

TRINITY WORLD UNIVERSITY

**ADMINISTRATIVE SYSTEMS UNDER SUCCESSIVE ERAS IN
MYANMAR**

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SUMMARY

Academic discipline of Public Administration is barely a hundred years old but it can be traced to the earliest periods of human history when started living in organized societies of human. Administration in the ancient and medieval periods in both the East and the West was authoritarian, patriarchal and elitist. Welfare activities were purely incidental whereas the compulsory functions of administration were maintenance of law and order, collection of revenue etc., Official status was no better than the personal servants of the king. In the modern welfare state, public bureaucracy replaced old patriarchal and hereditary state officialdom. All mass movements have contributed to the increasing volume, variety and scope of Public Administration was brought into internal affairs as well as external affairs. The political concepts transformed the concept of government as democratic, totalitarian, and socialism.

As theoretically, Public administration has to reconcile competing class demands and conflicting interest in society. It has changed from academic discipline to practical work which obviously fills public needs in effective and efficient manners. Public administration deal with the preservation of polity, maintenance of stability and order, institutionalization of socio-economic change, management of large scale commercial services, ensuring growth and economic development, protection of weaker sections of society, formation of public opinion, influencing public policies and political trends. Public administration covers all three branches of executive, legislative and judicial and their interrelationships.

Myanmar has been shaped and reshaped over again and again from the successive eras form ancient time to now. There has changed 6 main scopes of public administration in Myanmar as in ancient dynasty periods, colonial period, post independence time, BSPP era, SLORC and SPDC eras, and the current democratic government time of administration under 2008 constitution.

This paper includes 8 chapters and covers the administrative systems through successive eras, from the King's dynasties to the administration under the 2008 constitution, and the relations of the administrations in the successive eras are mentioned by sectors such as internal affairs as well as external affairs which impact to the administrative systems totally or partially.

Chapter 1, is the introduction in which title of research work, statement of research problems, research coverage, review of literature, relation of the study, objective of the study, research hypothesis, methodology, tools and research design are included.

Chapter 2, express the history before 1044 and The Eras of Myanmar kings from 1044 to 1885. It is started by the history of earliest dynasties of Myanmar, and continues the history of successive eras of Myanmar kings form first empire to third empire. In this part, the administrative system and its relations are reviewed to understand the Myanmar's ancient systems of public administration. The

economy status and the comparison of the economy between upper Myanmar under Myanmar kings, and lower Myanmar under British rulers are mentioned.

This chapter also focused on the administration under the Myanmar Kings and their power and authority in the administrative system. The *Hluttaw* composed of civil, judicial, and military functionaries is also studied for the purpose of understanding the administrative culture in the ancient time. The status of trade policy, the economy of the country, and the socio-economic of the people including customs and traditions, are the area of study.

Chapter 3, highlights the new system in administration in British colonialist period. In that period, there were many changes in politics, administration and other system in socio-economic. This chapter is focused not only to the public administration but impact of the mega policy of the British colonialist. Dyarchy Administration and 91 Departments Administration were significant in the colonial period.

Japanese military administration in the years of 1943 to 1945 is studied for the administrative system by 1943 constitution. This chapter is also concentrated long term administration under the British colonial ruler, and Japanese Fascist; including the constitutions, structures, administrative policies, and rules. The relations of the administrative system: trade, infrastructure, economic conditions of the people are focused.

Chapter 4, is encompassed the post independence era from 1948 to 1962 as the first time of democratic administration by parliamentary system in Myanmar after her independence from British colonialist. This period was full of conflicts in practicing of democracy as well as changes of the politics and public administration which intended to socialist system administration. The 1947 constitution is focused to study the structure of the state and its functions. The administrative system's relations are focused on the economy, international relation, and so on. The politics in this period was messy, and split the national unity. And this chapter also includes the study on the constitution drew in 1947, and other related sectors are focused to be efficient in the study.

Chapter 5, is focused on the Revolutionary Council and Burma Socialist Program Party (BSPP) eras from 1962 to 1988. It is included the review of the situations in Myanmar especially in the impacts of the socialist system and socio-economic status of Myanmar people. The Burmese way to socialism is described, and 1974 constitution is studied to have the exposure of the administration. This chapter is also concerned with the changing of the administrative system from parliament democracy to socialist democracy. Myanmar followed up the single party system. The relations of the administrative systems are studied as other chapters, and resignation of the BSPP leaders is the last part.

Chapter 6, the periods of the SLORC (State Law and Order Restoration Council) and the SPDC (State Peace and Development Council) are studied. The eras of SLORC and SPDC (1989-2011) is highlighted as the transition period to democratization. In this chapter, the administrative system can be seen as the same in some extent in revolutionary council period as well as BSPP period, but some are different situations because of the political concepts of Myanmar have changed totally, and the system was being balanced by the government, the oppositionist and the people. Military rulers ran the Myanmar politics for more than two decades. The International relations with China, India, Asean, Europe and America were critical role to balance the power between the government and the

opposition groups, especially NLD (National League for Democracy) led by Daw Aung San Su Kyi, the daughter of the national hero General Aung San.

Chapter 7, after smooth change of the public administration in 2011, there was a fantastic period in Myanmar with unity and good perception among the all stakeholders. This period is encompassed. The situation in education, health and other socio-economic factors are studied, and the government endeavor is focused.

Chapter 8, is the last chapter for conclusion of what has been studied in the previous chapters. It also includes the comparison of the constitutions of 1947, 1974 and 2008 as the matter of more understanding of the Myanmar's formal soft infrastructure and their contexts.

List of Abbreviations

- A.D. Anno Domini ' in the year of our lord'
- ABSDFAI Burma Student's Democratic Front
- AFPFL Anti-Fascist People's Freedom League
- AFTAASEAN Free Trade Agreement
- Amyotha National
- APG Asia-Pacific Group
- ASEAN Association of South-East Asian Nations
- Asiayon Association
- ATS Amphetamine-Type Substances
- B.C. Before Christ
- BCP Burma Communist Party
- BGF Border Guard Force
- BIABurma Independence Army
- BSPP Burma Socialist Program Party
- Byedike King's Secretariat Office
- C.A.S Civil Affairs Service
- C.C.A.O Civil Affairs Officer
- CMLL Control of Money Laundering Law
- COMMIT Coordinate Mekong Ministerial Initiative against
- CPB Communist Party of Burmas
- Dobama Asiayone We Myanmars Association
- DTCDrug Treatment Centre

EU European Union

FAO Food and Agriculture Organization

FATF Financial Action Task Force

FIPS Federal Information Processing Standard

FTA Free Trade Agreement

G.C.B.A General Council of Burmese Association

G.C.S.S General Council of Sangha Sametggi

GHQ Government Head Office

GNP Gross National Product

IDPs Internal Displace Persons

ILO International Labor Organization

KNUK Karen National Union

LIFT Livelihoods and Food Security

MANA Myanmar Anti-Narcotic Association

MAS Myanmar Agricultural Services

Myooks Township Administrative Officer (British period)

Myosars Township Administrative Officer (Myanmar Kings' Period)

Myowuns District Commissioner in Ancient Time

NGOs Non-Governmental Organizations

NLD National League for Democracy

NMTPF National Medium-Term Priority Framework

NPANew Public Administration

NPM New Public Management

NPRP National Poverty Reduction Plan

NSAGs Non-State Armed Groups

NUF National United Front

Nyi Lar Khan Thabin Conference

POI People's Oil Industry

Pongyis Monks

pon-nas Advisors of the King

PVO People's Volunteer Organization

Pyidaungsu Union

Pyidawtha Happy Land

Pyithu Poeple

Rajathat Rules

SAMB State Agriculture Marketing Board

Sawbwar Administrator of the Shan State

SEAC South-East Asia Command

SEATO South-East Asia Treaty Organization

Se-eingangs Heads of 10 Household Units

SLORC State Law and Order Restoration Council

SPA Sub-regional Plan of Action

SPDC State Peace and Development Council

Taikthugyis Village-Track Administrators

Tapitakato Buddhist Sculptures

Tatmadaw Military

Taya-yone Court

Thakin Master

thathameda tax Tax levied on 10% of the Household Income

Thugyis Village Administrators

U.K. United Kingdom

U.S.S.R. Union of Soviet Socialist Republic

UMEH Union of Myanmar Economic Holdings

UN United Nations

UNDCP United Nations Drug Control Program

UNFC United Nationalities Federal Council

UNFDAC United Nations Fund for Drug and Crime

UNICEF United Nations Children's Funds

UNODC UN Office of Drugs and Crime

USAID United State Aid

UWSA United Wa State Army

WFP World Food Program

WHO World Health Organization

Wundauk Officer in King's Parliament to assist Wungyis (Minister)

Wungyis Minister

Wuns local Officials

Wuntharnu National Sprit

Y.M.B.A Young Myanmar Buddhist Association

Yeiktha Villa

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CHPATER 1

INTRODUCTION

I. Title of Research Work

Administrative Systems under Successive Eras in Myanmar

II. General Context of Myanmar and The Statement of Research Problem

Myanmar occupies the Thailand/Cambodia portion of the Indochinese peninsula. India lies to the northwest and China to the northeast. Bangladesh, Laos, and Thailand are also neighbors. The Bay of Bengal touches the southwest coast. The fertile delta of the Irrawaddy River in the south contains a network of interconnecting canals and nine principal river mouths.

Myanmar is the second largest country in South East Asia with a total land area of 677,000 square kilometers. It stretches for 936 kilometers from east to west and 2,051 kilometers from north to south. Myanmar shares borders with 5 countries: China, Thailand, India, Bangladesh and Laos. The length of the coastline is 2,229 kilometers. The population of Myanmar in the year 2007 is estimated to be over 48 million and estimate to reach to 60 million in the year 2012. There are 135 ethnic groups speaking over 100 languages and dialects. The main ones are Bamar (Burmese) – accounting for about two thirds of the total population, Chin, Kachin, Kayin (Karen), Kayah, Mon, Rakhine and Shan. The majority of the populations are Buddhists faith. There are also many Christians, Muslims, Hindu and Animists.

The country is divided administratively, into (7) Regions, (7) States and the Union Territory. It consists of 69 districts, 325 townships, 3050 wards, 13628 village tracts and 64346 villages. The Capital of Myanmar, Naypitaw is situated in the Union territory under the direct administration of the President. And there are 5 Self- Administered zones and 1 Self-Administered division for the ethnic minorities.

Myanmar falls into three well-marked natural divisions, the western hills, the central belt and the Shan plateau on the east, with a continuation of this high land in the Tanintharyi. Three parallel chains of mountain ranges from north to south divide the country into four river systems, the Ayeyarwady, Chindwin, Sittaung and Thanlwin. Myanmar has abundant natural resources including land, water, forest, coal, mineral and marine resources, and natural gas and petroleum. Great diversity exists between the regions due to the rugged terrain in the hilly north makes communication extremely difficult. In the southern plains and swampy marshlands, there are numerous rivers and tributaries of these rivers criss-cross the land in many places.

There are three climatic seasons in Myanmar: summer (March to May), rainy season (June to October) and winter (November to February). During the summer season, the temperature average is 38°C or more, with March and April being the hottest and driest months, although the temperatures vary with location and elevation. In the rainy season, the country is under the influence of the South-West Monsoon blowing from the Bay of Bengal. The rains are the most intense between June and August, especially in the coastal and delta regions. The rainfall has significantly decreased during the last decades, resulting in serious droughts. At the same time sea level rises causing high salinity of fresh waters in the coastal regions, affecting agricultural activities. Myanmar is prone to several kinds of disasters, given its geographical features. The country has a long uninterrupted coastline and one of the longest rivers in Asia, making it vulnerable to cyclones and flooding. The country is prone to earthquakes as it has three major fault lines running across the country. Annually there are approximately 10 cyclones occurring along the coast, with the most severe ones occurring during the pre-monsoon period of April to May and post-monsoon period of Oct to Dec. Cyclones are often accompanied by storm surges. Increasing droughts and shortfall of rain often contribute to cases of fires.

Myanmar has been affected by armed conflict and related displacement since independence from Britain in 1948. More than 30 ethnic insurgent non-state armed groups (NSAGs) have been active against the government. Various cease-fire agreements have been signed and broken until now, with several groups still actively opposing the government (e.g. recent unrest in Kachin State).

Myanmar has been shaped and reshaped over again and again from the successive eras from ancient times to the present. It can be viewed as various administrative systems in three different periods as well as three different paradigms:

- (1) Myanmar Kings' period especially under three successive empires (1044-1885; 841 years);
- (2) Colonial periods which includes British colonial period and Japanese Facists period (1886-1947; 61 years; lower Burma was under British rule early 100 years);
- (3) And post independence periods; parliamentary period (1947-1962), era of the Myanmar Socialist Program Party (1962-1988), eras of military rulers SLORC (State Law and Order Restoration Council) and SPDC (State Peace and Development Council) (1989-2010), and the period of democratic transition under the 2008 constitution.

