

THE SECOND INITIAL FRAMEWORK FOR THE FUTURE CHINLAND CONSTITUTION IN BARE ACT

Preamble

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,

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,

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 affinities we have in the diversity of our dialects and cultures. The many diversities 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 of 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 for unity. Having been ruled, we seek freedom.

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Our Chinland remained independent in itself, free from outside force since time immemorial until 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 confirm our oneness, to preserve our natural riches, to renew our pride, to fortify our strength, to meet our concerns, to guard our aspirations, and to enable our determinations, we the people of Chinland, give life to and establish this constitution.

Comments:

CHAPTER (I)
THE CHINLAND AND ITS TERRITORY

1. The territories inhabited by the Chin peoples shall be proclaimed, as Chinland. Chinland shall include or comprise:
 1. Falam District
 2. Haka District
 3. Kanpelet District
 4. Matupi District
 5. Mindat District
 6. Paletwa District
 7. Thantlang District
 8. Tiddim District
 9. Tonzan District and
 10. (To be determined by the Chinland Legislative Assembly according to Article 2, 3, 4, and 5 of this Constitution)
2. Each dialectal group not less than 10,000 in population in a joint area of village tracts with a certain wide enough area to be determined by law may form a district or township if the majority of the dialectical group concerned express their desire to form it.

3. The Chinland Legislative Assembly may by law form a new District or Township by separation of territory from any District or Township or by uniting two or more Districts or Townships or parts of Districts or Township or by uniting any territory to a part of any District or Township.
4. The State Legislative Assembly may by law:
 - 1). increase or diminish the area of any District or alter the boundaries or the name of any District.
 - 2). form a district of sub districts or townships and a sub district or township may be formed of village tracts and villages.
 - 3). pass the formation of authority and power of a district, sub district or township, village tract and village ,
 - 4). enacted that each district, sub district or township, village tract and village has fundamental right of democracy to form and run their respective local administrations in conformity with the State and Union constitution to enable to collect revenues from its citizens for its development projects and other administrative purposes if and when their own representatives decide to do so.
5. All power and authority of the Chinland, its constituent parts and organs of Government, are derived from the Chin people.

Comments:

CHAPTER (II)
CITIZENSHIP AND NATIONALITY

6. Chin National. The Chin Citizen and National shall be:
 - 1). Every person both of whose parents or belonged to any of the Chin tribes;
 - 2). Every person, born in any of territories included within the Chinland, at least one of whose grandparents belong or belonged to any of the Chin tribes shall be a Chin national.

Comments:

CHAPTER (III)
FUNDAMENTAL RIGHTS

7. All Chin peoples irrespective of birth, religion, gender, races or status are equal before the law. There shall be no arbitrary discrimination among Chin peoples.
8. There shall be equality of opportunity for all Chin peoples in matters of public employment and in the exercise of carrying on of any occupation, trade, business or profession.
9. Any propagation of national, racial, and religious hatred or discord is contrary to the Constitution of Chinland and punishable by law.

10. All Chin peoples have the right:
 1. To express freely their conviction and opinion, thought, belief, and conscience, in speech, in writing, publication in the press or by any other means of communication;
 2. To assemble peacefully and without arms;
 3. To form and join associations, unions, organizations for the protection of personal interest;
 4. To own property and follow any occupation, trade, business or profession.
11. All Chin peoples have the right:
 1. To have or adopt a religion or belief of his/her choice, and freedom, either individually or in community with others and in public or private, to manifest his/her religion or belief in worship, observance, practice and teaching;
 2. To establish and maintain institutions for religious and charitable purposes;
 3. To manage his/her own affairs in matters of religion;
 4. To own and acquire movable and immovable property; and
 5. To administer such property in accordance with the law.
12. All Chin peoples shall have the right:
 1. To work, which includes the right of every person to the opportunity to gain his/her living by work, which he/she freely chooses or accepts.
 2. To enjoy with equal pay for equal work regardless of gender;
 3. To have equal opportunity for rest, leisure and reasonable limitation of working hours, with periodic holidays with pay, as well as remuneration for public holidays.
 4. To access equally to admission into public, private, and religious institutions.
13. All Chin peoples shall have the right:
 1. To participate in any political organization unless he/she does not have any connection with the Church, or the sect of any religious organization by virtue of the connection to the Church and any of religious organization;
 2. To have a right to vote their will after completion of 18 years of age.
14. Nothing in this Chapter shall prevent the State Legislative Assembly from making any special provision for any Chin people.

