from Assam was administered by the occupying military front under the British Governor of Assam.

The territory occupied from Burma was administered by the occupying military front under the British Governor of Burma as a part of British Burma. Despite the fierce resistance of the Chin people, and because of their superior military strength, the British proclaimed the entire occupied Chin homeland to be a part of the British Empire in 1895.

The occupied territory in its three parts, which the British had termed also as Chin-Lushai land, was to be reunited again as a province under a British governor. This was established at a conference at Calcutta in 1892 shortly after the occupation of the territory under present day towns of Haka, Falam and Tiddim though some parts of the Chin territories

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<sup>3</sup> H.N.C STEVENSON, THE ECONOMICS AND CENTRAL CHIN TRIBES iv-x (1943).

<sup>4</sup> H.N.C STEVENSON (The Map attached to "The Burmese War 1824-1826") by Snodgrass, Printed in Thailand by TK Printing Ltd, All rights reserved ISBN: 974-89746-3-4/ CHIN-LUSHAILAND BY SURG-LIEUT. COL.A.S. REID.

were not yet occupied. The Chin native rulers had to accept the terms offered by the British occupying forces with an understanding that the British would recognize their continued rule as heads of their respective areas, so long as taxes were paid and peaceful passage and transport were given to the British authorities.

This agreement was later dubbed the Chin Hills Regulation 1896 with the intention that the three occupied territories be a province under a British governor. This Regulation provided that no foreigners outside the Chin territory were allowed to enter the Chin territories without the permit from the authority concerned.<sup>5</sup> This regulation provision served as an immigration law for the occupied Chin territories. In fact, it is still used as an “Inner-line” permits in some parts of North East India. This provision of the peace agreement was interpreted by some people as enabling the British to take the responsibility of preserving the integrity of the Chin territory and their distinct national identity.

Section 2 of the Chin Hills Regulation defined the term Chin as including Lushai, Kuki, Naga and Chins in the Chin Hills and its adjoining areas. The definition as a matter of facts have been based on the similar affinities they all have as seen by the drafter of the Chin Hills Regulations. The similar affinities they have is seen by their neighboring people like Kachin and Shan calling them both in a single name as Khang. The similarities they have also is felt by the native themselves in later generations which make them see each others as long lost brothers.

Thus the Chin native rulers according to the term mentioned above were to be allowed to continue ruling their respective areas in the traditional hereditary system of administration throughout the colonial period. But the plan of reunification was dropped by the British local administration in their divide and rule policy for the given reason that the resistance war by the Chin people against the British administration made it impossible to establish administration in the face of the usually flooded rivers like Tio and Tipi (Kaladan), between the Eastern and Western territories, in the rainy.<sup>6</sup>

The Chinland territory was thus left divided by international boundaries into three parts at the advent of the Independence of Burma and India by the British administration, as it had been occupied by different fronts of the invading British India forces in the late 19th century.

### ***C. The right of Chinland to be a sovereign independent state***

Though the British annexed Chinland in 1895, the Chin people in several areas rose in rebellion against the British administration in 1917-1918 to be free from British colonialism during World War I when they were forced to serve as labor corps at the front line in Europe far away from their homeland.<sup>7</sup> The rebellion was severely suppressed by the British forces. Houses and properties were burned and destroyed. Many people were killed and imprisoned. Some were accused of treason and hanged.

When Burma and British India were to be given independence by the British, the Chin homeland territory was not to be handed over either to India or Burma especially as it had not been annexed by the British as a part of either country. It had the full right to be a sovereign

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<sup>5</sup> SHINBANMIMKAR CHAUBA, HILL POLITICS IN NORTH EAST INDIA 18 (1973).

<sup>6</sup> TRIBAL RESEARCH INSTITUTE, FOREIGN DEPARTMENT REPORT ON CHIN LUSHAI HILLS 46 (1980).

<sup>7</sup> See generally, H.N.C. STEVENSON, *supra* note 3.

independent state by itself when the British withdrew imperial administration from British India and Burma. If the British had seen the Chinland population a not mature enough to give them independence by themselves, the British still had the responsibility to voluntarily place the Chin territory under the United Nations Trusteeship System according to the United Nations Charter Article 77(1)(c).

#### ***D. Chins as a Founding Member of the Union of Burma***

However, the Chin people in the present Chin State which usually is known by some people as East Chinland became a part of Union of Burma as the Chin native rulers under British signed Panglong Agreement in February 12, 1947 with other Panglong Agreement signatory nationalities to cooperate with the provincial government of Burma led by General Aung San to achieve immediate freedom from colonialism.

The part of the Agreement which constitutes the core of the Panglong Agreement runs as. "The members of the Conference, believing that freedom will be more speedily achieved by the Shans, the Kachins and the Chins by their immediate co- operation with the interim Burmese Government etc..."<sup>8</sup> Here, it is very clear that there is no implication that signing the Panglong Agreement suggests surrendering the sovereignty of the Chin people to Burmese colonialism.

It is also very clear that the purpose of signing the Panglong Agreement was to be immediately free not only from British colonialism, but from any colonialism. It is predicated on the intention of preserving the integrity of their distinct national identity and their homeland territories. So it is correct to interpret the Agreement as enabling each signatory nationality to form its respective independent state in its respective territories after achieving freedom from British colonialism. This was reflected in the secession clause of the 1947 Union constitution.<sup>9</sup>

Therefore the Union of Burma was initially founded encompassing the different territories of the Shans, the Kachins, the Chins and the Burman Kingdom of the last king Thibaw on the basis of the Treaty of the Panglong Agreement. The 12th February on which the Agreement was signed has been observed as an official holiday known as the Union Day, every year in the whole of the Union. But observing the 12th February as Union Day without observing the Panglong Agreement and the 1947 Union Constitution, in which Panglong Agreement is reflected and enshrined, is a deception and a lie to the people of the Panglong Agreement signatory nationalities, to the people of the whole Union, and to the world.

It is important to understand that the territories of these Panglong Agreement signatories, such as the territories of the Chin, Kachin, etc. had never been parts of the Burmese kingdom or part of Burma before British annexation. Other nationalities like Kayah with their territories having never been under the Burmese kings also joined the Union later as the Kayah State under the Union constitution 1947 in ratification of the Panglong Agreement. The Karen also did the same.