The constitution of Myanmar, its third since independence, was drafted by its military rulers and published in September 2008. The country is governed as a presidential republic with a bicameral legislature, with a portion of legislatures appointed by the military and others elected in general elections. The current head of state, inaugurated as President on 30 March 2011, is Thein Sein.

Myanmar is one of the least developing countries in the world although the country is endowed with many good matter resources. The 70 per cent of the total population are extremely poor rural people whose livelihoods depend on the agricultural sector. Likewise, the daily-wages earners and common citizens in urban areas are also among rates the poorest groups because they struggle with indebtedness at high interest rate. Most of their earnings flow into the pockets of the business owners and moneylenders.

Poverty is endemic in resource rich Myanmar due to many causes. One of the critical problems is administration of resource allocation as well as Public Administration, and in the formulation and implementation of public policies. Political unrest is still a critical issue and it has been over 60 years. Government departments are the main agents to convert the public policies into outputs for public benefits. Myanmar needs to reform her public administration system and practices to be in line with the political and economic reforms in order to promote the socio-ecanamic well-being of her people.

Public administrations in all parts of the world are being faced with multiple pressures to innovate and improve effectiveness and efficiency, and there needs to promote inclusive growth in Myanmar at this crucial stage in its development. It is also necessary to carry out appropriate political, economic and administrative reforms to help achieve the country's democratic goals. Although political and economic reforms can be changed significantly, the administrative reform in Myanmar faces difficulties in overcoming its administrative practices. There are many weaknesses in administrative system so that it lacks the capability to serve as change agent in development activities as well as to implement government policies. Concerned citizens and government officials alike need look for ways to find a common ground to assess the quality of public administrations, and to find out whether they should be based on on traditional administration, NPM, NPA or other systems. Quality assessment methods also are needed revalvant performance of public administrations.

III. Research Coverage

This paper is focused on the administrative systems through successive eras, from the King's dynasties to the administration under the 2008 constitution. The relations of the administrations in the successive eras are mentioned by sectors, and it includes internal affairs as well as external affairs that impact on the administrative systems.

IV. Literature Review

There is a wide literature on the history of politics in Myanmar but as with other postcolonial literatures. The literature that is focused on historical background of Myanmar is critical for the study of administrative history of Myanmar to support the paper that is

concentrated on the administration in the successive eras in relations to the administrative system. The constitutions of 1947, 1974 and 2008 are also mentioned and compared so as to support the objective of the paper in the aspect of the state structure and distribution of the powers. Other kinds of reports, newspapers, and the issues are used as the secondary information for the quality of the paper. Relevant websites are also used as sources of information.

V.Related Issues

This study relates to the conflicts in politics between the government and ethnic insurgent groups of Myanmar, its neighbors and the world. And it also relates politics and socio-economic of the people in plain areas and hill regions. International relations are critically concerned with the politics and administration of Myanmar, especially relations with China, India, Asian countries, Europe and America.

VI.Objective of The Study

This Dissertation is intended to share the knowledge of administrative systems and its relations through successive eras in Myanmar for the readers whether who have different backgrounds in administration and management or not, and may be helpful for further research on administration in Myanmar.

VII. Research Hypothesis

Myanmar is one of the least developed countries in the world although it owns a vast of resources. Due to mis-management and mis-allocation of resources, Myanmar was unable to achieve growth.

There are many weaknesses in the administrative system and lack of capability of the administrative staff preented them from serving as agents of change in development activities as well as to implement government policies, and to dealing with the communities. The formal soft infrastructure, the constitution, to be studied, is the critical to the country to have good results of the research; and the studies on the relations of the administrative system are also essential to be included in the study whether the administrative system intents and relations impact the country to be the least developed one.

VIII.Methodology

This paper was conducted based on available secondary data on the related literature and press reports (see notes and references). It also included interviews with experienced personnel in the fields of history, laws, and administration.

IX.Tools for Research

The administrative hypothesis, concepts and assumptions are mainly used as the tools for this paper.

X. Research Design

This paper is framed as a descriptive design to be used as a guide in collecting and analyzing the data.

CHAPTER 2

ADMINISTRATION UNDER ANCIENT RULERS

(1044-1985)

2.1 Background History Before 1044

2.1.1 The History Before 1044

Perhaps the earliest inhabitants were Indonesians but they have left as they were displaced by Mongolian tribes whose homes were probably in western China. Mongolian tribes lived along the Irrawaddy River before the formation of the delta. The earliest dynasty of kings in Myanmar was Pyu, for the vanguard of the Tibetan-Burmese tribes in the Irrawaddy were the Pyus. The journey of the Pyus down the Irrawaddy valley must have taken at least a century or two. They dotted the country from north to south with settlements that later became kingdoms. Hanlingyi, Peikthanomyo, and Sri Ksetra were the cities of the kings in that era around 128 B.C.

Pyu political power was centered at Prome, which was then at the apex of the mouth of the Irrawaddy River, as its delta had not yet been formed and it was only few miles away from the sea. Thus Prome established an alternative and easier trade route to China. By sea, it was halfway to Thaton and other Mon ports. Across the chain of mountains to the west, known as the Arakan Yomas, there were other kingdoms also. Some Myanmar tribes migrated into that region. These Mon, Pyu and Arakanese kingdoms reached their full developments as a result of the great Indian commercial expansion in south-east Asia in the first century A.D. After the fall of Prome, its people migrated to Pagan, merged with the local tribes, and thereafter were known as the Burmese. Anawrahta seized the throne in 1044. Burmese history now begins to be less conjectural.

In the eras of the king dynasties: Pagan, Nyaung Yan, Taung Ngoo and KonBaung, most of the Myanmar Kings created the innate tendency of Myanmar society to show charity towards poor persons, disabled persons and old aged people. Myanmar people in the kings of ancient time had done meritorious deeds with the hope to get better life in future. In the Nyaungyan period King Tharlun, and King Badon in Konbaung dynasty had conducted censuses and took care of the aged and sick persons.

The Majority of the Myanmar citizens are Buddhists, and they abide by moral codes taught by the Lord Buddha. The surviving traditions of the Burmese are thus of the Indian tradition because their own Mongolian traditions died out. Thus, for more than a thousand years, Myanmar society started its institutions in social, political, religious and economics. The most significant institutions were formed only in the government sector and in the religious sector. In economic sector, perhaps there were private institutions like small businesses especially in trading. There are only the informal social institutions led by community leaders. The only source of law known to the Myanmar was custom, and the idea of a divinely revealed law was unknown to them. The aim of Myanmar justice was to attempt to reach a compromise if possible before the actual trial started. To give prestige to their customary laws, the Myanmar did use the name of “Manu the law-giver,” but that was done only in the thirteenth century after Pagan had fallen.

2.1.2 The First Myanmar Empire (1044-1287)

The first king of the Myanmar Empire is Anawrahta (1044-77). At that period, Shin Arahan, son of a Thaton Brahman, came to Pagan in 1056, and the power of Aris, the group that influenced the people with mis concepts in religious matter, was broken. The insulting refusals of the Thaton king, Manuha, relay the Buddhist manuscripts Anawyahta marched on Thaton and won the battle. Anawyahta rode back with the whole population from Thaton and the Buddhist.

Shin Arahan gained many helpers from the Thaton clergy, and collected all scriptures he wanted, housing them in the Tripitakataik library building which is still to be seen at Pagan. Pali supersedes Sanskrit as the normal language of sacred books, and Hinayana teaching supersedes Northern Buddhism. The Burmese adopted the Talaing alphabet and for the first time had a written language.

Kyanzittha is became king in the period of 1084-1112. The social concepts were significantly found in his period. He could say with sincerity in one of his inscriptions:

“From the faces of those who had been weeping, of those who were parted from their beloved ones, of those who were sickened at heart, the king will wipe away the tears, and with full loving-kindness and with the purest compassion, he shall pour upon them benefit after benefits. To all his people, he shall give with his right hand rice and cakes, and with his left hand ornaments and raiments. Like happy children resting in their mother’s bosom, they shall be happy under the protection of their king”.[1] Kyanzittha was by all accounts a just and merciful king. In spite of his conciliatory policy towards the Mons and his easing of religious tension, it would be wrong to consider Kyanzittha as reversing all policies followed by Anawrahta, for the continued the work of consolidating the kingdom and establishing Theravada Buddhism. His policies in social and foreign relations made his emperire one of peace. Alaungsithu who had been trained in the army and was an expert horseman archer became king after Kyanzittha. In his period he imposed the Burmese customary law over his

entire kingdom, and because the Mons were not familiar with it, he issued an official collection of his judgments to be followed as precedents by all courts of justice. His wishes were mentioned especially in religious matters but also he desired to pull the drowning humanity to safety and lead the public to the City of Eternal Peace.

In Narapatisithu's reign, Parli, Sanskrit and Mon languages were discarded and Burmese replaced them as the language of inscriptions. As the chronicles clearly hinted, there was some conflict between the Buddhist clergy and the Burmese king. For the first time in Pagan's history, racial conflicts began to appear resulting from religious affairs. Narapatisithu continued the work of his predecessor Alaungsithu in the establishment of a common system of law, The Burmese customary law for the whole kingdom. The Dhammavilasa, the book of judgment, was written by a Mon monk at the king Narapatisithu.

The Pagan dynasty declined in 1287 in the period of king Narathihapati, it due not to foreign attack or internal rebellion, but rather to the natural process of exhaustion and decay in a great empire. The dynasty it-self was able to produce only weaklings, who tried to hide their inadequacy by a show of arrogance.

The economic power of Pagan's power was based on both agriculture and trade. Efficient and highly organized systems of irrigation canals were built especially in Kyaukse district, the maintenance of which was the king's duty.

The people were not found of meat, they enjoyed fish, and it was made into paste for eating in the summer months. They drank a great amount of milk and were especially fond of butter and other milk products. They dealt with the agricultural activities as primary income, and internal and external trade made the great wealth of the kingdom. The increase in the volume of trade could be seen in the appearance of bankers. However, the Pyu practice of issuing gold and silver coins were not retained, and a system of barter was re-introduced. There was much use of copper, silver, gold, and precious stones as mediums of exchange.

The surplus wealth of the kingdom was used to build countless temples at Pagan. Thousands were destroyed in the great fire that ravaged the city in 1225, in the sacking of the city by Kublai Khan's troops in 1287, and in the burning of the city by Shan usurpers in 1299. The temples at Pagan were not built by forced labor. They were deeds of merit, pure and simple, and once a temple was dedicated, it became the property of the public. The workmen were well paid and well looked after, because the success of the under taking depend so much upon them.

In the inscriptions the terms 'king,' 'ruler,' 'lord,' and 'headman' were almost interchangeable, and the fact that all those offices were originally elective. Even when Anawrahta, the founder of first Myanmar Empire, passed away the ministers as elders were able to elect Kyansittha to the throne. The senior officials of the king, held their offices only up to the end of each reign although, of course, they could be reappointed by the new king. Some historians have tended to regard the office of "Myothugyi: Township Administrative

Officer”, or head man of the cluster of villages as hereditary; actually it only appear to be so because, other things being equal, a preference would naturally be given to the son to succeed his father.

During the Pagan period, the Burmese had a peculiar institution of slavery. Slaves were of two main categories, hereditary and non-hereditary. With hereditary slaves, their offspring became slaves also. Non-hereditary slaves were undercharged debtors, or prisoners captured in battle. However, both hereditary and non-hereditary slaves could buy their freedom or they could run away to another village. The price of freedom was the price of the slave on the open market, which was not high at all, five viss of mere copper. And there were also temple slaves, whose duties were clearly defined. Perhaps some craftsmen and artisans preferred to be pagoda slaves, as permanent employment for life was assured.

Women took full part in the activities of society. Inscriptions mention women “headmen” of villages, women officials, women high officials, women scribes, women secretaries at the king’s court, women bankers, women artisans, women musicians, women scholars, and nuns. Many donors of temples were women, and women were usually litigants in disputes over wrongful possession of slaves. The temples and the monasteries were the center of social life and attracted throngs of laborers, merchants, farmers, artisans, hill peoples, great lords and ladies, and foreigners. Before the kingdom became too large and the affairs of government too complicated, the king himself would come forth to receive not only adulation but also taxes from his people.

Commerce in south East Asia was reaching a point never dreamed before, for Europe was hungry for the species, the perfumes, the silks, and the precious stones of Asia. European merchants’ trade dealings with south East Asia were significant. The Italian merchants of Europe, and the Muslim merchants of south East Asia were replaced by the Portuguese Roman Catholics. They came to spread the Roman Catholic form of Christianity, and to capture the trade of south East Asia, burning both with religious zeal and with the profit motive, as they were both traders as well as soldiers in the service of God. They created a long line of communication between their nation and South East Asia. They established trading station at Martaban in 1519. In the next very few decades, the trade of the Mon kingdom increased significantly, and the Burmese at Taungoo felt that the time had come for them to strike a blow for glory and for trade.