Comments:

CHAPTER (IV)
FUNDAMENTAL DUTIES

15. Every Chin national shall have duties towards his/her family, Chin society and Chinland.
16. The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest.
17. Every Chin national shall have the duty to respect and consider his/her fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.
18. Every Chin national shall have the duty:
 1. To preserve and respect the value of family, parents, and maintains them in case of need;

2. To serve his/her national community by endowing his physical and intellectual capacities at its services;
 3. To preserve and strengthen social and national solidarity, particularly when the latter is threatened;
 4. To preserve and strengthen the national independence and the territorial integrity of his/her country and to contribute to its defense in accordance with the law;
 5. To work to the best of his abilities and competence, to pay taxes imposed by law in the interest of the society;
 6. To preserve and strengthen positive Chin cultural values in his/her relations with other members 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;
 7. To contribute to the best of his/her abilities, at all times and at all levels, to the promotion and achievement of Chin unity.
19. Nothing in this provision shall prevent the State Legislative Assembly from making any special provision for any Chin people.

Comments:

CHAPTER (V)
STATE LEGISLATURE

20. All legislative power of the Chinland shall be vested in the Legislative Assembly of Chinland. The State Legislative Assembly shall consist two houses to be known as House of Representatives and Senate.
21. The Senate shall be formed of dialectical constituencies and the House of Representatives shall be formed on the basis of a certain size of population, which shall be determined by law.
22. The Chinland legislative Assembly shall have the jurisdiction over all subjects including foreign relations, federal affairs, economic affairs, banking, taxes and revenue, education, agriculture, health, religion, policing, religion, social, humanitarian and all other issues which powers are not described in Article 110 § (1) to (20) of this Constitution.
23. There shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his function except in so far as he/she is by or under this Constitution required to exercise his functions or any of them in his discretion.
24. The Governor shall appoint the Chief Minister with approval of House of Representative. The Governor shall appoint the other Ministers on the advice of Chief Ministers and with approval of Senate.
25. The House of Representatives shall choose two members of the House to be Speaker and Deputy Speaker thereof and, so often as the office of Speaker and Deputy Speaker becomes vacant, the House of Representatives shall choose another member to be Speaker or Deputy Speaker, as the case may be.
26. A legislator holding office as Speaker or Deputy Speaker of an Chinland Legislative Assembly Shall vacate his office if he ceases to be a member of the Assembly may at any time by writing under his hand addressed, if such member is the Speaker, to the Deputy Speaker, and if such member is the