Basing on the core of this Panglong Agreement as a corner stone, the Union of Burma was founded, with the Constitution of the Union of Burma 1947 adopted by the Constituent

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<sup>8</sup> MAUNG MAUNG, THE CONSTITUTION OF BURMA 229 (1961).

<sup>9</sup> *Id.* Section 10, Article 201-206.

Assembly by democratic process.<sup>10</sup> This Constitution also provides for the creation of new states in Sections 199 to 200, and for a Right of Secession for all the constituent states in Sections 201 to 206, as well as for the orderly amendment of the Constitution in Sections 207 to 210. The provisions in the Constitution which have been said to limit secession to some of the signatory nationalities runs against the spirit of the core of the Panglong Agreement as a whole, if one closely comprehends it.<sup>11</sup>

The weakness of the Union constitution of 1947 could here be seen in the formation of the two chambers of Union Legislature. Out of the 250 seats in the Chamber of Deputies, 190 seats were representatives from Burma proper and the remaining 60 seats were the representatives from the rest of the Union constituent units according to the Section 3 of the 1948 Parliamentary Election Act, Act No. 65. The government of the Union was collectively responsible to the Chamber of Deputies from Burma proper under Section 115 of the Union Constitution 1947.

In the same way, dissolution of the Chamber of Deputies automatically also means dissolution of Chamber of Nationalities under Section 88 of the same Constitution. So the Burman members of Parliament in the Chamber of Deputies with more than 2/3 of the votes have the opportunity or chance to pass any law, and even to amend the Union Constitution without any vote of other Panglong Agreement signatory nationalities. This means that the representation which the non-Burman nationalities were said to have in the Union Parliament is just the same as having no representation at all.

The Chamber of Nationalities, in which every constituent Unit should have equal representation, with more power of legislation than the Chamber of Deputies, has 53 representatives again from Burma proper whereas each of the other Non-Burman constituent State has at most 25 representatives (from the Shan), 8 from the Chin Special Division and only 3 from Kayah States.<sup>12</sup>

The Chamber of Nationalities at the same time was under the control of Chamber of Deputies, where, as stated, they had no effective voice as in forming the Union Government; and this Chamber could get dissolved automatically if the Chamber of Deputies is dissolved, as mentioned above.<sup>13</sup>

The inequality of powers in the two Chambers of Parliament in addition to the inequality in the number of representatives in the Union Parliament created unbalanced power as between Burma proper and the rest of other union constituent nationalities of the Union. This creates the Burmans as a ruling people taking colonialism from the British over the rest of the constituent units. Thus it has caused all sorts of discrimination by the Burman against the fellow Panglong Agreement signatory nationalities. This discrimination has been much resented by the rest of the Panglong Agreement signatories other than the Burman or Burmese.

So a proposal to make orderly amendments to the 1947 Union Constitution in order to create more of a federal form was made in 1962. The Arakan Affairs Council and Mon Affairs Council were formed from the elected members of Parliament from the constituencies

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<sup>10</sup> See generally, THE CONSTITUTION OF BURMA, CONSTITUENT ASSEMBLY OF BURMA (1948) (Reprinted 1957).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* MAUNG MAUNG, *supra* note 8.

<sup>13</sup> *Id.*

of Arakan and Mon Divisions respectively<sup>14</sup> similarly to the Chin Affairs Council, which had been in existence during its transitional period to Statehood since the beginning of the 1947 Union Constitution.

The objective aim of the nationalities forming their respective Affairs Council with the consent of the elected members of the parliament from their respective divisional constituencies was also to become constituent states of the federal union in the 1947 Union Constitution to be amended in federal form. Arakan and Mon also ratified the core of the Panglong Agreement by agreeing to be constituent States of the Federal Union. Burma proper was also to be one of the constituent States of the Union when the Union Constitution was to be amended in Federal form then and now as there can be no federalism without its being a constituent state of the Federal Union.

This arrangement would be closer to the formation of true Federal Union according to the core of the Panglong Agreement. Even in the original plan of drafting the Union Constitution, the Union was to be formed of Union States<sup>15</sup>, which should be represented by one star each in the Union flag. This is according to what Dr. Maung Maung wrote: “The five small stars represent the Mon-Burmese-Arakanese, grouped as one (representing the last Burmese Kingdom), the Karen, the Shans, the Kachins and Chins clustering round the big star, the Union, in shining unity.”<sup>16</sup>

#### ***E. Chinland, its pre-British status quo ante as independent state at present***

Then, a group of military personnel led by General Ne Win overthrew the Constitution with its constitutional government in a *coup d'état* by force of arms on the night of March 2, 1962 against the will of the Union citizens. A Revolutionary Council (RC) under his chairmanship was formed with his subordinate military officers dissolving the constitutional Union Parliament and forming, instead, five Supreme Councils namely Chin, Kachin, Karen, Kaya and Shan, each under a military command. (These subordinate military officers were all two levels lower than his rank and could then be treated as mere subordinates).

The council also invested General Ne Win with full legislative, Judicial and Executive power on March 9, 1962 to rule the country as a despot. An Advisory board known as the Interim Unity Advisory Board (IUAB) of the Union of Burma was formed in 1968 with 33 ex-members of the last Union Parliament, in which Pu Htat Hlaing and Pu Lun Pum from the Chin State were also included<sup>17</sup>

The Board was under the chairmanship of former Prime Minister U Nu whose government was overthrown by General Ne Win in 1962. Suggestions, to be given freely to the Revolutionary Council (RC) through the IUAB, were invited from the public by the RC through the nation's media. The Chin Youths formed of Rangoon Chin University students and other Chin Youths submitted a suggestion in memorandum known as “*Chin Lunge-mya aKyan-pei Tin-pya-Chet*, which means “Proposals Offered by the Chin Youth” through the two Chin IUAB members and the IUAB to the RC, in reply and with reference to the announcement no 72 or 77 dated December 4-6, 1968 of the Chairman of the RC.<sup>18</sup>

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<sup>14</sup> THE NATIONS, RANGOON 1-8 (APRIL 5, 1961).