After fall of the Pagan, Myanmar’s First Empire was restored, Minkyinyo was the first king of Taungoo coming to throne in 1486. Between the time of the fall of Pagan and the first king of Taungoo, there were many small dynasties in Myanmar, Ava, Taungoo, and Pegu cities were various kingdoms. This long period was full of battles and conflicts between Myanmar, Mons, Shans and Rakhines. Tabinshwehti came to the throne after his father’s death in 1531; he tried to reunite the tribes in Myanmar, especially to rule over Mons and the Burmese as one nation.

2.1.3 The Second Empire (1551-1752)

The second empire (1551-1752) was first established, when Bayintnaung (1551-1581) came to throne as the king of Second Burmese Empire. Bayintnaung introduced into the Shan state Burmese customary law, so far as it was compatible with customs and practices of the Shan feudal society. He introduced the Burmese systems of weights and measures. In addition, he introduced Theravada Buddhism. Bayintnaung prohibited all human and animal sacrifices as ancient animistic practices in the Shan state, and built hundreds of monasteries all over the region. Intermarriages between the ethnic groups were encouraged. The sons of Sawbwas resided in the king's palace as pages to serve as hostages for good conduct of their fathers and they received valuable training in Burmese court life. Bayintnaung's enlightened policy was followed by all Burmese kings right up to the final fall of the kingdom to the British in 1885. A commission of twelve monks produced a compendium of Burmese legal writings and other justices wrote a number of commentaries of Burmese customary law, which had become the law of the land. Bayintnaung himself passed a series of brilliant judgments, which were later collected and published. His aim was to unite all the races of the kingdom by a common system of law, a common literature, and a common system of weights and measures and commercial usage. He also showed great diplomatic skill with the neighboring countries. He re-introduced the Burmese calendar and the Burmese Era. Bayintnaung dominated the whole of the Indo-Chinese peninsula. Without Tabinshwehti who dreamt of the Burmese empire, there could have been no Bayintnaung, but the dreams of Anawyahta, Kyansittha, and Tabinshwehti came true in the era of Bayintnaung. It took 264 years, more than two centuries, to restore the Burmese empire. There were Portuguese mercenaries with higher salaries that the Burmese offered has the Mons and the others, they established in Tabinshwehti and Bayintnaung's armies and participated in the battles fought with Mon and Siam.

King Tharlun (1629-1648) encouraged not only the study of the scriptures but also various work on Myanmar customary law, which was considered the common cultural heritage for all the racial groups. As a result one of his ministers produced another compendium of Myanmar law, which took its place with the earlier Code of Dhammavilasa and the Code of Wareru. Tharlun min was one of the great administrator kings of Myanmar. He established alliance with Arakan, and sent a mission to the Siam. He crystallized and precisely defined the power of the institution of the Hluttaw, which were both the king's Privy Council and the Supreme Court. He conducted a revenue inquest all over the kingdom, thus fixing the rates of revenue payable by property holders, Monastic and temple lands were also inspected and measured by the details noted down. He encouraged the people, especially prisoners of wars, to settle and work the canals and irrigated fields. They were then organized into service groups, patterned on the service groups already in existence since the days of First Myanmar Empire. However, the members of the new groups were to serve only in the armies in times of war. The service families continued as a standing professional army. As a result, the ministers at the king's court gradually lost their commands and minister themselves were now professionally trained lawyers and civil

servants. Tharlun Min not only centralized the administration but also in effect separated the army from the civil service. In times of actual war, of course, there would be regiments of levies commanded by their own officers. In addition, the provincial viceroys were abolished in his time, and the gradual disappearance of viceroys was a natural result of the growing power of the Hluttaw. The Parliament ruled the kingdom after the death of King Tharlun. In the time before the third Myanmar Empire, the kings were kindly, unambitious, peaceful, and undistinguished. The balance of power in mainland Southeast Asia was to be distributed by the bitter rivalry between England and France. In that time, the first history of Myanmar was written by U Kala, and the minister Padetha Raza wrote a number of narrative poems charged with emotion and full of lyrical passages, and also the first Myanmar court play. The English East India Company had established its dockyard in 1709 and the French in 1729 with the encouragement and approval of the king at Ava. Ava fell and the king was taken in 1752 by the Mon's king, Binnya Dala. Dalaban was assigned as the military governor of Upper Burma.

2.1.4 The Third Myanmar Empire (1752-1885)

King Alaungpaya (1752-1760) established the third Myanmar Empire and it lasted up to 1885 when Myanmar was colonized by British. Alaungpaya, ambitious and aggressive, wanted to include Siam in his empire because the first Myanmar Empire of Pagan and the second Myanmar Empire of Bayinnaung had not only Siam but the entire Menam valley. There were many wars between Myanmar and Siam in his time. The achievements of Alaungpaya and his comrades illustrated the democratic nature of Myanmar society, where all men and women were deemed equal, where there was no hard and fast division into different social classes, and character was built under the same monastic education system. In the time of King Hsinbushin, there were many wars with Siam to restore the first and second Myanmar Empire, and four wars were fought against the Yunan invaders. Myanmar took the full brunt of the Tatar invasions in the thirteenth century and that of the Chinese invasions in the eighteenth; and if the Myanmar had failed in the eighteenth century as they did in the thirteenth century, South East Asia would have fallen to the Chinese and the course of its history would have been different.

The period of the third Myanmar Empire can be divided into two parts, the first part ending with the passing of King Singu, because of the new styles and fashions that followed the ascension of King Bodawpaya. Under King Bodawpaya's (1782-1819) reign, the Hluttaw became the center of the king's administrative system and its instruction had to be sought regularly by the governors of provinces. The sole viceroy in the whole kingdom, the viceroy of the Seven Hill Districts, was the only person who could act on his own without referring to the capital for orders. Like Bayinnaung, Tharlun Min, and Alungpaya, he encouraged the study of Myanmar customary law and publication of treaties and collections of judgments. During his reign the profession of law became especially popular and, as it was during the time of Queen Elizabeth I in England, some training in the law was considered part of a

liberal education; even in the monasteries some law come to be taught, and legal treatises were read as part of literary studies. The growing importance of lawyers showed that with the restoration of peace with China and improvement of communications under a strong and centralized government, business and commerce had rapidly developed and Myanmar life had become complex. Bodawpaya was often made a defendant in suits before the Hluttaw involving wrongful seizure of lands. Myanmar villagers became merchants and travelling up and down the river and by road the north and to the Shan states. At that time, the Myanmar kyat was valued by the British at two shillings, and enough to feed a person for one month in Upper Burma. During the first period of the Konbaung dynasty a number of prose writers and poets appeared and there were two interesting developments. The first was that these writers were all laymen and laywomen, and the second was that the writers as a general rule abandoned the use of the scriptures as their sources. Bodawpaya brought joy the Arakanese villages as they thought that the years of lawlessness were over.

European diplomatic practice had certain differences from Myanmar diplomatic practices. Myanmar had a long frontier with British India because Arakan, Manipur, and Assam adjoined British territory; it became obvious that sooner or later frontier clashes over refugees and rebels would develop into an open war between the two countries. When Bodawpaya died in 1819, full of rumors of war and disaster were left to his grandson.

In January 1824, British declared war on Myanmar for the conflicts in its territory, and the first Anglo-Burmese war broke out started in the reign of Bagyidaw. In 1852, second Anglo-Burmese war happened, and in 1830, Myanmar lost her Maritime Provinces. King Tharrawaddy (1837-1846) wanted to turn his army into a strong, peacekeeping force in the kingdom. China had now been forced to open her ports to all nations, but because British's rivals, France and United States, also were taking their share in the China trade, the British eventually became interested in the back door to China through Myanmar. At that time, the professional dancers of the court became professional actors, and they took new drama to the people. But because the court plays were too artificial and far from the life of the common people, audiences of common folk demanded to see swift action and hear easy dialogue. The professional players, travelling from village to village, began to improvise a new kind of play. Soon professional writers became interested in the new literary form; it means the custom changed a lot especially in social dealings, the professional dancers and writers who work only for the royal families now served the public at large.

King Mindon (1853-1878) realized the importance of friendly relationship with the British and appointed British officers as his advisers and the one of the Armenian merchants as the governor of the border town of Minhla on the Ayeyarwady River, giving him special instructions to entertain regularly at his table, British and Burmese frontier officials.

Mindon resolved to develop the economy of his kingdom even without the resources that Pago possessed. Although he had no formal training or experience in economic planning, his ideas were far in advance of his contemporaries. He nationalized the international trade while maintaining free trade in the kingdom itself. His law on duties and

taxes was based on the policy that the amount payable by any person in one signal year should not exceed 10% of his annual income. He substituted salaries of stated amount for grants of revenue, thus gradually abolishing the old system of assigning villages or towns as fiefs to royal officials as rewards for special services already rendered or as stipends for services currently being performed. He established a coinage system of barter and occasional use of gold or silver bullion as the medium of exchange. He confirmed the uniform system of weights and measures approved by the former kings. He improved the infrastructures in transportation and communication. He established a system of telegraphic communications through his kingdom, linking it with the British system in lower Myanmar and evolving at the same time the Morse code in Myanmar language. He fully realizing the importance of industry to his small country and established many kinds of factories by following the modern methods and processes with the help of European experts. At that time, trade made a lot of money for both the Myanmar and the British, and they wanted to monopolize the trading business.

King Mindon succeeded in restoring a sense of confidence among his subjects as well as a sense of pride in the nation among all Burmese whether they live in the kingdom or under British rule in lower Myanmar. However, he was unable to make his capital, Mandalay, the political center of mainland, South East Asia, as in the days of Anawratha, Bayinnaung, and Alaungpaya. He was determined to make the capital the cultural and religious center of the region. King Mindon belonged to the Theravada school and held the Fifth Great Synod of Buddhism at Mandalay. He invited monks from all countries to participate in the assembly, and the entire Buddhist world sent representatives to the Synod. From the point of view of the British mercantile interests, the commercial treaty was a victory for British aims, as the back door to China was now open to them. Mindon was reluctant to name any of his sons as the crown prince for fear that he would be in effect singling him out for assassinations. There were many conflicts among theirs to throne after King Mindon's death. Many conflicts were raised to seize power among the royal families, and the last the chief queen throned Theebaw who can be easily influenced by their separate royal group. The people no longer cared what was happening inside the palace and the courtiers no longer knew what was happening to the people. Myanmar's the last kingdom was ruled by King Theebaw 1878-1885, and he had no opportunity to do anything else but to remain constantly on the alert for a British invasion like a sword over his head. the King and his ministers were focusing all their attentions on the threat of another British invasion, lawless elements in the kingdom were encouraged to resort to robbery and banditry.

The effects of the Suez Canal's opening resulted in a fivefold increase in the volume of trade between Britain and Myanmar, and the wise measures taken by King Mindon to improve communications continued to facilitate the smooth flow of trade. Theebaw and his ministers wanted to nationalize imports and exports, and restore the royal monopoly. The British were suspicious of the intenstions of the Burmese, and feared that the French would encroach on the Burmese preserves, because the French was having lost out to the British in other parts of the world. These were pursuing an aggressive and ambitious policy in South

East Asia for three reasons the third Anglo-Burmese war broke out and Myanmar lost its independence on November 28, 1885.

2.2 Administrative System

Politically, the religious theories made Myanmar believe that the king is a divinity in human form, the white umbrella as the symbol of divine sovereignty. The king's primary duty is to protect his people. The king is supposed to be truthful and wise, and is capable of curbing his personal desire for wealth and pleasure. Although the royal family stood apart from the people, all Myanmar accepted the king as the symbol of the motherland. On the other hand, the Myanmar believe that the king and the rulers are one of the five evils which are so powerful and unpredictable and threatening their lives and properties and no one to deter them.

No one dared question the theoretical rights of the absolute power of monarchs to control the lives, property, and the personal services of his subjects. Only a few kings in Myanmar paid attention to the importance of the role of the people in statecraft. They built their administrative power by using their absolute power and personal caliber of a very few outstanding persons.

The administrative levels were divided as two parts: the central level and local level. Five constitutive administrative units were set up in the central level government. They were Byedaik (palace secretariat office), Hluttaw (Parliament), Shaeyone (Eastern Court), Naukyone (Western Court) and Tayayone (Judicial Court). Under an absolute monarchical system, the king stood as the highest authoritative executive person in the kingdom. The exercise of the king's authority depended on the physical sanctions of political despotism and military predominance. In practice, he had to deal with administrative works within the specific framework with the help of court officials. He had to share executive authorities with other court officials. He also had to consult ministers who were mostly intelligent and thoughtful enough to give sound advices and suggestions to the king. In the works of statecraft, the Atwiinvuns were assigned and they presided over the Byedaik or palace secretariat that was traditionally located adjacent to the king's private quarter. The Byedaik was regularly formed with Atwiinvuns, four Thandawzins and thirty six clerks. Under the supervision of the Atwiinvuns, the service corps at the palace performed tasks in palace.