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- Deputy Speaker, to the Speaker, resign his office; and may be removed from his office by a resolution of the House of Representatives by a majority of all the then Members of the Assembly.
27. Provided that no resolution for the purpose of clause (3) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution:
 28. Provided further that, whenever the House of Representatives is dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the House of Representative after the dissolution.
 29. 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.
 30. The Speaker and Deputy Speaker shall have the right to speak in, and otherwise to take part in the proceedings of, the Session of House of Representatives, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings but not in the case of an equality of votes.
 31. Every Legislator of the Chinland Legislative Assembly shall before taking his seat, make and subscribe before the Governor, or Chief Justice, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the (Schedule.) in this Constitution.
 32. A person shall be disqualified for being chosen as, and for being, a member of the House of Representatives or Senate:
 1. If he/she holds any office of profit under the State government, any Foreign State Government, the Federal Union of Burma, other than an office declared by the Legislature of the State by law not to disqualify its holders;
 2. If he/she is of unsound mind and stands so declared by a competent court;
 3. If he/she is an un-discharged insolvent;
 4. If he/she is not a natural born person of Chinland, or not of 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;
 5. If he/she is so disqualified by or under any law made by Chinland Legislative Assembly.
 6. If any question arises as to whether a member of House of Representatives of Senate has become subject to any of the disqualifications mentioned in article (95 and 96), the question shall be referred for the decision of the Governor and with consultation and advice of the Chinland High Court, his/her decision shall be final. Subject to provision of this Constitution and to the rules and standing orders regulating the procedure of the Chinland Legislative Assembly, there shall be freedom of speech in the Legislature.
 33. No member of the Chinland Legislative Assembly shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of House of Representatives or Senate, such Legislature of any report, paper, votes or proceedings. In other respects, the power, privileges and immunities of Legislators shall be such as my from time to time be defined by the Legislature by law.
 34. Members of the Chinland Legislative Assembly, Chief Minister, Ministers, Speaker, Deputy Speakers shall be entitled to receive such salaries and allowances as may from time to time determined by the Chinland Legislative Assembly by law.
 35. All Bills, including Money Bills and other Financial Bills may originate in either House of the Chinland Legislative Assembly.

36. After any Bill has been passed by a House, it shall be transmitted to the other House for its approval and the Bill shall be returned with recommendation, approval or rejection, within a period of fourteen days from the date of its receipt of the Bill.
37. If the House of Representatives accept any of the recommendations or approval, the Bill shall be deemed to have been passed by both Houses with the Amendments recommended by the Senate and accepted by the House of Representatives or vice versa.
38. If a Bill passed by House of Representatives and transmitted to the Senate for its recommendation or approval is not returned to the House of Representatives within the said period of fourteen days, it shall be deemed to have been passed by both Houses at the expiration of the said period in the form in which it was passed by the House of Representatives.
39. For the purpose of this chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters namely:
 1. The imposition, abolition, remission, alteration or regulation of any tax;
 2. The regulation of the borrowing of money or the giving on any guarantee by the State, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by Chinland;
 3. The custody of the Consolidated Fund or the Contingency Funds of the State, the payment of moneys into or withdrawal of moneys from any such Funds;
 4. The appropriation of moneys out of the Consolidated Fund of Chinland;
 5. The declaring of any expenditure to be expenditure charged on the Consolidated Fund of the State, or the increasing of the amount of any such expenditure;
 6. The receipt of money on account of the Consolidated Fund of the Chinland or the public account or the Chinland or the custody or issues of such money; or
 7. Any matter incidental to any of the matters specific to sub-clauses (1) to (6) hereinabove.
40. When a Bill has been passed by the both Houses of the Chinland Legislature, it shall be presented to the Governor and the Governor shall declare either that he approves or vetos the Bill within fourteen days.
41. Provided the Governor may, within fourteen days after the presentation to him of the Bill for approval, return the Bill together with a message requesting that the Houses will reconsider the Bill or any specific provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommended in his message and, when a Bill is so returned, the Houses shall reconsider the Bill accordingly, and if the Bill is passed again by both Houses with or without amendment and presented to the Governor for approval, the Governor shall approve within fourteen days of receipt.
42. Chinland Legislative Assembly may make rules for regulating, subject to the provisions of this Constitution, its procedure and the conduct of its business.

Comments:

CHAPTER (VI)
STATE EXECUTIVE

43. 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 the Governor by this Constitution and by law.
44. A person who is qualified to be a candidate of the State Governor and who is not a member of State Legislative Assembly or of any State civil service, shall be elected by the peoples of Chinland and shall hold the Office of Governor for five years from the date on which he/she enters upon the office.
45. The Governor shall be commander in chief of the State Armed Forces.
46. The Governor shall not be removed from the office before the expiration of that period unless he/she deceases, or resigns, or becomes permanently incapacitated, such incapacity being established to the satisfaction of the majority of the High Court Judges.
47. The Governor shall hold office for a term of five years from the date he/her enters upon his/her office. No person shall be eligible to the office of the Governor for more than ten consecutive years.
48. No person shall be eligible for election to the office of Governor unless he/she is natural born person of Chinland and has reached the age of forty years.
49. The Governor of Chinland shall promulgate any law passed by the Chinland Legislative Assembly.
50. The Governor shall address both Senate and Peoples Representative at the commencement of the first session after each general election to the Chinland Legislative Assembly and at the commencement of the first session of each year.
51. Governor shall be entitled without payment of rent to the use of his official residences and shall be also entitled to such emoluments, allowances and privileges as may be determined by the Chinland Legislative Assembly by law and, until provision in that behalf is so made, such emoluments, allowances and privileges as are specified in the (Schedules)
52. Every Governor and every person discharging the functions of the Governor shall, before entering upon his office, make and subscribe in the presence of the Chief Justice of Chinland High Court, or, in his/her absence, the senior most Judge of the Court available, an oath or affirmation in the following form that is to say-
“I _____, do (swear in the name of God/solemnly affirm) that I will faithfully execute the office of Governor (or discharge the functions of the Governor) and will to the best of my ability preserve, protect and defend the Constitution of Chinland and the law and that I will devote myself to the service and well-being of the Chin peoples”.
53. The Governor of Chinland shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence:
 1. In all cases where the punishment or sentence is by a Court Martial;
 2. In all cases where the punishment or sentence is for an offence against any law relating to a matter to which the executive power of the Chinland extends;
 3. In all cases where the sentence is a sentence of capital punishment.
54. There shall be a Lieutenant Governor of Chinland.
55. The Lieutenant Governor shall be ex-officio member of Senate and shall not hold any other office of profit.
56. The Senate with majority vote shall elect the Lieutenant Governor and such election shall be by secret ballot.

57. The Lieutenant Governor shall be a member of Senate and be elected Lieutenant Governor; he/she shall vacate his/her seat in that Senate on the date that he enters upon his office as Lieutenant Governor.
58. The Lieutenant Governor shall hold office for a term of five years from the date on which he/she enters upon his/her office. No person shall be eligible to the office of the Lieutenant Governor for more than ten consecutive years.
59. In the event of the occurrence of any vacancy in the office of the Governor by reason of his/her death, resignation or removal, or otherwise, the Lieutenant Governor shall act as Governor until the date on which a new Governor elected in accordance with the provisions of this Constitution to fill such vacancy enters upon his/her office.
60. When the Governor is unable to discharge his/her functions owing to absence, illness or any other cause, the Lieutenant Governor shall discharge his/her functions until the date on which the Governor resumes his/her duties.
61. The Lieutenant Governor shall, during and in respect of, the period while he is so acting as, or discharging the functions of Governor, have all the powers and immunities of the Governor and be entitled to such emoluments, allowances and privileges as may be determined by Chinland Legislative Assembly by law and, until provision in that behalf is so made, such emoluments, allowances and privileges as are specified in the (Schedules).
62. Every Lieutenant Governor shall, before entering upon his/her office, make and subscribe before the Chief Justice of Chinland High Court, or some person appointed in that behalf by him/her, an oath or affirmation in the following form, that is to say-

“I, _____, do (swear in the name of God/solemnly affirm) that I will bear true faith and allegiance to the Constitution of Chinland as by law established and that I will faithfully discharge the duty upon which I am about to enter”.

Advocate General:

63. Any person who has the qualification determined by law for the post of Advocate General shall be appointed by the Governor of Chinland with the consent of the majority of the Senate of the Chinland Legislative Assembly.
64. The Advocate General shall assist the Government of Chinland in drafting and executing the laws.
65. The Advocate General shall appoint subordinate public prosecutors and defenders with the consent of House of Representatives of Chinland Legislative Assembly.

Auditor General:

66. The Governor with the consent of House of Representative of the Chinland Legislative Assembly shall appoint any person who meets the qualification determined by law for the post of Auditor General.
67. Auditor General shall assist the Government of Chinland in auditing the accounts and maintaining public records relating to the accounts.
68. The Auditor General of Chinland shall appoint subordinate auditors with the majority consent of Senate of Chinland Legislative Assembly.