<sup>15</sup> *Id.* MAUNG MAUNG, *supra* note 8, at 231-240.

<sup>16</sup> *Id.* at 203.

<sup>17</sup> THE WORKING PEOPLE'S DAILY 1 (Vol.5, No. 326, Rangoon, Thursday, December 5, 1968).

<sup>18</sup> *Id.* 1(Vol. 5. No. 327, Rangoon, Friday, December 6, 1968).

The said proposal demanded that the Union of Burma be reformed into a democratic true Federal Union in which Chin Special Division would be one of the Federal Constituent States of the Federal Union of Burma. However, advice and suggestions submitted by the IUAB and others to the RC were all refused by RC and IUAB was dissolved. In September 26, 1971 the State Constitution Drafting Commission formed by the Burma Socialist Program Party (BSPP) established by RC under full support and protection of the RC issued a statement again inviting suggestions from the public by the people individually or collectively.<sup>19</sup>

The Chin people all over the Union, especially from the Chin Special Division read and submitted not less than 150 papers of suggestions to the Constitution Drafting Commissions. All the 150 papers from the Chin Special Division repeated the previous proposals of the Proposal of Chin Youths demanding the reformation of the Union into a democratic true Federal Union of Burma. But in spite of giving what was demanded, not less than fifty Chin leaders and political activists who were in some way or the other involved in the activities of presenting the papers of suggestions for the constitution drafting were arrested and jailed without any trial for any except two.

Among those arrested were included leaders and political activists from all the political parties that had been banned, such as the Anti Fascist People's Freedom League (AFPFL), Chin National Organization (CNO), the Union Party led by U Nu former Prime Minister of the Union, and even Regional top leaders from the Chin Special Division and Magwe Division of The Burmese Socialist Program Party (BSPP), which was at that time supposed to be the ruling party of the one party system. Moreover, there were included among those arrested people from all walks of life of the Chin society such as retired as well as active army officers, administrative officers, medical doctors all in service, lawyers, student leaders, and farmers.

This event of the suggestion memorandum by the Chin people towards drafting a constitution was believed to have had some effect on the RC, who then reformed the Chin Special Division as a State at least in name; because the Chin people were then regarded also as a minority people restless for higher political status under the Union Constitution. Dr. Maung Maung wrote, "to placate restless minority groups, the three separate States were to be created within the Socialist Union of Burma."<sup>20</sup>

This meant the States of Arakan, Chins and Mons, which were created nominally as States under the constitution of Socialist Republic of Union of Burma 1974 in the dissolved last parliament. The States of Kachin, Karen, Kayah, and Shan were also reduced to the level of district status along with the newly created three states to be under the rigid centralized control of the successive military regimes.

As a matter of fact, not less than 200,000 political activists in the whole Union, including the Chin leaders and activists mentioned above, were taken to military detention camps. Most of them, including the Chin leaders, were released only after several years, generally without any trial and only after the socialist constitution was duly adopted in a pretended referendum in 1974 in the absence of these leading political activists in the Union, who were staunchly against the military regime and their *pro forma* referendum.

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<sup>19</sup> ALBER MOSCOTTI, BURMA'S CONSTITUTION AND ELECTIONS OF 1047. INSTITUTE OF SOUTH EAST ASIAN STUDIES: SERIES NO. 5.P.9.

<sup>20</sup> ALBERT P. BLAUSTEIN & GISBERT H. FLANZ, CONSTITUTION OF THE COUNTRIES OF THE WORLD 3 (1974).

The process of adopting that constitution without any institution to check the referendum votes and without freedom of expression and freedom of association and freedom of press makes it an illegal and illegitimate constitution and a weapon to limit democratic freedom under despotic military rule. Thus it was obvious that the Union citizens in 1973-74 were forced at gunpoint to vote for the ratification of a new constitution, which was entitled “the Constitution of Socialist Republic of Union of Burma 1974”. Anyhow, the 1974 constitution, and the military government formed also on the basis of a pretended election, was abolished in the countrywide pro democratic uprising of 1988, and the regime, which overthrew the 1947 constitution, came to an end.

So the 1947 Union Constitution automatically backs in top force, as it had never been voted legally. As a matter of fact, the Union Constitution of 1947 created the State of Union of Burma as a subject of international law and therefore served as the basis for the admission of Union of Burma to the United Nations Organization as a member State in 1948.

Section 3 of the Constitution provides –“The sovereignty of the Union resides in the people”. The people of the Union of Burma in their sovereign power then elected their representatives in the general election recognized internationally as a fair and justified election in 1990, and those elected representatives, being elected according to democratic process, are thus lawful representatives of the Union according to S.3 of the 1947 Union Constitution. It is therefore necessary for them to proclaim the restitution of the 1947 Union Constitution as a means to legitimately restore democracy in the Union.

It has been thought even by some people of pro democratic forces that the Constitution of Union of Burma of 1947 shall neither be amended nor readopted, without any regard for its legitimacy or for its democratic legal process. Such people seems to fail to take notice of the very fact that not to readopt the 1947 Constitution is tantamount to justifying and legalizing the criminal act of overthrowing the Constitution along with the constitutional government.

The overthrowing of the constitution by a handful military personnel was a criminal act amounting to waging war against the Union by force of arms, having their political ideology based on "might is right". This is completely against the fundamental principle of democracy, "Right is might". At the same time, to have overthrown the constitutional government by force of arms is against the rule of law, which is much esteemed in the United Nations Charter.

Therefore, not to readopt and amend the 1947 Union Constitution will amount to unwitting submissive surrender to the successive anti-democratic despotisms, collaborating with them in their brutal acts of killing unarmed peaceful demonstrators, fellow citizens who have sacrificed their lives for the restoration of genuine and true democracy based on liberty, equality and fraternity in the Union of Burma.

Moreover, justifying the overthrow of the 1947 Union Constitution by force of arms, it will also amount not only to legalizing their criminal acts; it will also be taken as a justifiable, regular phenomenon by the generations to come in history. It will then mean the laying down of the principles of the jungle and primitive law, "might is right", by today's democratic forces of the Union of Burma. That will surely make the Union proceed to its own ruin.