Tayayone (Judicial Court) was established comprising four judges, four court Nakans, four clerks of the court, eight Ameidawya (assessor) and one collector of fees. From time to time, the king decreased or increased the number of court officials. The army was drawn from families of Ahmudans status who owed personal allegiance to some governmental Myothugyis or Chiefs. They could be assigned to infantry, artillery, cavalry, archery, boatmen, or elephant units.

Second in rank only to the royal family were the Wungyis who headed the central administration. Four of them were in regular attendance at the Royal Council Hall where the executive council, Hluttaw (Parliament) which usually comprised three Wungyis, nine Wundauks, six Nahkandaws, thirty four clerks, three writers of orders, eighteen general clerks, and nine writers of directives.

The Hluttaw was competent enough to decide all matters of state, whether legislative, executive, or judicial, subject to the king's approval. Discussions of the Hluttaw council were based on free discussion within the groups and were arrived at by majority vote. The Wungyis accepted individual responsibilities for administering various functional duties of government. Customarily, the Hluttaw was exempted from royal interference in its management of the public treasury. Each Wungyi was assisted by a Wundauk, who was usually appointed with the approval of Hluttaw as a whole. The Wundauks supervised the daily agenda of the Hluttaw. They used to participate actively in the Hluttaw's discussions and always submitted opinions to the Wungyis, but they did not participate in the formal decision of the Hluttaw. Wundauk had to carry out the important diplomatic assignments sometimes.

Like other nation states, ancient Myanmar had ever had a systematic governmental body with efficient governmental personnel. Although, the king was a monarch who exercised absolute power, the ministers of *Hluttaw* played important roles in the decision making process and laying down important policies. Most of the kings paid venerable attention to ministers and their suggestions, recommendations and assessments on statecrafts. Generally, the king had to attend to *Nyi Lar Khan Thabin*, the cabinet session to receive consultant away and suggestions from ministers. *Byedike* or the Privy Council had to manage the tasks relating to the palace. *Taya-yone* had to carry out the judicial matters. Traditionally, the king used to share his power and authorities to other administrative personnel. In some cases, the king himself made decisions and set down action plans. Some of the kings were wise and thoughtful. Though they relied on physical might and military strength to maintain their power, they followed the traditions and practices in administration. Like people, kings were used to abide by the laws and regulations. This proved that Myanmar were a politically civilized people with their own political status which bred a spirit of stang nationalism during the colonial period.

The local government affairs were handled by the Myowuns who exercised jurisdiction over separate districts of the city, they and undertook revenue collection. Next to the Myowuns, the high-ranking officials were Myosars, Taikthugyis and village-heads. They had to perform both civil administrative duties, and sometimes perform military duties if necessary.

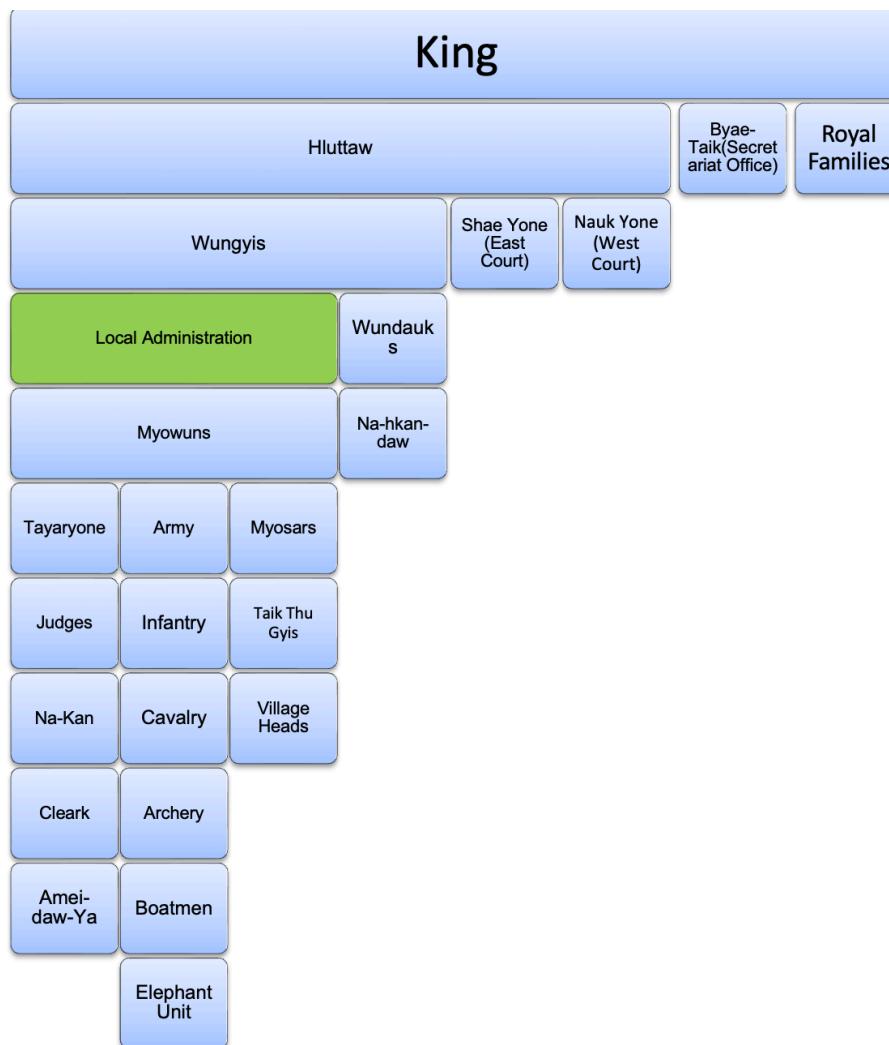
Practically, the administrative units of Myanmar in the pre-colonial period were effective and functional enough to carry out the local administration. They had to implement the tasks of collecting revenue, recruiting manpower, keeping law and order in the respective regions.

The ancient Myanmar administrative system can be characterized as an absolute monarchical system, but it, in term of its functions, is an organizational one with its separate branches and authoritative personnel. Although the majority of people lacked political rights to participate in administrative works, some people have the chance to be authoritative personnel representing a specific executive body. Most executive personnel usually descended from royal family and royal lineage. However, some outstanding personnel used to be selected for higher executive posts.

Authority was derived from two major sources: palace and heredity. The king drew authority from the office and from his control of symbols of authority, the palace and regalia. This authority was viewed as semi-divine and almost absolute. He could determine the life and death of his subjects. Local chieftains, like the king and royal family, based their claims to authority on heredity. Political authority was generally abused by the Myosars, and often royal Myowuns operating at a distance from the capital, and beyond the restraining arm of the Hluttaw. Myanmar was capable of reacting with impulsive violence and complete lack of restraint under circumstances of personal or national provocation. People rarely had knowledge about the country's political affairs, and were ignorant in politics. The people were little concerned with the affairs of state. This situation made Myanmar apolitical.

Critically, in ancient Myanmar, the governmental authorities mainly centered in the King and in his Court officials at the capital. The administrative system was nevertheless systematic and effective in carrying out functions of statecrafts. A powerful king may be a despot, but in law he is bound by *the King's Ten Duties*^[2] prescribed by tradition and custom for ruling princes. Most kings could successfully rule the country though there were some conflicts in succession. Traditions and practices prescribed the specific norms and standards both for the kings and for the people. In local administration, the village is the basic unit and enjoys its autonomy. The local governmental personnel such as village headmen, the *Myosars* and the governors have to collect revenues and taxes; and in time of wars, they raised levies to serve under chosen commanders of the kings. Some states or principalities in the Kingdom acknowledge the sovereignty of the king and send him seasonal tribute but there is nothing like a unitary government. There were a certain number of men, who had judicial power over local areas. The *Wuns* were the important local officials, who collected the revenue and remitted it to the capital. They also had to perform judge in criminal cases. They were appointed from the capital and had usually been officials at the Court.

Figure 2.1 The Administrative System of Myanmar Kings (1044-1885)



(Source: Tin, Royal Administration)

2.3 Relations of the Administrative System

2.3.1 Political and Social

Generally, no one dared to question the theoretical right of the divine monarchs to the control of their lives, property, and the personal services of their subjects. In addition, there was no hereditary nobility outside the circle of royalty. Though people, sometimes, had pay their services for the royal affairs such as military service, entertainments, and some other duties, no one had the chance to be involved in politics or the matters of statecrafts. In addition, there was no particular personal political obligation. Thus, the civic culture of Myanmar under kingship, were calm and apolitical. In spite of having social requirements, most people were contented with the royal administration and they have positive attitudes towards it. The popularity of the king is a sign of the country, and is prosperity and the legitimacy of the government. Hence, the role of people in ancient Myanmar administrative system can generally be seen as more of a passive nature than a responsive one. Rooted in such predominant factors, the political culture of Myanmar in pre-colonial period seemed to

be more of a parochial nature than a subject nature. Public participation in politics was very rare and majority of the people were political. These underlying conditions made the independence struggle and nationalist movements difficult with the lack of potent and solid unity throughout the colonial period.

Generally, ancient Myanmar had systematically set up a strong governmental body that could efficiently maintain the existence of the nation and its people as well as national characteristics and national heritage. In addition, although the relation between the governmental body and the people seemed to be parochial in nature, it had ever been a peaceful and benevolent nature with mutual respects and benefits. This might be due to the distinct national characteristics of Myanmar in which they had great patience and tolerance; they had little greedy and they were contented; they had self-acceptance at any life style; and they were ever optimistic in all matters. These characteristics had become the underlying factors that shaped the parochial political culture of Myanmar as well as partially subject political culture in the early colonial period.

Myanmars have ever possessed the distinct social and political characteristics in their own ways since ancient time. These specific and salient characteristics constituted Myanmar national culture. Consequently, the notions of perceptions derived from Myanmar national culture greatly influenced the traditional value system of Myanmar society that has ever played the most dominant factor affecting the political culture of Myanmar. Theoretically, Myanmar culture is mainly composed of two trends: indigenous culture, and religious culture. In the indigenous culture, the cultures of socio-economic cultures are included. The religious culture in Myanmar can be divided by the time of Pre-Buddhist and Buddhist in the ancient king's dynasties, and the Buddhist culture in colonial time. Indigenous culture is a secular religion related to mode of livelihood and includes the spirit cults that promote their material well-being. Related to this is tribal ancestor worship which is common among races of Mongoloid origin based on nomad tribal ancestor-worship with the extended family as a social organization. Pre-Buddhist culture is mainly inspired with the Brahmanic cult in the field of life-cycle rituals and rituals of state, which it shares with other nations including Laos, Cambodia, Thailand, Malaysia, Brunei and Indonesia.

Buddhist culture is the major predominant culture of Myanmar society. *Mahayana and Theravada* Buddhism accommodated the other belief systems. Buddhism is the spiritual religion that promotes the spiritual well-being of their life in the hereafter. The introduction of Theravada represented a significant landmark in the culture advancement of Myanmar. It retained many of the other elements and took care of formal education. The introduction of the *Tapitaka* to Myanmar by Budhaghosa and Arahan was a significant landmark in the culture advancement of Myanmar. It is the source of moral education for all, though education in monasteries went beyond moral and spiritual education, including all forms of knowledge, such as secular arts and crafts. The Mangala sutta, with its thirty-eight rules that is part of the moral education forms the very foundation of cultural refinement of Myanmars, and moral obligations and social duties in Myanmar society primarily came with Buddhism.

All trends of Myanmar cultures used to influence the belief, attitude and expectation of Myanmar not only in their social and economic affairs but also in the political outlooks. Political ideologies, outlooks and beliefs are without by the Buddhist culture. It also malted people to become more tolerant to any condition: to be patient with difficulties, to be more optimistic on all matters, to be more endure miseries, to be less greedy in life, and most importantly, to be more contented themselves with any lifestyle.

Socially, Myanmar valued “Physical and Moral Innocence”. Buddha teachings are major norms and standards of Myanmar cope with their daily lives. The Myanmar tradition of ancestor admiration and subordination of the branch families to the main family were integrated to achieve loyalty on a national scale. The king’s royal family was regarded as the most sacred family among the entire Myanmar society. Myanmar valued their motherland as an extended family which helps to bring about the union spirit. Historically, Myanmar valued national characteristics which defined Myanmar as a highly civilized people with own and specific culture and as those who maintain, promote and protect the *Buddha Sasana* (Buddhism).

Myanmar could lead a peaceful life with a self-sufficient and stable economy. Most of the people farmed on royal lands either under limited leases or on their own land that they or their ancestors had reclaimed from the jungle or swamps. Regarding trade, the capital area is the focal point of a considerable volume of trade coming in from a number of directions. From Lower Myanmar, hundreds of cargo boats came up during the rainy season. They traded rice, fish paste, and dried fish, which the capital might require for three or four months. The Ayeyaraddy was the great country artery of trade and communication. The traffic downstream carried sugar, cooking oil, and cotton. Considerable quantities of petroleum drawn from open-pits in Yenangyan wells also went downstream.