Treasurer General:

69. The Governor with the consent of Senate of Chinland Legislative Assembly shall appoint any person who met the qualification determine by law for the post of Treasurer General.
70. The Treasurer General shall assist the Government of Chinland in treasury matters relating to budget and other financial matters.
71. The Treasurer General of Chinland shall appoint subordinate treasurers with the majority consent of House of Representatives.

Secretary of State:

72. The Governor with the consent of House of Representatives of Chinland Assembly shall appoint any person who met the qualification determine by law for the post of Secretary of State.
 73. The Secretary of State shall assist the Government of Chinland in maintaining the records of Chinland Legislative Assembly.
 74. The Secretary General shall appoint subordinate Secretariats with the majority consent of Senate.
- Civil Service Commissioner:**
75. The Governor with the consent of the House of Senate of Chinland Legislative Assembly shall appoint any person who met the qualification determine by law for the post of Civil Service Commissioner.
 76. The Civil Service Commissioner shall appoint subordinate Commissioners with the majority consent of House of Representatives of Chinland Legislative Assembly.
 77. The rights, privileges responsibilities and removal of the Governor, Lieutenant Governor, Advocate General, Auditor General, Civil Service Commissioner, Treasurer General, Secretary of State, Chief Minister, Ministers and Member of the Chinland Legislative Assembly shall be according to the Chapter (IX) of this constitution and Chinland Constitutional Acts.

Comments:

**CHAPTER (VII)
STATE JUDICIARY**

78. The judicial power of the Chinland shall be vested in High Court of Chinland and in such inferior courts as the Chinland Legislative Assembly may from time to time to ordain and establish.
79. The Governor of Chinland shall appoint the five Judges of High Court, including Chief Justice of High Court and Inferior Courts with consent of both Senate and House of Representatives of the Chinland Legislative Assembly.
80. A person shall not be qualified for appointment as a Judge of a High Court unless he is a natural born person of Chinland and:-
 1. Has for at least ten years held a judicial office in the competent Courts in Chinland and else where;
 2. Have for at least ten years been an advocate of High Court or Lower Court in Chinland and else where; and
 3. Have for at least ten years been as legal scholar, professor, or lecturer at an accredited University or College.
81. All judges of Chinland High Court and inferior Courts in Chinland shall hold their offices for ten years.
82. The decision of the Chinland High Court shall be final in the interpretation of the Constitution of Chinland and the laws in force in the Chinland. The High Court shall have authority to issue writs such as Mandamus, Quowaranto, Habeas Corpus, and Certiorari to the inferior courts.
83. The qualification, rights, privileges, responsibilities and impeachment of the Chief Justice of Chinland High Court, Judges of Chinland High Court and Judges of inferior Courts shall be according to the Chapter (IX) of this constitution.
84. Subject to provisions of this Constitution and to the provisions of any law of the appropriate Legislature made by virtue of powers conferred on the Legislature by this Constitution, the jurisdiction of, and the law administered in Chinland High Court and respective powers of the

judges thereof in relation to the administration of Justice in the Court, including any power to make rules of Court and to regulate the sitting of the Court and of members thereof sitting alone or in Inferior Courts, shall be the same as immediately before the commencement of this Constitution.

Comments:

**CHAPTER (VIII)
THE STATE ARMED FORCE**

85. All Chin people able-bodied person of 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 militia shall be appointed and commissioned by the Governor, from such person as are qualified by law to hold such offices.
86. The Legislature shall, by law, designate the qualifications necessary for holding a commission in the militia and shall prescribe the mode of selection of officers for the several grades.
87. The Governor shall appoint the Adjutant General and the Adjutant General shall also perform the duties of quartermaster general and paymaster general until otherwise directed by law.
88. The Legislative Assembly shall have the final authority for creation of Chin National Army, Police Forces and making rules and regulations of State Militia Services by making laws.