On the other hand, the 1947 Union Constitution can serve as a springboard to restore democracy in the Union, as the India Act of 1935 and the Burma Act of 1935 were used as a

springboard from which the people there continued the process of democratization to transform their countries into democratic republics.

As a matter of fact, newly independent of India and Burma held general elections according to the Indian Act of 1935 and the Burma Act of 1935, respectively, transforming their countries with democratically elected representatives of their respective countries from the results of the general elections to be democratic republics<sup>21</sup> In the same way the citizens of the Union of Burma at present according to the principle of the rule of law need such democratically adopted law as a springboard to start the legitimacy of restoring democracy and the Union from its disintegration at present from the legal point of view. So what we mean by restoring democracy in the Union of Burma should first mean to restore the Constitution of Union of Burma 1947.

In this way can it be understood clearly that to proclaim the 1947 Union Constitution will serve as a bridge from the democratic system prior to March 2, 1962 to restored democracy as the Indian Act of 1935 and the Burma Act of 1935, respectively, were used by the Independent India and Burma as a bridge between the democratic process prior to their independence and the democracy they established in their post independence.

The 1947 Union Constitution can be amended by the citizens through their elected representatives in their own way after it is readopted. If not, there will be an end of the Union of Burma in the context of the principle of the rule of law. The military regime SLORC/SPDC, is refusing to hand over power to the elected representatives. They have not recognized the government formed with the elected representatives, thus effectively trying to end the Union, ignoring the sovereign power of the Union citizens.

Section 2 of the Constitution of Union of Burma provides: “The Union of Burma shall comprise the whole of Burma, including (i) all that territory heretofore governed by His Britannic Majesty through the governor of Burma, and (ii) the Karenni [Kayah] State”. This is implicit recognition that the territories of the indigenous people like the Chin, the Kachin, the Kayah, and other indigenous nationalities of the Union were in general not under the rule of the successive kings of Burma nor were they ever an integral part of Burma before the British annexation. It was the Panglong Agreement and the Constitution of Union of Burma which created the state, the Union of Burma, and these are the only two documents, especially the Section 2 provision, which bind these territories to be in a sovereign state together.

Now, if the SLORC/SPDC continue refusing to hand over power to the democratically elected representatives of the people, there is no way, according to the rule of Law, that the territories of the Kayah, the Karen, the Kachin, the Chin, the Shan and other Union constituent units can become a part of Union of Burma in the absence of the two documents, the Panglong Agreement and the 1947 Union Constitution, until and unless the 1947 Constitution is re-proclaimed.

Thus these territories, which had been governed by his Britannic Majesty through the British governor of Burma and which had been bound by the Panglong Agreement and the 1947 Union Constitution of Burma are in their pre British annexation *status quo ante* at present as independent territories in the absence of the Panglong Agreement and the 1947 Union Constitution.

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<sup>21</sup> *Id.* MAUNG MAUNG, *supra* note 8, at.78.

Since Section 3 of the 1947 Union Constitution provides that the sovereignty of the Union is vested in the people, the People's Representatives elected by the citizens of the whole Union in the 1990 general election, which is recognized as a just and fair election internationally, are the legal legitimate elected representatives as soon as they proclaim its re-adoption.

However, if they do not readopt the 1947 Union Constitution, even the government formed by the elected representatives of the citizens of the Union of Burma elected in 1990 general election cannot become a legitimate democratic legal government *de jure*, as it was elected under the law passed by the unconstitutional self appointed regime.

It cannot be recognized as a legitimate legal government *de jure*, because the non-proclamation of the 1947 Union constitution will amount to recognition of or legitimation of the overthrow of the 1947 Union constitution by force of arms contrary to democratic procedure. In another words, it will amount to legitimizing the successive self-appointed illegal governments as governments *de jure*, justifying all their criminal violations of human rights.

In such circumstances, the Shan, the Kachin the Karen, the Kayah and the Chin, being in their pre *British status quo* as independent territories, and other nationalities are at liberty to proclaim independence in their respective definite territories to be recognized as international persons by the democratic countries the world over and by the United Nations.

This is the way the successive military regimes of Burma, including the SLORC/SPDC, have paved the way for the rest of the Panglong Agreement signatory nationalities by over throwing the 1947 Union Constitution, and not wanting to hand over power to the elected representatives in trying to colonize the Panglong Agreement co-signatory nationalities' territories in gross violation of that Agreement.

The reason that these national territories are now under the unconstitutional and illegitimate government of the SLORC/SPDC is because of the temporary illegal occupation of these national territories by the self-appointed despotic government of the Burmese military regime.

In other words, non-observance and violation of the core of Panglong Agreement by the successive Burmese military regimes, and not readopting the 1947 Union Constitution mean exclusion of the territories of the Panglong Agreement signatory nationalities and their fellow minorities from the Union of Burma forcing them to establish their respective sovereign independent states in their respective definite territories.

#### ***F. Social and cultural background***

The territory the Chin people have spread out in is so vast an area, with hilly regions where communication is so difficult, that they could not have had systematic contact from one area to another for along period in their history. So it is quite possible that the Chin population could have been different from one local area of the Chins to the other to an extent that they could no longer be recognized by each other and by others as the same people.

But they have kept to some extent their communities and cultural life collectively and distinctively different from other people even where their settlements are mixed with other people in all the places they have spread out to. Thus even though they might have their local name separate from the rest of the Chin people, their cultures and dialects always could be traced as having the same common origin with the rest of the Chin people in other parts of their territories.

As a matter of fact, it is striking that the local dialects; customs and cultures of the Chin people over such a wide area constitute a network of overlapping similarity that can be taken as evidence that they are much the same people. This similarity is connecting one tribe after another in continuous chains ending at their common geographical frontier creating the distinct single national identity.

The Chin people today have a better understanding among the various parts of the territories they inhabit due to the easier communication providing better contact from one region to the other than before. This better understanding has revealed that the cause of the minor differences the Chin people have in their local dialects, culture and custom from one local area to the other has been to some extent due to lack of communication among the various parts of the territories they have inhabited in their long history. The Chin unity as a people is based rather on patterned diversity than uniformity.