The stable and self-sufficient economy allowed the people to lead a peaceful life and to be loyal to the rulers in politics. The traditional value system and national characteristics of Myanmar mainly derived from the Buddhist culture shaped the political culture of Myanmar in pre-colonial period as a parochial nature and it made Myanmar lack political awareness and political consciousness.

Myanmar had a feudal society that was similar in same aspect to the one that had existed in Europe. However, there were also differences in other respects. Myanmar’s feudal society, although similar in some aspects, in others it was different from the one that existed in Europe. Unlike the feudal society which existed in Europe or the caste system in India, the Myanmar was one elastic in nature. There were seven classes of society, (based mainly on economic occupation) the royal family, the public officers, the priests, the merchants, the cultivators and labourers, the slaves, and the outcastes. However, both men and women could pass from one class to another but for this they expected to obtain permission from their chieftains and to pay customary fees. Then again, people of different classes were to be found in the same villages, and difference classes did not prevent or restrict social intercourse and village life. Further, there never were any guilds connected with trade as in

Europe. It was interesting to note that slaves were not slaves in the same sense of the word as in America. They were slaves for the debt incurred and only for the time that the debt remained unpaid. The slaves were treated as family members; indeed, it is not a rare thing for them to become the sons in law of their master. Slavery is not for life in these parts. If a man can save the amount sufficient to we pay the debt for which he was enslaved, he becomes free.

Under Myanmar rule, the relation between the ruled and the rulers was personal. Furthermore, a man could migrate from one village to another, and still owe allegiance to the same chieftain. There are many reasons why the feudal structure never became rigid. One possible reason was the existence of Buddhism as the universal religion of Myanmar. The policy of the Kings of Myanmar was very akin to the mercantilist philosophy.^[3]

Myanmar Empire had a population higher than four million, or about twenty-two inhabitants to the square mile. The Kings of Myanmar were not too keen on allowing their subjects to emigrate. On the contrary they encouraged immigration. Though men were allowed to emigrate the women were not.^[4]

There seems to have been a remarkably high rate of literacy even at that time. The Burmese are a well educated people, at least the male part of the community, the boys throughout the empire being taught by the priests both to read and write. There is a library in almost every monastery. It is a kingdom by the pen for not a single person can go from one village to another without a paper or written document.

2.3.2 Comparison of the Economies under Myanmar Rulers in Upper Myanmar and the British Rulers in Lower Myanmar between 1852-1885

After the second Anglo-Myanmar war in 1852, the British ruled the lower Burma. This period marks the last of the successive eras of the King's dynasty. The administration between Myanmar rulers in Upper Myanmar and British rulers in lower Burma are compared to convey an idea of the administrative systems and their relations.

In Lower Burma, British eliminated the feudal system in one fell stroke, while in Upper Myanmar during this period the feudal system declined further with the passing of the thathameda tax in 1862.

(i) Mercantilist Philosophy

Lower Myanmar: Because of the British annexation, the application of the mercantilist philosophy of the king of Burma was no longer possible. Instead, the country was thrown open for development and to a certain extent the principle of free trade as practiced in England.

Upper Myanmar: In Upper Myanmar, the kings of Burma still had the lingering of mercantilist philosophy in spite of closer contact with the outside world. In certain aspects, there were monopolies in trading greater economic controls exercised by the kings of Upper Burma.

(ii) The Human Factor

Population Shifts: Free trade practices in Lower Myanmar brought about population shifts. During this period, great immigrations were from Upper Burma to Lower Burma.

(iii) Distribution Facilities

Internal Trade: Customs duties came to be levied on trade between Upper and Lower Burma. During this period, there existed in effect an internal tariff barrier. The British authorities negotiated two trade treaties, not only for the reduction of trade barriers between the two parts of the country but also for the limitation of the amount of duty levied by the Burmese Kings on imports from China.

(iv) Currency and Banking

Lower Myanmar: After the annexation of Pegu, the British introduced Indian coinage as standard currency in Lower Burma. Banks were opened and the use of credit introduced.

Upper Myanmar: In the earlier half of Mindon Min's reign, there was still no coinage. Mindon Min introduced both silver and gold coins. They circulated only to a limited extent and therefore silver bullion remained in use as a medium of exchange. This attempt to introduce coins in Upper Burma was a failure, as the quality of the metal was unsecured and the currency not legal tender.

(v) Transportation

The predominant method of transportation was still by water. In Lower Myanmar, The first line that was constructed was a meter gauge railroad in 1877 running from Rangoon to Prome, and in 1884, running from Rangoon to Toungoo. Thus by 1885 there were some 330 miles of railway constructed. All this was in Lower Burma. Some of the existing roads were metal led and realigned. Improvement in the construction and use of carts were in the nature of iron-tired spoke wheels. These carts however were in use only in the towns and not in the country side.

In Upper Myanmar, New roads of consequence were extended during this period. There was no railway constructed in Upper Myanmar.

(vi) Public Finance

Lower Myanmar: Here the main sources were land revenue, capitation tax, tax on fisheries, forests, salt excise, customs, etc.

Upper Myanmar: As a result of the annexation, the revenues of the economy were split in two. In Upper Burma the sources of revenue were very much the same as before except that there was a new source of income for the king in the establishment of a monopoly in trade and introduction of the thathameda tax. This was the householder's properly tax. When it was first levied in 1862, it was Rs. 3 per household but later the rate was increased to Rs. 8 and 10.

This tax was not as retrogressive as it may seem at first appearance. It is true that the total amount due from a village was calculated at a fixed rate per household, but it was the village elders who decided who should pay what amount according to the capacity to pay.

(vii) Plural Economy

Lower Myanmar: In Lower Burma was just the beginning of the plural economy with the advent of the British annexation. The British in Lower Burma climbed rapidly to the top of this economic hierarchy. It was true that even in 1800, the foreign seaborne trade was in the hands of Europeans but at that time, foreign trade was of minor importance to the economy. Now it was growing rapidly and still in the hands of the Europeans. The exception to the foreign ownership was in the railroads, which were state owned. Nevertheless, even this could be classed as foreign as the Government at that time was foreign in composition.

Upper Myanmar: From the point of view of a plural economy, the conditions were very much the same as in 1800. The oil industry, mining, agriculture the trade (internal) etc., were still in the hands of the Burmans. Though here again, they were limited by the monopolistic practices of Mindon Min, To the extent that there was a decline in overland trade with China, the Chinese potential position in the economic hierarchy was negate. [\[5\]](#)

2.4 Conclusion

Under the Myanmar Kings, administration was highly centralized machinery headed by the King. Since, the King was the head of the state, all power and authority with the King and the strength of the administrative system depended entirely upon the personality of the Kings. The *Hluttaw*[\[6\]](#), composed of civil, judicial, and military functionaries was the Supreme Court of the country under the direct control and supervision of the King. The ranks and status of the subjects being defined by customs and traditions was further refined by the King by categorising the subjects into those who were in his service and those who were not, that is into government servants and also the status of each level of officials in the administrative apparatus.

The king was the chief executive and the final court of appeal. His power was checked, and he had to deal only with issues in administration. Along with codified bodies of civil and criminal law called, respectively, "Dammathat" and the "Rajathat" were sources of proper

behaviour for civil and criminal issues. The king's officials were appointed, and their appointments could lapse with the king's death. The king was the head of the state and the patron of Buddhism.

Buddhist monks were formally organized, and headed by a patriarch. Although monks technically were supposed to remain outside the sphere of politics, they gave sanctuary to political exiles. Monasteries also served as schools for boys and monks, and educated the people and molded public opinion regarding the state and the king.

Hluttaw ("Place of Release") dealt several integrated functions, including fiscal, executive, and judicial responsibilities. Hluttaw was the final court of appeal. All proclamations and appointments that were made by the king became valid only when the Hluttaw issued orders giving effect to them. The Hluttaw delegated its certain powers to the governors in every province. There always was a right of appeal against decisions of the governor to the Hluttaw. Local government was in the hands of hereditary headmen, who were advised by village elders. The king officially confirmed the position of the headman.

There has been considerable shift in the way the public administration was carried out in ancient and medieval times when the initiatives were nothing more than sporadic administrative functions like maintaining law and order and collecting revenues with little or no welfare activities. The people who carried out those activities were selected by the monarchs and were no better than their personal servants.

Myanmar expansionism in the late eighteenth century caused strife with China, but it was Myanmar general Maha Bandula's conquest of Assam in 1824 that would pit Myanmar against an enemy that would come to occupy it. Whereas the first Anglo-Myanmar War (1824-1826) was fought to the regain territory that Myanmar had wrested away from British India, by the time of the third war in 1885, resulted in the total annexation of Myanmar. The British viewed Myanmar not so much as land that they definitely needed to control, but as a market they needed to capture and as a backdoor to lucrative trade with China. The final Myanmar royal dynasty, the Konbaung, was established in 1752 under the rule of King Alaungpaya and lasted until the fall of King Thibaw to Britain in 1885. The British began their conquest of Myanmar in 1824, expanding their holdings after each of the three wars. At the end of the third war in 1885, the British gained complete control of Myanmar, annexing it to British India. The decline was not only due to foreign attack or due to internal rebellion, but rather it was merely a natural process of exhaustion and decay in a great empire. The dynasties themselves were able to produce only weaklings, who tried to hide their inadequacy by a show of arrogance.

CHAPTER 3

ADMINISTRATION UNDER COLONIAL RULLERS (1885-1947)

3.1 British Colonial Period

3.1.1 Background History (1885-1948)

Although Burma was at times divided into independent states, a series of monarchs attempted to establish their absolute rule, with varying degrees of success. Eventually, an expansionist British Government took advantage of Burma's political instability. After three Anglo-Burmese wars over a period of 60 years, the British completed their colonization of the country in 1886, Burma was immediately annexed as a province of British India, and the British began to permeate the ancient Burmese culture with foreign elements. Burmese customs were often weakened by the imposition of British traditions.

Burma was declared a mere province of the Indian empire. Burmese lost their separate racial identity under a flood of Indian immigrants. But the Burmese, refusing to accept the British victory as final, restored to guerrilla warfare against the British occupation army. There were spontaneous uprising all over the country, led by officers of various grades of the disbanded royal armies, village headmen, former officials of the king, princess of the blood, and even the Buddhist monks. Burmese villagers quietly built little pagodas on the sites of the executions and kept alive the spirit of nationalism. The period of 1890 to 1920 was a period of peace for the country. The people were dazzled by the new economic development and the restoration of law and order by the British. British rule did not seem to affect the general structure of Burmese society. Buddhism continued to prevail.

The British also further divided the numerous ethnic minorities by favouring some groups, such as the Karen, for positions in the military and in local rural administrations. During the 1920s, the first protests by Burma's intelligentsia and Buddhist monks were launched against British rule. By 1935, the Students Union at Rangoon University was at the forefront of what would evolve into an active and powerful movement for national independence. A young law student Aung San, executive-committee member and magazine editor for the Students Union, emerged as the potential new leader of the national movement. In the years that followed, he successfully organized a series of student strikes at the university, gaining the support of the nation.

The British officials of this period also showed sympathy toward the people, and unlike in India and Ceylon they did not expose the Burmese or their religion to social persecution. However, the foundations of Burmese society were being slowly shaken by British rule in educational system. The monasteries, which have served the people as the center of secular and religious education, suddenly lost social importance. The government schools and the Christian missionary schools offered the type of education that would lead a student toward clerical service in the government. Before the British conquest, education was free, and under the British government, the fees charged were still nominal. However, the new schools were established only in towns and cities and, as a result, educational opportunities

were denied to villagers. Monastic education now became a badge of inferiority because obviously only those children whose parents could not afford to send them to the new schools in towns. The students in the new school neither learned anything of monastic discipline nor were they introduced to scriptural studies. The nature of teacher-pupil respect disappeared from Burmese society. Because of changing in the education system, strikes and boycotts in schools and the university became as later results.

At the same time, the Burmese officials came to form the foundation of a middle class and there was the social gap between the educated Burmese officials and the common people. The Burmese economy rapidly developed within a few years of the British conquest. However, as the profits of trade accrued not to the Burmese but to the British companies. The Burmese candle was being at both ends. Her mineral and her timber were extracted, but the money obtained in exchange for the products went out of the country. The economic development of Burma was in reality economic exploitation of the country.

The renewed contact between Myanmar and Ceylon resulted in the Burmese barristers becoming interested in Young Men's Buddhist Association of Ceylon. The youth of the Myanmar established the Y.M.B.A and founded a number of Buddhist schools, and appeared the G.C.B.A to as patriotic organization.

There was the signal for a nation-wide protest, and the Burmese leaders felt that they must close ranks, agitate, and organize to be granted the same measure of self-government as the Indian has been given. In the wake of Wuntharu movement became the great university strike of December 1920, which was nationalism first open challenge to the authority of the British government, and the strike was to have repercussions right up to the re-gaining of independence in 1948.