Comments:

**CHAPTER (IX)
THE SCHEDULES**

89. The First Schedule (The minimum age of respective elected officials shall be):
 1. State Legislators, Governor and Lt. Governor (35)
 2. District Legislators (30)
 3. Auditor General, Attorney General (35)
 4. The High Court Judges (45)
 5. Inferior Court Judges (40)
 6. Treasurer General (45)
 7. Secretary of State (45)
90. The Second Schedule (The maximum age of respective elected officials shall be):
 1. All elected Officials (65)
 2. Extendable up to (70)
92. The Third Schedule (The allowance, pension, and immunity of respective elected officials and immunity shall be):
 1. The State Legislative Assembly shall time to time decide the allowance, pension, and immunity for elected officials;

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2. The Elected Official shall not be questionable during their performance of their duties.
93. The Forth Schedule (The form of oaths for respective elected officials and appointed officials shall be):
1. “I, _____ do swear, that I will faithfully discharge, to the best of my abilities, the duties incumbent on me as _____ according to the Constitution and Laws of the Chinland. So help me God.” (OR)
 2. “I, _____ do swear, that I will support the Constitution of Chinland, as long as I shall continue a national of Chinland thereof. So help me God”
94. The Fifth Schedule (The procedure of the impeachment of elected officials shall be):
1. Either Senate or House of Representatives shall be initiated the bill of Impeachment of Governor. Based upon the advice and recommendation, the Chief Justice of High Court shall preside the impeachment hearing, which shall open for all public.
 2. The House of Representatives shall initiate the impeachment of Lieutenant Governor. Based upon the advice and recommendation of the Chinland High Court, the Speaker of Deputy Speaker shall preside the impeachment hearing, which shall open for all public.
 3. The House of Representatives shall initiate the impeachment of Advocate General, Treasurer General, Secretary of State and Civil Service Commissioner of Chinland. Based upon the advice and recommendation of High Court Judges of Chinland High Court, the Speaker or Deputy Speaker of House of Representatives shall preside the impeachment hearing, which shall open for all public.
 4. The Senate shall initiate impeachment of Auditor General and Treasurer General of Chinland based upon the advice and recommendation of High Court Judges of Chinland High Court, the Lieutenant Governor shall preside the impeachment hearing, which shall open for all public.
 5. Either Senate or House of Representatives shall initiate the impeachment of Chief Justice of Chinland High Court, High Court judges and Judges from Inferior Courts. If the Senate initiates the impeachment the Lieutenant Governor shall preside the impeachment hearing, which shall open for all public. If the House of Representatives initiate the impeachment the Speaker or Deputy Speaker of the House of Representatives shall preside the impeachment hearing, which shall open for public.
 6. All other impeachment procedures shall be conduct according to the Chinland Constitutional Acts.
95. The Sixth Schedule (The basic requirement of quality for elected officials). All elected officials in Chinland shall be natural born citizens of Chinland.
96. An elected official of Chinland, his/her spouse, children and legally adopted children shall not hold any other citizenship or shall not get any benefit from other countries.
1. Governor (to be added)
 2. Lieutenant Governor (to be added)
 3. State Legislators (to be added)
 4. District Legislators (to be added)
 5. High Court Judges (to be added)
 6. Inferior Court Judges (to be added)
 7. Auditor General (to be added)
 8. Advocate General (to be added)
 9. Treasury General (to be added)
 10. Secretary of State (to be added)

97. The Seventh Schedule (The interpretation of the Constitution): The High Court of Chinland shall have final authority to interpret the Constitution of Chinland, and other laws, which are in force in Chinland.

Comments:

CHAPTER (X)
CIVIL SERVICE COMMISSION

98. The Chinland Legislative Assembly shall establish and ordain a Civil Service Commission of Chinland.

99. Civil Service Commission shall conduct the Civil Service examination based on merit and reservation. However, the reservation for minority and disadvantaged areas shall not be more than 15 percent of total available numbers.