Thus it can be foreseen that the Chin people, by having better understanding of their respective local dialects, custom and culture, may one day be able to consider any Chin dialect, culture and custom of any local Chin area to be the common dialect, culture and custom of all the Chin people when communication in Chinland is made truly general. For example, Hakha and Falam, which are only 44 miles apart, might be joined as virtually a single city when the communication is improved so that they could be only an hour away from each other

This means that the Chin people will unite not in uniformity but in diversity, which eventually will create the Chin people rich in literature and culture, providing richness of arts in the Chin people's life. The progress the Chin people has made so far has been quite fast and rapid in spite of the oppression and the discrimination they have suffered from the Burmese militarism. So because of the rapidly changing life in their society, the Chinland constitution should be not a rigid one but flexible, so that the Legislative Assembly of Chinland may be able to enact laws flexibly to suit the rapid changing of their national life.

Chin cultural life has shown that we are a people like other parts of the world who love freedom very much. Thus the Chinland constitution should be the one which will promote democracy and our freedom in every arena of our society.

The smallest unit of our society is the individual and individuals are relatives within the family. Families are generally relatives in a 'clan segment' and clan segments are relatives in Clans. "Clans are relatives in the 'dialect group' and dialect groups are relatives in tribes".<sup>22</sup> Actually, the term we use here, 'clan segment' is what has sometimes been called 'sub-clan' and

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<sup>22</sup> (a) Clan segment. Here, the clan I believe is all familiar with any Chin as it is a unit of the Chin society next to individual and family stages. Hlawnceu clan which seems to spread most widely in Mizoram, Northern Chin State, and Chittagong Hills Tract is an example of what I mean here as clan. But this Hlawnceu clan has many branches in smaller groups having several local names. Those group, which have local names, are the clan segment (subclan) of the Hlawnceu clan. A Hlawnceu clan segment (subclan) of course is a group of families with its separate local name who are descendants of Hlawnceu ancestors.

(b) Dialect group (Sub-tribe). What I mean by dialect group (sub tribe), is a people of a locality who share a dialect, which is mutually intelligible among them. E.g. Zotung is a group of Chin people who share a dialect mutually intelligible among them. But culturally they are the same as several other groups of people in Haka, Thantlang whose cultural center we could base for all at Haka which has been traditional center of feudal administration in the past before the British annexation. Thus they could be collectively known with other dialect groups (sub-tribes) who share the same culture known to day as Haka tribe or Lai tribe. I hope that this explanation is quite understandable.

'dialect group' is what has been called 'sub-tribe', but the latter are misleading and inappropriate.

The tribes of the Chin people make their lives along the valleys and mountain ranges and the relations of one local area of the Chin people to the other are continuous like chains from north to south and east to west mixing their dialects and cultures and custom, which in one way has molded them as having come to recognize as a single distinct national identity<sup>23</sup>

It is to be understood that "the term Chin actually refers to a variety of groups whose languages are more closely related to each other than to other group". Their having a distinct single national identity is recognized by their surrounding neighbors like Kachin and Shans as "Khang" or in much of Eastern India as "Kuki as a different people from other people outside their common frontiers creating distinct national identity of the Chin people.

The term 'Chin' is believed to have been derived from the term *Kbrang* or *Khlang* which in the Southern Chin dialect still means simply "people"<sup>24</sup>, and which has come to be pronounced as "Chin" in course of systematic phonetic changes in the Burmese language, from which the term was borrowed into English. It is still read as "Khyeng" in Arakanese, however.

This means neighboring groups 'recognize' a cultural-social relatedness amongst the Chin and therefore decided long ago to treat them as a single people. This recognition by the neighboring groups of the Chin people having cultural- social relatedness amongst themselves also reflects a concept among the Chin people of sharing a distinct national identity.

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<sup>23</sup> Here, I want to explain the way how the Chin tribes collectively have come to have a single distinct identity as a nation. If we take the people in Tonzang and Tiddim townships in the most northern part of the present Chin heartland, their dialect and cultural life is more or less the same.

But people in Siyin valley in the southern part of the township who have more or less the same culture and dialect have a very close similarity also with the Ngon people in Falam township who are most closed to each other. From there such similarity continues on from Zanniat area to Tlaisun, Laizo, Mangkheng and Zahau area.

From that Zahau area, Khualsim and Zahau group in some way are closely similar again with the people in Haka and Thantlang township up to Matupi township with Zotung and Miram. Those Zotung and Miram(Mara) have in some way similarity with people in Matupi and Paletwa townships and from there the similarity continue up to Mindat and Kanpetlet area.

Those people in Mindat, Kanpetlet and Paletwa areas have again in some way close similarity to Chin people in Arakan State and Chin people in Se-tauk-tara townships till Tha- yet-myo (Mye htee Pin-le) and even till people near Cape of Negrals in Irrawaddy division in the delta area up to Ramree and Cheduba island in Arakan State.

From Tiddim and Tonzang area, the similarities spread till Manipur and Naga Hills. From Paletwa, Thlantlang, Haka and Falam areas, the similarity spread out till Mizoram in India and Chittagong Hills tract in Bangladesh. This similarity is therefore connecting one after another in continuous chains ending at a common frontier of all geographically.

It can be read some where above that the Chin people to some extent have kept their communities and cultural life collectively and distinctively different from other people even wherever they are mixed with other people in all the places they have spread out.

It is this chain of similarities in culture and dialects with the geographical continuation of their habitats which has moulded their similarity so as to have a single distinct national identity in chains wherever they are to be recognized collectively by the neighboring peoples as a nation known in several names as Khang or Kyeng or, Kuki or Naga though they may have also several synonymous names which all means more or less "people" such as Mizo, Sho, Yaw, Cho, Zomi, Khumi, Laimi, Batu or Matu, Rongtu etc.

<sup>24</sup> BURMANICA ENCYCLOPEDIA Vol. II. p. 389.