British government separated the hill regions of the Chins and the Kachins, and the plateau of the Shans entirely from the rest of Burmese, on the excuse that the people in those regions were politically not advanced and must be kept under their control. Those regions were not discussable by the legislature that was to be established under the diarchy reforms. Under the diarchy system, certain branches of government were served for the governor; nonetheless, the portfolios of education, public health, agriculture, and forests, which were placed under the people's elected representatives, were vital ones for a nation whose economy and society were disintegrating under the impact of the West through British rule. Foreign affairs, defense, internal security, immigration, commerce, and general financial control were still directly under the British governor, the governor possessed the right of veto even in those subjects transferred to popular control, and he could have protected the minorities by withholding consent to any measure he considered unjust to the minorities. By itself, the diarchy was workable, and much could have been done to evolve a system of parliamentary government adapted to suit Burmese society and prevailing local conditions. The legislature consisted of 103 members, of which 79 were to be elected and 24 were to be appointed by the governor of those 24, 14 were senior British civil servants in charge of various branches of the secretariat. Among them there could be no Burmese, of

course, because only a handful of Burmese were in the senior civil service. The Burmese seats in parliament were balanced with seats of minorities and elected seats. Among the Burmese elected members themselves, there were two groups because of some reasons. After British withdrew from Burmese, the period of Japanese military rule lasted only three years.

The leader groups of Thakins, Thakin Nu, Thakin Aung San, and the thirty comrades were most popular in trying Myanmar's independence. Thakin Nu making no changes in the agreement approved by General Aung San, he signed the formal treaty of independence together with Mr. Attlee on October 17, 1947, and gained independence on 4th January 1948.

3.1.2 Administrative System

The British annexed Myanmar after three wars for colonial expansion and proclaimed it as a part of the British Empire on 1st January 1886. The *Hluttaw* was abolished on 31st March 1886 and the administrative system that was used in lower Myanmar was introduced to Upper Myanmar as well. The administrative system of the early colonial period was basically very different from the traditional administrative system at the time of the Myanmar Kings.

(i) Executive Function

The Chief Commissioner was the Agent of the Governor General in India. He was in charge of the foreign relations of British Myanmar with the court of Inwa and other neighboring states of the eastern frontier. He exercised the powers of judicial commissioner for the general superintendence of the administration of justice and for hearing appeals from the divisional commissioners. Under the chief commissioner's control, the Department of the Public Service was divided into the Department of Public Works in which the Chief Engineer was *ex-officio* Secretary; responsible for all arrangements and correspondence with the General commanding the division relating to military affairs; Forest; Police; Prisons; Port Blair; Communication; and Marine. A large secretariat came into existence to link up all the departments, and bureaucratic government became the order of the day.

Under the Bureaucratic rule, there were four-level hierarchy as artificial; it clearly lacked the vitality found in the indigenous governmental and social structure. Myanmar society tended to level out because the government was alien and social stratifications, therefore rigidly maintained under indigenous Myanmar custom, disappeared.

The British administration in Myanmar can be considered as village administration and urban administration. For urban administration, the government appointed Chief Commissioners, District Commissioners, Assistant Commissioners, Sub-divisional Officers and Township Officers.

As one of the executive functions of the British government, the Revenue Regulation Act, 1887 was enacted to collect more revenue in Myanmar. Under the Act, a Financial Commissioner was appointed to be responsible for collection of revenue as well as to take the responsibilities of Commissioner of Excise and Stamps and Inspector-General of Registration.^[7] To shoulder such a big burden, two Secretaries and a Deputy Director of Agriculture were appointed to assist the Financial Commissioner. The Financial Commissioner appointed officers under the Commissioner of Settlement to fix and collect land revenue.^[8]

In urban administration, the British enacted "The Burma Municipal Act, 1898" in 1898. According to this Act, Municipal committee and Town committee for "Notified Areas" were organized. Accordingly, Municipal committees were formed in certain cities through election. The members of Municipal committee for most of the cities and Towns committee were appointed either by Lt.Governor or Chief Commissioner. These committees were responsible for public health and religious affairs within their jurisdiction. In 1911-12 altogether 46 cities were under Municipal administration and 17 towns were under Towns committee administration. In 1922, there were 53 Municipal administered towns and 21 Town committee administered towns.

In connection with Village Administration Upper Myanmar "Village Regulations", was enacted by the Government on 28th October 1887.^[9] According to these regulations *Thugyis* as headmen of the village were appointed by the District Commissioners with the consensus of the respective villagers. Incidentally, *Thugyis* were also the basic element of the administrative structure during reign of Myanmar Kings. The District Commissioner had the power to dismiss or substitute the *Thugyi* if necessary.

In 1907, the Burma Village Act 1907 was promulgated for the whole country and *Thugyis* were appointed in all villages throughout the country. With the consent of the District Commissioner, *Thugyis* could appoint "*Se-eingaungs*" (Heads of 10 household units) under him. The main difference between the *Thugyis* under British Administration and those under Myanmar Kings is that while the former was an appointed position the latter was heredity. One single similarity as mentioned earlier was that *Thugyis* were the basic element in village administration under both systems.

Administrative structure, the means by which the Organization achieves its goals, is of strong interest and controversy in the sphere of public administration. At the time the British annexed the country, Upper Myanmar under Myanmar Kings was organized into ten districts based on territorial division. The British Government, at the same time, organized lower Myanmar into three divisions as follows:

- (1) Rakhine Division,
- (2) Thanintharyee-Muttama Division and
- (3) Bago Division

After the annexation of Myanmar, the British reorganized Upper Myanmar into four divisions: Eastern Division, Western Division, Central Division and Southern Division. One divisional Commissioner was appointed for each division. These four divisions were further organized into 17 Districts; The District Commissioner appointed to take charge of the district was the most powerful official in each district.

The other regions of Myanmar, viz, Shan, Kachin, Chin, and Karenee regions were considered by the British as tributary state, and proclaimed that they had never been under direct administrative control by Myanmar Kings. Thus, they had separated those regions administrative system from those of Myanmar.

In the Shan State, two main regions were organized by the British; the Northern Shan State, and the Southern Shan State, one District Commissioner was appointed to run the administrative system in each region. The British promulgated the Shan State Act in 1888 that came into force on 1st February 1889. This act recognized the rights of Shan Sawbwas and Shan State administration was left in the hands of Sawbwas.

For the Kachin and Chin Hilly regions, the British promulgated Kachin Hilly Tribes Regulations and Chin Hilly Regulations in 1895 and 1896 respectively. According to these regulations, the administration of hilly regions was to be carried out by the prominent elders of the region or by headman. The Karenni region remained a separate and independent state and the British treated it as similar to the Shan State. To administer Northern Rakhine and Thanlwin, the British Government had appointed District Commissioners under whom there were assistant commissioners, sub-divisional officers.

As convenience, simplicity, and low cost in operation were the guiding principles for the British administrative system, the British Government in 1901-02, restructured Myanmar into 8 Divisions; 4 Divisions in Lower Myanmar and another 4 Divisions in Upper Myanmar. Under each division districts were grouped together as follows:⁷

1. The Rakhine Division:

- (1) Northern Rakhine District**
- (2) Sittawe District**
- (3) Kyauk Phyu District**
- (4) Thantwe District**

2. The Bago Division:

- (1) Yangon District**
- (2) Hanthawaddy District**
- (3) Bago District**

(4) Tharrawaddy District

(5) Pyi District

3. The Ayeyarwaddy Division:

(1) Paithein District

(2) Thongwa District

(3) Thayet District

(4) Hinthata District

(5) Myaungmya District[\[10\]](#)

4. The Thanintharyee Division:

(1) Taunggu District

(2) Thanlwin District

(3) Thathon District

(4) Amherst District (Kyaikkhami)

(5) Myeik District

5. The Northern Division:

(1) Bhamo District

(2) Katha District

(3) Shwebo District

(4) Rubyland District

(5) Mandalay District

6. The Central Division:

(1) Sagaing District

(2) Kyause District

(3) Ye U District

(4) Chindwin District

(5) Inwa District

7. The Eastern Division:

(1) Meikntila District

(2) Yamethin District

(3) Pyinmana District

8. The Southern Division:

(1) Myingyan District

(2) Bagan District

(3) Minbu District

(4) Taungdwingyi District[\[11\]](#)

The first four Divisions were in lower Myanmar, and the rest were in Upper Myanmar. According to the new administrative structure, the former districts and townships were upgraded to the level of divisions and districts. The remaining regions such as the Shan State, Thangtwe, Khantee, Pakaukku Hilly region, Kachine Hilly region, and Myitkyina region were administered by direct control of the Lt. Governor through District commissioners.

According to the Craddock Scheme, declared on 17th December 1918, the administrative system was reorganized into Townships, Districts and Municipal councils. In 1921, District council and Circle Boards administrative system was introduced and accordingly, the members of District Council and Circle Board were elected through general election within their constituency. However, the administration of the District council and the Circle Board were placed under control of District Commissioners and Divisional commissioners.⁸

The British annexed Rakhine, and Thaninthayi in 1826 and then Bago in 1852 after Second Anglo-Burmese war. Up to 1862 Myanmar was kept as a buffer state of the British and was ruled as a part of Bengal of India by three commissioners. After the Third Anglo-Burmese war, the administrative machinery was divided into two parts as lower Burma and Upper Burma. The administrative power was centralized. Lower Myanmar and Upper Myanmar came to share a uniform system of administration and law, except in a few details.

The creation of adequate administrative machinery was the major aim of the British government. Government also developed new departments and services. Moreover, the government enlarged administrative and economic functions. In connection with this development, the reorganization of all in the economic interest, social justice and native welfare were actively promoted. Meanwhile a new Myanmar generation of administrators arose who acquired enormous exposure in administrative works. Eventually, they appeared as the new class of Myanmar, the so-called middle class who delivered in western style and appreciated subject political culture. Later, they took the leading role in Myanmar politics.

(ii) Judicial Functions

Regarding the judicial functional of the government, the British established the Chief Court in lower Myanmar in 1900. In Upper Myanmar, the Judicial Commission was appointed to take on the responsibilities of judicial affairs. Altogether eight session judges were appointed: four for Lower Myanmar and other four for Upper Myanmar.^[12] They could give verdict in accordance with Upper Burma Civil Courts Regulation 1896 and Lower Burma Courts Act, 1900.

Previously British organized the law courts and they entrusted the judicial power to executive staff. As a result, there was no independence of judiciary. Although separate judicial staff were in 1905, the District Commissioners and their subordinate executive staffs still had the authority to carry out the judicial function.

Under the Government of India Act 1919, the High Court was set up in place of the Chief Court in 1922. The jurisdiction of the High Court covered the judicial authorities of both chief courts in Lower Myanmar and Upper Myanmar. A chief justice and more than three justices were in the office.^[13] The High Court had the power to conduct judicial proceedings of civil suit cases throughout the country. In districts, session judges were appointed for judgments on criminal cases and civil suits and special judicial employees were extensively appointed for judicial proceedings.

(iii) Legislative Function

Before the Lt.Governor was appointed to manage the administration in Myanmar, the Chief Commissioner was empowered to prescribe the laws. However, the power to prescribe the law was merely nominal. He was unable to enact a law without the consent of the Viceroy of India.

After appointing the Lt.Governor, the British organized a legislative Council, to advice the Lt. Governor, for Myanmar in 1897 consisting of nine members. Among the members of council, five were non-government officials and the other four were government officials.^[14] All members were selected by nomination, and the Lt.Governor chaired the Council. Accordingly, the legislative council enjoyed the right to initiate the law and promulgate the law by itself. However, it was not allowed to initiate the Money Bill. After reform in 1909, the number of legislative council increased to 17 members and it further increased to 30 members in 1915. District council and Circle Boards introduced in 1921, could enact local laws. They were responsible to construct and maintain roads, waterways, public health and to take charge of the festivals within the jurisdiction of the districts.

3.1.3 Administration of Civil Service

On the establishment of the Province of British Burma, the civil service was reorganized and systematized and known by Burma Commission. Two-thirds of the Commission were

members of the Indian Civil Service who were recruited by competitive examinations. The remaining third was drawn by nomination from services such as the Army, Police, Public Works, or from non-officials. These services fell into two grades, the lower consisting of Myo-oaks, the higher consisting of Extra Assistant Commissioners when they were put in charge of districts. There were two distinct levels of Administrative System as upper and lower. In the upper level, there were commissioners, Deputy Commissioners and Assistant Commissioners who were exclusively British, and were drawn from Burma Commission. Top ranking Commissioners were invariably drawn from the Indian Civil Service. In the lower level was the Burma Official hierarchy operating at four levels.

Critically, the British attempted to launch civil administration in occupied Myanmar. At first, they paid much attention to the importance and effectiveness of Myanmar traditional administrative system and administrative personnel. But later, they ignored both traditional administrative system and administrative personnel. The institutions and processes of government were mostly viewed with fear and distrust by the majority the people. The colonial government existed as a major predatory force within the society, oppressing the people and denying their real voice, the political authority represented as the rulers violating traditional laws as well as national identities. The legal rights of citizens were ignored and violated with impunity by rulers. Government officials were not really concerned with protecting the persons and property of law abiding citizens but they represented only to carry out administrative functions for the welfare of colonial government. The British government regarded the people as subordinate subjects and treated them in inhumane manners. Moreover, they did not pay any respect to tradition and social norms of Myanmar. They also neglected the venerability of religious holiness. In most cases, they committed harsh and barbarous actions that damaged Myanmar's tradition and religion. These background causes ignited Myanmar to cease their faith in parochial attitudes towards British colonial rulers.