100. The Chinland Legislative Assembly shall make laws for Civil Service Commission, Rights, Privileges, Responsibilities, Duties and Impeachment from time to time.

Comments:

CHAPTER (XI)
AMENDMENT OF THE CONSTITUTION

101. Any provision of this Constitution may be amended or removed by the Chinland Legislative Assembly with the approval of 75 percent of both Houses. After approval of the Legislative Assembly of Chinland, the Governor of Chinland shall conduct a referendum. If at least 65% of Chin people voting agree to amend or remove the clause or section of the Constitution the Governor of Chinland shall sign and promulgate this as an amendment to the Constitution.

Comments:

CHAPTER (XII)
GENERAL PROVISIONS

102. The Chin National Flag shall be (xxx)

103. Chin National Anthem shall be (xxx)

104. The Official Languages of the Chinland for the first ten years shall be Burmese, English and any Chin language. After ten years, the Burmese language shall be removed from the status of Official language of Chinland and the English shall be placed as the first official language of

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Chinland and dialects of Chin language shall remain as the secondary Official dialects of the Chin language as their respective areas. (Two copies of the Constitution shall be made one in the Burmese language and the other in the English language, both copies shall be signed by the Governor of the Chinland and enrolled for record in the office of the registrar of the Chinland High Court. Without approval of Legislative Assembly and Chinland High Court interpretation of this Constitution into other Chin languages/dialects shall not be signed by the Governor of Chinland and shall not be treated as the authorized Constitution of Chinland.)

Comments:

**CHAPTER (XIII)
RELATIONSHIP WITH FEDERAL UNION OF BURMA**

105. No provision in this Constitution shall be overridden by the Constitution of Federal Union of Burma.
106. Every agreement between Federal Union of Burma and Chinland or Chinland and other States shall become a treaty and law after ratification of the Chinland Legislative Assembly and promulgation of the Governor of Chinland.
107. The provisions in this Chapter shall not apply to any bilateral agreements between Chinland and other International States or national States within the Federal Union of Burma.

Comments:

**OPTIONAL CHAPTER (XIV)
FEDERAL GOVERNMENT'S POWERS**

The Government of Federal Union of Burma shall have the following powers:

1. Foreign Affairs (diplomatic missions and IGO and INGO Affairs)
2. The Federal Debt and Property.
3. Federal Highways, Seaways and Airways
4. The Regulation of Federal Trade and Commerce.
5. The raising of money by any mode or system of Federal taxation.
6. The borrowing of money on the public credit.
7. Postal, telegraphic, telephonic, and broadcasting, services.
8. The Census and Statistics.
9. Federal Military, Naval and Air Services and Works, and Defense and Defense Works.
10. The fixing of and providing for the salaries and allowances of civil and other officers of the Federal Union Government.

11. Beacons, Buoys, Light Houses, and such like provisions.
12. Navigation and Shipping.
13. Quarantine.
14. Currency and coinage: Monetary Policy.
15. Banking, incorporation of Companies and Banks and Issue of Paper Money.
16. Savings Banks.
17. Weights and Measures.
18. Bills of Exchange, Promissory Notes and Negotiable Instruments.
19. Interest: Legal Tender.
20. Bankruptcy and Insolvency.
21. Copyrights, Trademarks and Patents or Invention and Discovery.
22. Naturalization and Aliens.
23. The Establishment, Maintenance and Management of Federal Union Penitentiaries.

TRANSITIONAL ARRANGEMENT

According to the international law, the state of the Union of Burma, which remains in existence, is the Union of Burma admitted to the United Nations according to the Constitution of the Union of Burma of 1947, which has not been voted down by the people of Union in democratic process.

If the National Coalition Government of the Union of Burma is the government formed with the majority vote of the Peoples Representatives elected in the 1990 election, or if the Committee Representing People's Parliament formed the government of the Union, it will really be a democratic government to be recognized by governments the world over and the United Nations as a *de jure* provisional government.