Thus the concept of sharing a distinct national identity as a single people amongst the Chins certainly has become the political ideology of Chin nationalism. These cultural and conceptual similarities taken together with those of their physical appearance are sufficient to motivate their conceiving of each other to be the same people.

Their mutual differences were taken, however, as more insurmountable by some few British officers in the early part of their occupation. But the discovery of the many similarities among them by the native people themselves in the later generations proved that those who raised the technical differences as the main reasons to separate them once was much resented as "a policy of divide and rule".

Some people may say that England and America recognize a big relationship, but not a political unity. Similarly for Germany and Austria and so on. But, if we look only for our differences, we can see differences even among brothers and sisters of the same parents, as it is how nature has created us, the people of the world.

In the same way, if we look for only our commonness, then all the people in the world are all the same in humanity. But we still cannot form a single unified world government. So the world is divided into nations, and a nation we should say is mostly regarded to be formed of originally different 'tribes', who have united on the grounds of close affinities and common ties to the point of having the same distinct identity as a group as in our case.

If such tribes and peoples can not accept their similar affinities as a background to be united against the force that will assimilate them or destroy their respective existence, they will lose their distinct national identity as a group and become totally extinct as each tribe or each such group will eventually be too few in population, not strong enough to resist and defend their existence as a people against the assimilation and influence of the outside world. In the same way each dialectal group of us, the Chin people is too small in number to defend and resist such undesirable influences and assimilation if each dialectal group of the Chin people abandons a sense of uniting together on the ground of our similar affinities. Everything needs to be re-orientated to be up to date in any field, and in particular, as communication round the world increases it is generally understood that the percent of similarities is likely to increase at the expense of narrowly parochial identities. We cannot keep things stagnant and dogmatic.

If we still hold on to ancient and parochial concepts from the period of 'one village one kingdom', not agreeing that we are one single people, it will certainly take us to nowhere. (In the same way our national concept should not be kept stagnant and dogmatic as it was long ago for hundreds of years)—We need to re-orientate and defend it in unity to be able to withstand encroachments from more aggressive societies in our neighborhood as the saying goes "United we stand, divided we fall".

It may be true that very commonly, ethnicity is the result of the fact that some outside and powerful people or political State treats a set of related communities as 'all the same', which forces them to exist as 'a people'. This expression is especially true of people of would otherwise swallow every group among of them one after another.

So it is a matter of our living together, basing upon recognition of our brotherhood, or all perishing together for not taking any action, thinking that it does not concern us when others are killed, as in the Nazi gas chambers. It is believed to be appropriate here to quote, what Pastor Martin Niemoller stated on Holocaust in reference to such incident. His statement runs:

“First they came for the Jews  
And I did not speak out  
Because I was not a Jew

Then they came for the communists  
And I did not speak out  
Because, I was not a communist

Then they came for the trade union  
And I did not speak out  
Because, I was not a trade-unionist

Then they came for me  
And there was no one left to speak out for me.”<sup>25</sup>

So when a part of a people who accept the same name do not stand up when another part of the same people with the same name are under injustice oppression from an enemy of their very common existence, that enemy will also surely bring about the extinction of the part of people with the same name who do not stand up. In the same way if a people refuse to help and unite with its closest kin in times when those kin are under repression, that repression is certainly to come on them also.

Therefore, to be united and help each other is the first step towards defending oneself in such cases. This is the lesson of history around the world. It is true in many cases that ethnicity is the result of a set of related communities treating each other as all the same in their free will on the common ground of their similarities to exist as ‘a people’ on the same ground “to live together or to perish together”.

We cannot say that the people under the term Chin are not the same people because the different parts of the Chin people could not have contact for centuries to the extent that they can no longer speak the same dialect. In the same way, the people under the Chin definition should not be different people for the reason that they had not discovered for centuries that they spoke essentially the same language in the not very distant past.

The surprising similarities among many of our different dialects and cultures even in the far north and in the far south after having no contact with each other for centuries certainly is undeniable evidence that the people who fall under the definition of Chin had once shared one language at the not very distant past after they were separated from other groups of Tibeto-Burman speaking groups. This is also supported by the fact that the people who fall under the definition of Chins have occupied a geographical position of the same region all joined and hang together.

The conspicuous similarities of all people under the term Chin is difficult to deny or to discount. It has been those similarities, which make them closer to each other than to the people outside their common frontier. In other words, the technical differences, which some people might try to prove, are outweighed by the similarities we, the native Chin people ourselves, see in our common society.

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<sup>25</sup> PASTOR MARTIN NIEMOLLER.

When the modern communication is improved in the region, the different dialectal groups of the Chin people will have more and more contact with each other and increase their sense of oneness as the same people, say as long lost siblings conceive of each other as sisters and brothers of the same parents after they discover themselves to be so.

We should not lose the sense of brotherhood in our common similar affinities we have with all the people who fall under the definition of Chin in the Chin Hills Regulation which is still in force in the Naga Hills of Sagaing Division in the Union of Burma. The definition of the term Chin is still the same as it was in 1896 and it has also been accepted in the Chin Special Division Act 1948 through the Chin representatives in the Union of Burma.

We can usefully take the people of India, as an example, who can have the sense of one nation and oneness with their respective different languages and literatures. In the same way, the Chin people of 1950 is not the same in their outlook as Chins of 1940; the Chins of 1990 are not the same as Chins of 1950 and so on, in their outlook. The discovery of our similarities one after another have made us closer each other and increased our sense of oneness as one people as the communications have improved in our region.

The ever closer relations amongst the Chin people of different dialectal groups or tribes can be seen in their idea that what was once thought to be great difference in their different dialects and cultures have come to be understood as differences we have in our traditions to suit our different environments, and accepted as our heritage of variety and richness of our traditional literature and culture.

It is this concept which should be enshrined together with democracy and self-determination in the constitution of Chinland, (as a constituent unit of Federal Union of Burma), to guide us in freedom to carry out the task towards the ever increasing prosperity and development of Chinland and its population.

In order to make every local area enjoy the freedom, the structure of the Chinland constitution should be based on dialectal or geographical or traditional administrative groupings in our society. At the same time it should be emphasized that priority be given to the common cause and common interest of the Chin people as a whole in carrying out the task of Chinland. We have been much hindered by the Burmese military dictatorship from making the right to see and to make our country developed and prosperous in freedom.