By means of a new administrative system, Myanmar began to enjoy political rights to participate in administrative works to a certain extent. In addition, some people who had got higher education became impressed with the colonial administrative system; and came to view colonial administration as a beneficial administration for people. Such kind of people had become potential actors in the colonial administration. Their attitudes and outlooks had already changed into a new trend. They began to regard the British as the highly civilized rulers who could fruitfully provide and manage the welfare of people. However, the majority of the people viewed the British rulers as harsh and oppressive rulers who destroyed traditions, religion, and national identities. These differences in ideologies brought about political conflicts in Myanmar society.

In establishing law and order, a number of infrastructure developments were carried out. Since 1885, many civil, military and police stations were established. To facilitate transportation, old roads were repaired and more new roads were constructed. They upgraded irrigation works. The system of telegraph communications was improved. The simplest and cheapest administration was applied.

As the British abolished the traditional educational system in which monks played the most important role, the monks felt themselves degraded and removed from socially influential positions in Myanmar society. Moreover, they were afraid of the spread of alien religion and the danger to Buddhism. As a result, the monks began to enter politics. The British colonial rule, the spread of western education, international affairs and world politics are the outstanding influences which have brought about the new awakening of the nationalist spirit.

The growth of Western Education in Myanmar had a crucial impact on the political culture of Myanmar. Efforts to stimulate a renaissance of Myanmar cultural and national tradition after 1895 owed more at the outset to westernized factors than to traditional social forces. The lead was taken by educated Myanmar minority in touch with western political institutions and ideologies, a group supported by a number of westerners genuinely interested in Myanmar's welfare. They began to set up non-traditional schools which adopted western type curriculums modeled on the Christian missions, at first Mawlamyaing area and later throughout the country. The teachings from these school changed some Myanmar's attitudes, beliefs and expectations in politics. Such kind of people obtained more advanced political ideologies and more understanding on politics.

Education, Health and Transportation were more extensively conducted in accordance with the new colonial policy of the Lieutenant-Governor Administration. Laws concerned with health issues were legislated; it was also concerned with the development of trade and employment opportunities. When the Lieutenant-Governor Administration was established, new posts and new departments were created to share the administrative duties, so that health services could be effectively conducted. Measures could be taken against small pox, cholera and malaria that mostly broke out in Myanmar.

3.1.4 Dyarchy Administrative System

The *Dyarchial* administrative system had been implemented in Myanmar, since January 2nd, 1923.[\[15\]](#) The aim of the system was to transform the administrative system from administration of the officials to administration of responsible persons to be practiced during the transitional period temporarily. The Dyarchial administration became known as the dual system of government, since it had been administered by the ministers of elected person and selected member of the legislative council.[\[16\]](#) In this system the jurisdiction of the government had been divided into two jurisdictions-central subjects and provincial subjects. The Indian government took responsibility for the central subjects while the Myanmar government had taken responsibility of the provincial subjects. Again, provincial subjects were divided into two subjects. They were reserved subjects and transferred subjects.[\[17\]](#) The governor had directly handled reserved subjects after consultation with the Minister for Finance and Minister for Home Affairs whose departments were under

direct control of the Government of India. To appoint ministers of such posts, it had been restricted to those who had served at least twelve years as Indian civil servants.

(i) Executive Function of *Dyarchy*

Under the *Dyarchial* administrative system, Divisional Commissioners were the highest permanent executive officers. There were five Divisional Commissioners for lower Myanmar and three Divisional commissioners for upper Myanmar. These Divisional Commissioners were responsible to the governor for collection of land revenue, public works, administration and judicial function of their respective divisions.^[18] The Burma commission appointed them. Under them, there were 40 deputy Commissioners. With the exception of Yangon these deputy Commissioners had to undertake the duty of Divisional Magistrates. In addition, they had to take responsibility of collectors, Registers, and Assistant Commissioner of income tax. Under the Sub-divisional Commissioner, Extra Assistant Commissioners and Township officers were appointed. These officers had the duty to conduct the functions of Judicial, Executive and Taxation within the jurisdiction of the *Dyarchial* System.^[19]

The Police Department under *Dyarchy* was divided into two departments such as the Civil Police and Military Police Departments, the District Police and the Yangon City Police or Residency Police, The criminal Investigation Department and Railway Police Department were the branches of the Civil Police department. The Inspector-General of police headed the police Department. There were six Deputy Inspector-Generals. One of the Deputy Inspectors had to take responsibility of the Military Police Department.

The duty of the District Police Department was to prevent criminal offences: to investigate, to retain the prisoners, and to provide security to officers on duty tour. The Yangon City Police Department was responsible for the duty of traffic police to arrest the sex-workers and beggars within the Municipality, registration of motor vehicle and to prevent criminal offences within their Jurisdiction. The Railway police Department was assigned the responsibility to take actions against the criminal offences in stations areas, on carriages, and within the domain of railways throughout the railway tracts. The Department of Criminal Investigation had the duty to teach the art of investigation to the intelligence officers and investigate criminal offences. The duties of the Military Police Departments were to restore law and order in Rakhine, Chin, Kachin Hill tracts and Shan States, to repulse the forces which had violated Myanmar territory, to suppress the riots, to prevent the people from decoying, to keep on sentry duty, to safeguard of treasuries and to save guard treasure boxes on transit.

(ii) Legislative Function of *Dyarchy*

Until the year 1900, there was no separation of Executive and Judicial Department. When the *Morley-Minto* reforms came in 1909, Myanmar received a much smaller advance

than any other Province. The Legislative Council was increased to 17 members of whom only two were elected by the Burma Chamber of Commerce and the Rangoon Trades Association, both of which are bodies of European businessmen. In the Central Legislative body, Myanmar had only one representative elected by the Myanmar Legislative Council. It was increased to 30 in 1915 but the number of elected members was not increased.

Under the *Dyarchial* constitution, there were 103 seats in the Legislative Council of Myanmar the British government had allotted the seats as follow:¹⁴

Elected members 80 seats

Government appointed members 23 seats

Total 103 seats

Again, they sub-divided for constituencies for so elected members as follow:

1. Rural and townships on Municipalities 58

2. India nationalities 8

3. Kayin 5

4. Anglo-Indians 1

5. British nationalities 1

6. Chamber of commerce 6

7. University 1

Total: 80

Under the system out of 103 seats in the Legislative Council, Myanmar could represent 58 seats by election, and one seat from the Myanmar Chamber of Commerce. In other words, Myanmar could represent only 59 seats. The British government ensured that Myanmar citizens did not to get land-slide majority seats in the legislative council by appointing 23 members and creation of 22 seats for other interest groups.

The Legislative council had the right to remove the two ministers by a non-confidence motion. The tenure of office of the advisory council of the governor was five years and those of the members of legislative council were three years. The *Dyarchial* administrative system, the whole administrative structure had been divided into 3 major sectors, first under direct control of the British Government in India, second under direct control of the Government of Myanmar, and the third under administration of Ministers from elected bodies of the legislative council.

(iii) Divided and Rule System in *Dyarchy*

Under the *Dyarchy* administrative System, the following territories were declared to be back-ward tracts and placed, in general, outside the jurisdiction of the legislative council. [\[20\]](#)

These backward tracts were the Shan States, Chin Hills, Kachin Hills tracts, Karenni and Tribal Hills. These areas had been administered directly by the Governor. [\[21\]](#) The British had made a series of plan to keep the Shan States apart from the Jurisdiction of the *Dyarchial*, administrative system practiced in Myanmar.

Federated Shan State would be free from interference of the new administrative system organized by the legislative council in Myanmar. It was an attempt of the British to administer the country through divided and rule policy. British set up the Federated Shan States on 1st October, 1922-23, months before the *Dyarchy* System was introduced to Myanmar.

The Federated Shan States had been set up by amalgamation of 6 states from Northern Shan States and 32 States from Southern Shan States. It brought to 38 States was again for the Federated Shan States. [\[22\]](#) Later some of the small states were added to bigger adjoining States. Thereby the number of states in the Federated Shan States reduces to 35 States from 38 States. The administration of the Federated Shan States was placed under direct control of the Governor of Myanmar. In June 1925, the Federated Shan States was demarcated as the Federal Shan States Division and placed under jurisdiction of Commissioner of the North East Frontier Division. On 1st July 1925, the Commissioner of the Federated Shan State was appointed. Thereby the British had separated the Federated Shan States from the jurisdiction of the North East Frontier Division. The Commissioner of the Federated Shan States opened his head-office at Taunggyi. He had to take the responsibilities as Deputy Commissioner and political officer of the Shan States.

There were six departments under the Federated Shan States:

- (1) Public works Department
- (2) Health Department
- (3) Forest
- (4) Education
- (5) Agriculture and
- (6) Police Department [\[23\]](#)

They were under the control of the central authorities. Authority for rule of Law and Taxation were entrusted to the respective States. The Federal council was set up as a consultative council for the Commissioner. Since Shan *Sawbwar* was represented by *Sawbwars*, this council was known as the Federal Council of Shan Chiefs. Although they

became the representative of the Federated Shan State Council, they had no decision-making authorities. They were only responsible to advise the Commissioner. They had no right either to initiate the bill, or to legislate the Law. However, they had the right to debate on Budget and other administrative problems.

Administrative systems, similar to the Shan State administrative system, it had been introduced in Kachin Hill tracts and Chin Hill region. In December 1922, the British had set up the Burma Frontier Service. In such a way the British practiced divide and rule policy by separating the administrative systems of Myanmar proper and Hill tract people.

The governor and his advisory council were responsible for the administration of the hilly regions and undeveloped areas. To govern these regions Frontier Service Assistant Commissioners were appointed. The governor, in 1924, set up an advocatory committee for local administration. Next, the minister for local administration had appointed four officers to take charge of circle boards, District councils, and Municipal councils.

For the convenience of rural administration the governor had promulgated local Self Administration Act, the rural areas were grouped together into circles as administrative units. Since 1924, the village committees were set up, headed by *Thugyis*. Their main duties were to implement the direction of circle Boards and District Councils. Apart from that, they were authorized to settle unlawful acts and minor criminal cases. This committee was responsible to advise the *Thugyi* in the general administration of the village.

The local self administrative bodies organized by the *Dyarchial* administrative system could not effectively perform their duties as they had to face opposition of the citizen; however they gained valuable experiences for administering a country. As consequences, they no longer wanted the British Colonial Rule in the country.

Dyarchial administrative system had been introduced to India and Myanmar by promulgation of law in the British parliament. In fact, it was a temporary system to replace the old methods of ruling the countries. It was for promotion of administrative system of the countries to "Home Rule". But in both countries, there were demonstrations demanding that the *Dyarchial* system be abolished immediately intend of writing for the remitted 10 years (i.e before the maturity date). The British government had organized statutory commission led by Sir John Simon on 26th November 1927. Since Sir John Simon had acted as a president of the commission it came to be popularly known as the Simon commission. Since the information gained from the Simon commission indicated the both India and Myanmar politicians enthusiastically hoped to get Home Rule in the near future. Simon commission had visited India in 1928. On 29th January, 1929, they came to Yangon and visited Mandalay and other big cities to enquire the political situation. When they returned to London, they held series of meetings which lapsed the time to a certain extent. By early 1930s up with a report, Simon commission in their report on 12th May 1930, stated that since the Shan *Sawbwas* were quite satisfied with their present status. It was not necessary to consider about the fate of the future of the Shan States. Regarding to Myanmar it advocated for

(1) To separate Myanmar from India immediately

(2) To declare separation of India and Myanmar urgently.

(3) To arrange a new administrative system for Myanmar not later than that for India examined,

If the report of Simon Commission was studied, it could be seen that although it favored the separation of Myanmar from India, no proposed was given for a new administrative system to be introduced to Myanmar. Both India and Myanmar rejected the Simon Commission's report. The British authorities, therefore, had to take great care to prevent the unity of Indian and Myanmar nationalist forces. The British on their part considered that by separating Myanmar from India it would be easier for them to govern the countries and prolonged their rule in both countries.

When the election for members of the legislative council was held on 9th November 1932, the problems of separation or association issue became most important issue to be solved. In this election, 40 percent of the people had casted their votes. When the votes were counted and the party stood for association got and won 42 seats. The party which advocated for separation, got and won 29 seats.

Dyarchial administrative had been practiced in Myanmar for 14 years, from 1923 to 1937. In theory, it was said that joint Myanmar citizen and the British had governed Myanmar. The legislative council of the governor had been dissolved and was substituted by the legislature. The elections had been held to fill the seats of legislature. In practice, the real power vested with the governor. Under the *Dyarchial* System hilly regions and under-developed regions in Myanmar were excluded from the jurisdiction of *Dyarchial* System and governed by the governor by his own arrangements even before the introduction of *Dyarchial* System.