But since the whole Union of Burma is under siege by the undemocratic and unconstitutional, self appointed government, the SLORC/SPDC, till the occupation of the headquarters at NCGUB at Manaplaw, in the liberated area, those People's Representatives-elect, though they do not in the least support this undemocratic self appointed government, have no way to form a government according to regular procedure. This could be regarded as a missing link to hinder recognizing the NCGUB as a *de jure* provisional government at present.

In such circumstances, the government of the Union which is formed nearest to the democratic procedure should be recognized by the countries the world over and the United Nations. Thus NCGUB, which is formed with the legally elected representatives of the Union in accordance with Section 3 of the 1947 Union Constitution should be recognized by governments the world over and by the United Nations as a *de jure* provisional government.

Moreover, according to basis principle of public international law, one of the four conditions which must prevail for the existence of a State is: there must be a government – that is, one or more person who are representatives of the people and rule according to the law of the land.

According to this theory, which could also be applied to the recognizing of the a government, the NCGUB which is formed with the legally elected People's Representatives, is wanting to proclaim the law of the land, according to which the Union is to be ruled, in order to fulfill the international law required to be recognized as an international person.

So the NCGUB or Committee Representing People's Parliament has now the option to proclaim the 1947 Union Constitution, and the laws passed under its provisions, as the law of the land according to which it will administer the country to fulfill the requirement of the international law, so that NCGUB or CRPP could be recognized as the provisional constitutional *de jure* government of the Union internationally.

Thus the government formed by the People's Representatives elected by proper procedure in 1990 according Section 3 of the 1947 Union Constitutional is to be recognized as *de jure* government only if the People's Representatives proclaim readopting that Constitution and the laws passed in according with it, to be the laws with which to run the Union.

This will I believe make NCGUB or CRPP more legitimate in a legal sense in the context of Public International law than the present way of forming the government without proclaiming any Union Constitutional law with which to run the country.

The fact that some international organizations and some countries seem to recognize the existence of NCGUB is just political and *de facto* as a courtesy of diplomacy and not in the legal sense of legitimate *de jure*. Proclamation of the Constitution will be adequately drafted by a legal advisor or advisors who will be expert in international and constitutional law.

In proclaiming the 1947 Union Constitution, Arakan State, Chin State, Mon State and other possible States shall be provisionally proclaimed as the constituent unit States of the federal union along with the pre-existing States of Shan, Kachin, Kayah, and Karen States in the 1947 Union Constitution in continuation of the proposals that have been made by the constitutional government of the Union in 1961 before the *coup d'tat*.

Moreover, the international law recognizes that the occupation by the enemy does not imply that the government in exile is not in effective controls of territory, and such government continues to be recognized as the government of the occupied territory if it continues its efforts to regain control of the lost territory. During the Second World War the governments of many European states established their headquarters in London in this way under such principles.

This occupying force of the Union in the case here is the force of the undemocratic, self-appointed government within the country and not a foreign force, of course. But, if the self appointed undemocratic government, the SLORC/SPDC is formed according to the international law requirement proclaiming the 1947 Union Constitution, there can no doubt democratic countries which would welcome the NCGUB as the provisional *de jure* government of the Union to establishing its headquarters in the capital city of their country, from where the NCGUB could conveniently make diplomatic relations with friendly countries the world over more effectively than it does at present before setting up it headquarters in the mother country.

Though there might be such precedents for this case concerning the two points mentioned as missing links above, they are not yet presented here. But the trend of democratic legal phenomena surely does indicate that the NCGUB, if it proclaims adopting the 1947 Union Constitution, has every chance to be recognized as a legitimate provisional *de jure* government by any democratic countries and the United Nations as an alternative to recognizing the undemocratic rebel government, SLORC/SPDC.

So it is quite advisable that the NCGUB proclaim the 1947 Union Constitution with some provisional amendments and other laws passed under the Constitution as the law of the land of the Union of Burma, declaring also Arakan State, Chin State, Mon State, and other possible States as the provisional constituent unit States of the Federal Union in addition to the four existing States in the 1947 Union Constitution.