So, when democracy is restored, any one who is given the responsibility to carry out this task at the time must at once give priority to constructing the communications infrastructure a network over the whole of Chinland as soon as possible. With the improvement of road transport, electricity will also be established concurrently. Other links of transportation like airfields, railroads, and waterways where possible will also be established as early as possible. Any possible loans shall be taken to establish all these infrastructures.

## **CONDITIONS FOR CHINLAND TO JOIN REUNIFICATION OF FEDERAL UNION OF BURMA**

### ***A. Reunification of Union of Burma as a Federal Union***

The constituent units of the Union under the Constitution of Union of Burma at present can choose to reform the Union if the 1947 Constitution of the Union is readopted with amendments according to the core of the Panglong Agreement to unite and cooperate in their common interest, and give the right of self determination to all the units as demanded by their distinct natures.

All the democratic forces of the Union are to uphold the generally accepted principle that, “A nation is said to be a group of people who agree to live together in voluntary association”. The association must be voluntary, and not forced, to form a real nation. Voluntary association can only arise among peoples who have confidence in one another and who feel that, by living together, they have much to gain and little if anything to lose, that thereby their welfare and progress will be helped and not thwarted.<sup>26</sup> So if the SLORC / SPDC is trying to conquer the will of the peoples by force of arms, intimidation, and deception, it will just make the people increase the hatred they have for them.

Even if the SLORC/SPDC could successfully conquer them by force of arms today, the spirit to escape from their brutal bondage will always be smoldering, which means that there will be no peace in the country. The constituent units of any countries who have been conquered by force of arms, in fake union founded by force of arms against the voluntary will of the constituent units, usually keep on struggling in cold or hot war till the opportunity arises when the oppressors become weak, and on the day when the iron grip of the oppressors is weak, which almost surely happens at some time, the situation usually ends with chaos and bloodshed.

In this way a country ruled by force of arms against the voluntary will of the constituent units and the people will never have peace. This is just the way things are now in the Union of Burma, and have been for a half century by now, dragging down the country into the condition of the poorest country in the world with all kinds of suffering and misery in spite of the richness of its natural resource; for, all money to be invested for the development of the country has been spent only for arms and ammunition and other military purposes by the successive despotic military regimes to oppress and kill their own citizens.

Thus the only way of solving the political crisis in the Union of Burma will be to strictly observe the natural course of democratic legal phenomena, which can be accomplished only by handing over power peacefully to the elected representatives elected in the last 1990 May general election, who will in turn proclaim the re-adoption of the 1947 Union Constitution with its amendments to federal form to bridge the gap between the period of democracy, defunct since 1962, and the future.

Then only will the people of the Union be able to pursue in freedom — freedom from fear and freedom from want – the cultural richness and many-colored variety of their land, beautifying their part of the world and playing their parts on the stage of the world with pride and dignity, recreating all that has been lost under the bondage of militarism.

### ***B. The basic grounds on which Federal Union of Burma may be reunited***

The universal practice of equality according to the principles of democracy anywhere in the world is universal adult suffrage, no matter how different those adults are in size, in gender, status or other distinctions amongst persons. This principle is also applied to nations and States, as they are also corporate personal entities.

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<sup>26</sup> TIMES OF INDIA, April 2, 1993. New Delhi: India. P.8 (quoting the Times archives May 1, 1946).

This is the reason why nations large and small have equal rights and have equal numbers of representatives in the General Assembly of the United Nations. It is the same reason why the constituent unit states, large and small, of many sizes in population and geographical territory in a country have equal representatives as in the Senate of the United States of America and in the legislatures of many other countries.

William Peterson, a representative of New Jersey (USA) was quoted as saying, "What, Pray, is representation founded on Numbers? If State Sovereignty is to be kept up, shall I submit the welfare of New Jersey with five votes in a council where Virginia has sixteen? This would lead to Autocracy. Neither my State nor myself will ever submit to despotism or to tyranny".<sup>27</sup>

Thus the signing of the Panglong Agreement by all the signatory nationalities and the several agreements that have been signed since then among the constituent nationalities of the Union have made this universal fundamental principle of democracy applicable to the signatory nationalities of the Agreement and other recognized nationalities of the Union large and small, no matter what their respective differences in geographical and population size within the Union.

Therefore all the national states in the Union shall have equal representatives and equal votes in the national convention and in the constitutional assembly and in at least one chamber of legislature, which has more power in the federal legislation of the Union. Then only can all the nationalities in the Union be united according to the generally accepted theory of voluntary association mentioned above.

Actually, a constitution is not an ordinary piece of legislation. Instead it is a sacred document and it is an agreement to live together. It cannot be compared to any ordinary law. So the practice of adopting a constitution by referendum is not fair, as it is not as simple as asking the people to give an answer of 'yes' or 'no' to such a comprehensive document.

It is therefore essential that the constitution of the union should be adopted and amended by equal representatives popularly elected to the constitutional assembly by each of all the national states of the Union, respectively, to be just and fair to all of them. It is this concept, which should be enshrined together with democracy and self-determination in the constitution of the federal Union of Burma in which Chinland is to be a constituent unit, to guide us in freedom to carry out the task of continually increasing the prosperity and development of Chinland and its population.

That is, adoption and amendment of the constitution of the union should be decided on the basis of a majority of individual national states and not by on that of the total population of the union. Thus the conditions expressed here are the only favorable condition for joining the reunification of the Federal Union of Burma.

### ***C. Government formation systems and Chinland constitution.***

Building a sovereign nation or sovereign state always involves the constitutional law of that nation or state. It is constitutional law, which create the constitution of a nation or state. There are so many assertions on what constitution of a nation is. The statement on it, which seems to be the easiest to understand, is "A constitution may be said to be a collection of

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<sup>27</sup> PROPOSAL OF CHIN YOUTH 1969.

principles according to which powers of the government, the rights of the governed, and the relations between the two are adjusted".

So in building a nation the most important function of the nation is to make those principles usually known as the constitution and the laws of the country concerned. The principles mentioned above are commonly embodied in an established Legislature, Executive and Judiciary. Those who make laws are representatives usually known as the Legislature elected by the people. Those laws passed by the legislature are enforced by an executive body usually known as Government. Whether the government executes the laws as passed by the Legislature is decided by the Judiciary whenever there arise legal problems in the courts.

Generally speaking, constitutions are classified as being of either the unitary system or the federal system. Constitutions in which unitary system is used are common in countries where there is only one sovereign government. It is adopted mainly in countries where the citizens are similar people of the same culture and language in which only one government can treat the citizens as only one kind of people.

Federal systems of constitution are also used, however, even in countries of the same language and culture, if the country is too vast in area to be controlled from one central government. The Federal system necessarily involves decentralization of the sovereign power of the country or nation concerned. The Federal is most to be pursued by people with different languages and cultures in different territories, which can agree to form a central government to share the same administration only in their common cause and interest, though each territory keeps its own sovereign government for its internal affairs.

In forming the Executive or government of a country, there are several forms of government mainly presidential system of government and parliamentary system of government no matter it be unitary or federal system of constitution. In the presidential form of government, the President (the Head of State and Chief Executive of Government) is in general supposed to be elected by the majority votes of adult population of the whole country. The President selected his secretaries with the consent of the legislature. The power is in the head of the state — but the people in presidential system have a wide range of executive discretion.

In the Parliamentary system of government, the Legislature elects a Prime Minister by majority votes of the members of Legislature and the Prime Minister selects ministers in consultation with the members of Legislature. Actually, the leader of the political party, which wins the majority of seats in the Legislature usually, forms the government with selected members of the party in power.

The President in the parliamentary system is a nominal head of state elected by the legislature or presidential electoral committee. The President acts according to the advice of the Prime Minister and the Prime Minister acts only in the name of the President. In the same way, a governor of a member state acts according to the advice of the Chief Minister and the Chief Minister acts in the name of governor. In the parliamentary system of government, the power is in the population, but the central government or the state government has a wide range of executive discretion.

There is also a dual system- the combination of the two systems, practiced by some countries like Pakistan, France and Russia. The President is very powerful here. The Prime minister is responsible to the President. That is the Prime Minister and his/her Ministers hold

their posts at the discretion of the President. The constitution of the future federal Union of Burma is being suggested to be in this dual system by the Chin Forum as it seems to balance the minority rights and the minority rights of the Union constituent states in a condition where the size of one state and the other is in differences in the size of population as well as in geographical area.

To make it more understandable, the function of the president and the prime minister of a state is roughly and generally comparable to the function of President and Secretary in an organization. Many of us have had experiences in one or more of such organizations. The President of a country performs functions performed by the Chairman or President of an organization and Prime Minister is just carrying out the function of the secretary in an organization. The Prime Minister is like the General Secretary and his ministers are like under-secretaries in an organization. So in an organization, some time the general secretary has the power and the Chairman or the President follows the plan of the general secretary.

The constitution of Federal Union of Burma will be a federal constitution. But the Chinland constitution has to be a unitary constitution, with several local areas having autonomous decision powers in some cases. How to form the authority in the districts and their power may be enacted into law by the Chinland Legislative Assembly. Or it may be in federal form which we need to consider any one of which will fit us best. The Chinland constitution here has not been well arranged yet though the idea also is to be in federal form too.

Adopting presidential system of government in the constitution of Federal Union of Burma is regarded by some people to be out of question owing to the vastness of the country with the very poor and from one of the constituent peoples hold that office who is inherently prejudiced against other constituent peoples of the country — a situation that has been experienced in Burma in the past and exists there to this day.

That also is a reason why parliamentary system of government is to be adopted in the union, so that the people have the sovereign power and not the government. Anyhow, there are people who still advocate the presidential system of government for the federal Union of Burma with the idea that true federal form can only be instituted in this way. So let us all think it over

But to adopt presidential system of government for the Chinland government is quite a considerable step. If we adopt the presidential system of government, the head of the State or the governor of the state will be elected by the whole adult population of the Chinland and the Governor is to select the secretaries with the consent of the legislative assembly of the Chinland. The presidential system of government is more or less adopted in this draft.

In this way, since, the whole adult population is to elect a governor, and there is a greater and better chance of electing the most qualified and most popular person in the whole state. In the same way, the elected governor might have more sense for the equal treatment of all the tribes and sections of the Chin people in consideration of the support of every section of the residents of the Chinland. In this way there can be fairness and unity to solve the many differences we could possibly have.

But in some way, there is some danger to be apprehended. That is, if a very irresponsible person is elected, the governor could easily abuse his power and it will be not easy to control him by impeachment or otherwise after he is duly in full power. We have to

keep in mind some of the bygone Chin leaders who often were accused of localism and nepotism.

Thus on the basis of the arguments and evidence given above in Volume I, Part I to Part II, the Framework of the Chinland constitution in the Volume II of this Paper is tentatively proposed as a menu to be discussed and to provoke the interest of everyone who has any interest in the matter to respond with suggestions, feedback and advice.

In short, our conclusion will include the following terms of reference:

*The Chinland constitution is not to be a rigid one, but a flexible one.*

*It will be a constitution, which will promote democracy and freedom.*

*It should be based on dialectal or geographical or traditional jurisdictions in our society.*

*It should be the constitution of the state, which will be a constituent state in the federal Union that might be called Federal Union of Burma.*

*It should be a unitary form of constitution with several local areas having autonomous decision in some cases.*

*A Presidential system or a Parliamentary system of government may be adopted but the presidential system of government is more or less adopted in this draft.*

### APPENDIX (III)

#### ACTICE PARTICIPANTS ON DRAFTING PROCESS OF CHINLAND CONSTITUTION

Pu Lian Uk (M.P., elected)  
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Dr. Zahleithang (M.P., elected)  
Pu. John Mangtling Cinzah (Ex. M.P) (L)  
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Dr. Sui Khar  
Pu. Zing Cung  
Dr. Chumawi  
Dr. Lian Hmung Sakhong  
Pu Lian Cin  
Salai Kipp Kho Lian  
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