At a glance, *Dyarchial* System seemed to promote the administrative system to enable to govern the country with fully responsibility by Myanmar citizen. It seems to be an administrative system basing on parliament, where the elected person represented the people. In reality, the most important ministries like Forest and Education were entrusted to the ministers who command majority in the legislature. The real executive powers vested with the governor. *Dyarchy* gave Myanmar a significant impact on administration. [\[24\]](#)

The legislature was expanded to 103 seats of which 79 were filled by election and the allocation of seats was such that a Myanmar majority was always assured. "Transferred subjects" were local governance, education, public health, agriculture, excise public works and forests. These departments were placed under two ministers who were responsible to the legislature. "Reserved subjects" were law and order, irrigation, and finance and revenue, and these departments were under the charge of two members of the Governor's Council who sat in the Legislature, but were not responsible to it. The ministers and members of the Governor's Council were expected to work in joint consultation and harmony. However, the

fact that finance was a reserved subject which was a great restriction on the working of parliamentary democracy. But, the *Dyarchy* provided some opportunity for politicians to learn parliamentary practice and also quickened the political activities in the country.

The outstanding weakness of this system was the lack of any joint responsibility in the Government.^[25] Even if the Ministers were of the same party and acknowledged the principle of joint responsibility as binding on them, they were largely dependent in carrying out a policy on the good-will of the Finance Member who was an irremovable Member of the Executive. The Governor exercised his superintendence and control over the Reserved Subjects through the Members of Council, and over the Transferred Subjects through the Ministers, and it was left to him to decide how far he would consult them separately or together. In practice, in Myanmar at any rate, the Governor used to hold Government Meetings where Members of Council discussed cases of importance, but this was not the same things as joint responsibility. The system of dyarchy only applied to the Provincial Governments, and the Government of India at the centre remained as it was before, with an irremovable Executive of the Viceroy's council, none of whom were responsible to the Legislature. This Central Executive dealt not only with Customs and Income Tax as mentioned above, but also with the very important subjects of Defense, Railways, Shipping, Posts and Telegraphs, Currency, and Civil and Criminal Law, while the Viceroy himself held the Portfolio of Foreign and Political Affairs. The subjects handed over to select Ministers were therefore only a small proportion of the whole sphere of Government activities, but the scheme was a great advance on anything that had gone before in that it marked the beginning of the control of the Legislature.

Myanmar had separated from India in accordance with the report of the Simon commission. After separation from India, new administrative System was introduced to Myanmar in accordance with the 1935 act.

3.1.5 91 Departments Administration or 1935 Government of Burma Act

The Bill for administration of Myanmar had been enclosed by House of Lords of the British parliament in 1935. Thus it became 1935, Government of Burma Act. By this act new administrative System first to enforce on 1st April 1937. It was well known as "91 Departments Administration" in Myanmar.^[26]

Since Myanmar is separation from the India Federal state, Myanmar government could appropriate its own budget to use for the departments concerned. Bi-cameral Legislative System had been introduced the House of Representatives and the Senate. The Senate was organized with 36 representatives, out of which 18 were elected from the members of the House of Representative The House of Representatives had been organized with 132 members. Out of which 91 were elected members from 91 constituencies, 12 from the Kayin community, 8 from Indian community; 3 from the British minority, 2 from the Anglo-Indian minority, 6 from the British Chamber of commerce, 3 from the Indian Chamber of

commerce, One from Chinese Chamber of commerce, and one from Myanmar Chamber of commerce. The Governor had to consult and act in accordance with the advice given by the ministers unless he had to give personal directives or decision to be implemented.

To implement the administrative system in Myanmar in accordance with the 1935 Act, two administrative Jurisdictions area were established. ie., Part I Schedule Areas and Part II Schedule Areas. Previously Part I Schedule Areas were under developed areas and Part II Scheduled Areas were the areas to which the Governor had administered directly.

The Governor was entrusted to manage defense, Christian missionary's activities, and other affairs within Part I Schedule Area, financial management, regulation of currency and molding the sovereign coins, foreign relations with the exception of relations with other dominion countries within the British Emperor. In addition, the Governor was also entrusted with the power and to take responsible to manage Myanmar and other parts of relative areas that were within or without the British Emperor as demarcated in Part I Scheduled Area.

The Governor had the right to appoint not more than three ministers to the consultative body. The salary of each minister and their duty and responsibilities should be abided to the law enacted by the Emperor.

Para (8) of 1935, Government of Burma Act emphasized the administration of Part II Scheduled Area, which was quite different to that of part I Schedule Area. Accordingly, the governor had to take special responsibilities to maintain law and order and to administer demarcated areas within Part II Scheduled Area.

The Governor should take personal initiative to carry on special cases evolving within the Jurisdictions of Part II Scheduled Area. It was significant that the Governor had to administer Part I Scheduled Area with consultative bodies consisting of 3 ministers. In the some special cases, he had the right to administer without taking advice from his councilors. In the case of Part II Scheduled Area, the governor had the right to govern with his personal initiative! When the Part I schedule Area had been developed politically, the areas were to be promoted to status of Part II Scheduled Area. They had also arranged to transfer Part II scheduled Area to Myanmar proper when there was political development.

Election for the new administrative system was declared to be held in November 1936. It had nominated 132 seats for The House of Representatives and 36 seats for the Senate. Although there was no special qualification imposed for the candidate to be elected for the House of Representatives except age qualification. Property, Education, and Status qualification had been imposed for the candidates to be elected for senate. Hence only the rich people, educated persons and ex-officials of the government were entitled to be member of the Senate.

(i) Counselors, Financial Advisor and Advocate-General

To assist him in the administration, the Governor appointed three Counselors, and one Financial Advisor. They were not Members of the Legislature, but had the right to attend meetings of either Chamber and to speak on any subject, though they did not have the right to vote. Their advice had great value, particularly to a Governor. As official advisors to the Governor, their functions were limited to certain specified subjects, and if the Governor likes to take their opinion on other subjects, he will be just as much entitled to do so as he was to take the opinion of anybody with experience of a particular subject either in Government service or outside it.

Another new appointment in the 91 Departments administration was that of Financial Advisor, whose duties were to assist the Governor in matters affecting the financial stability of the province, in respect of finance generally, and in respect of monetary policy, currency and coinage.

Moreover, another new appointment was that of the Advocate-General, which raised questions of great interest and importance. The English Cabinet was unusual in having no Minister of Law and Justice, and the Law Officers of Government, the Attorney-General and the Solicitor-General, were not members of the Cabinet. They were however members of the Government, and they dealt in Parliament with any legal questions which arise, and they were always two of the most distinguished Barristers of the party of which the Government was formed.

(ii) The Role of the Legislative Council

Under the 91 Departments administration, it consisted of two Chambers instead of one as it was in *Dyarchy*. In the latter system, the Legislative Council consisted of 103 members, of whom 80 were elected and 21 nominated, the other two being ex-officio members. The nominated members, not more than 14 may be officials. Among the new Lower Chamber, which was the House of Representatives, consisted of 132 members, all elected. Labour representation was a new feature and caused considerable difficulty because of the unorganized condition of Labour in the country. The proposal was to form two special labor constituencies, one of Yangon, Insein and Thanlyin, and one of the oil fields, each of which divided into two electorates, Indian and Myanmar.

The office term of the House of Representatives was five years, two years more than that of the *Dyarchy* Legislative Council. The Upper House, which was called the Senate, consisted of 36 members, of whom 18 were elected by the Members of the Lower House by the system of the Single Transferable Vote. The Governor nominated the other 18 members. The qualifications for the Upper House were higher than that for the Lower. In the latter, any person over 25 years of age on the electoral rolls was eligible. And for the former the minimum age was 35; and the candidate must either have a high property qualification, namely, payment of Land Revenue of Rs. 1,000 in Lower Burma, or Rs. 500 in Upper Burma, or he might have held high office under Government, or be the holder of certain titles or

distinctions; are eligible. Those still in Government service were not eligible but room existed for retired Government servants.

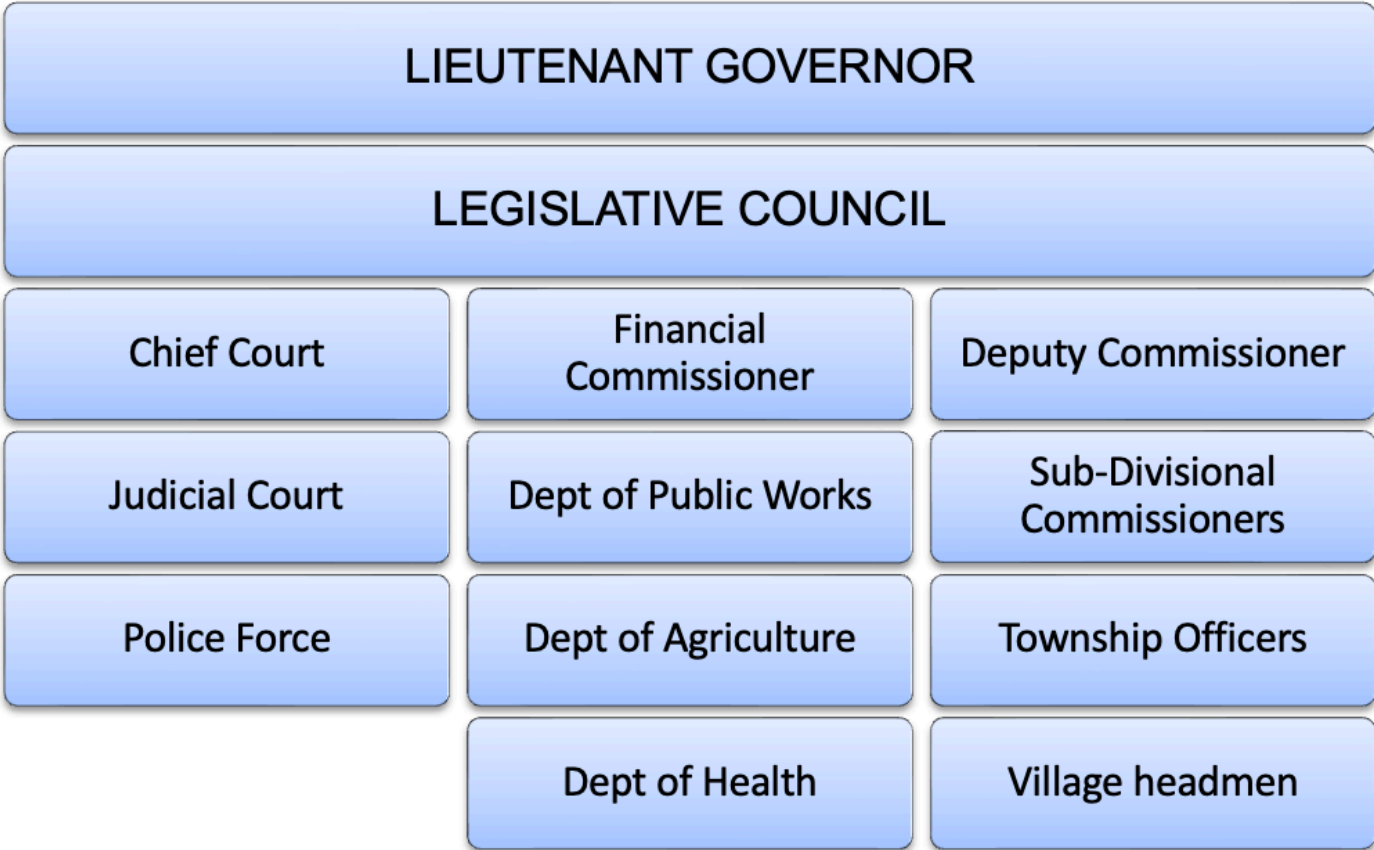
The office term of the Upper Chamber was seven years, so that as a rule a new Lower House was not immediately being called upon to elect an Upper House. Nobody may be a Member of both Houses, and any Member of the Lower House who was elected to the Upper House must resign his seat in the Lower. Ministers may be chosen from either House and had the right to speak in both houses, but only had a vote in the House of which they were Members.

(iii) Judicial Power

When the province of British Burma was formed in 1861, the Chief Commissioner's court became the Burma Court of the Province, and he also was given the powers of a High Court Judge. The court became the final court of appeals in all civil and criminal matters of the Province. The courts of the three commissioners of Divisions became Divisional judges for hearing appeals from the courts of the District Judges, and there was a second appeal from the decisions of the commissioners to the Chief Commissioner. Recorders' Courts were established in Yangon and Mawlamyain in 1864. It was placed under the Inspector General of Police and each district was given a Superintendent of Police which relieved the Deputy Commissioner of the executive charge of the Police. All police duties and police powers were taken away from the Myoos and transferred to the officers of the Provincial police.

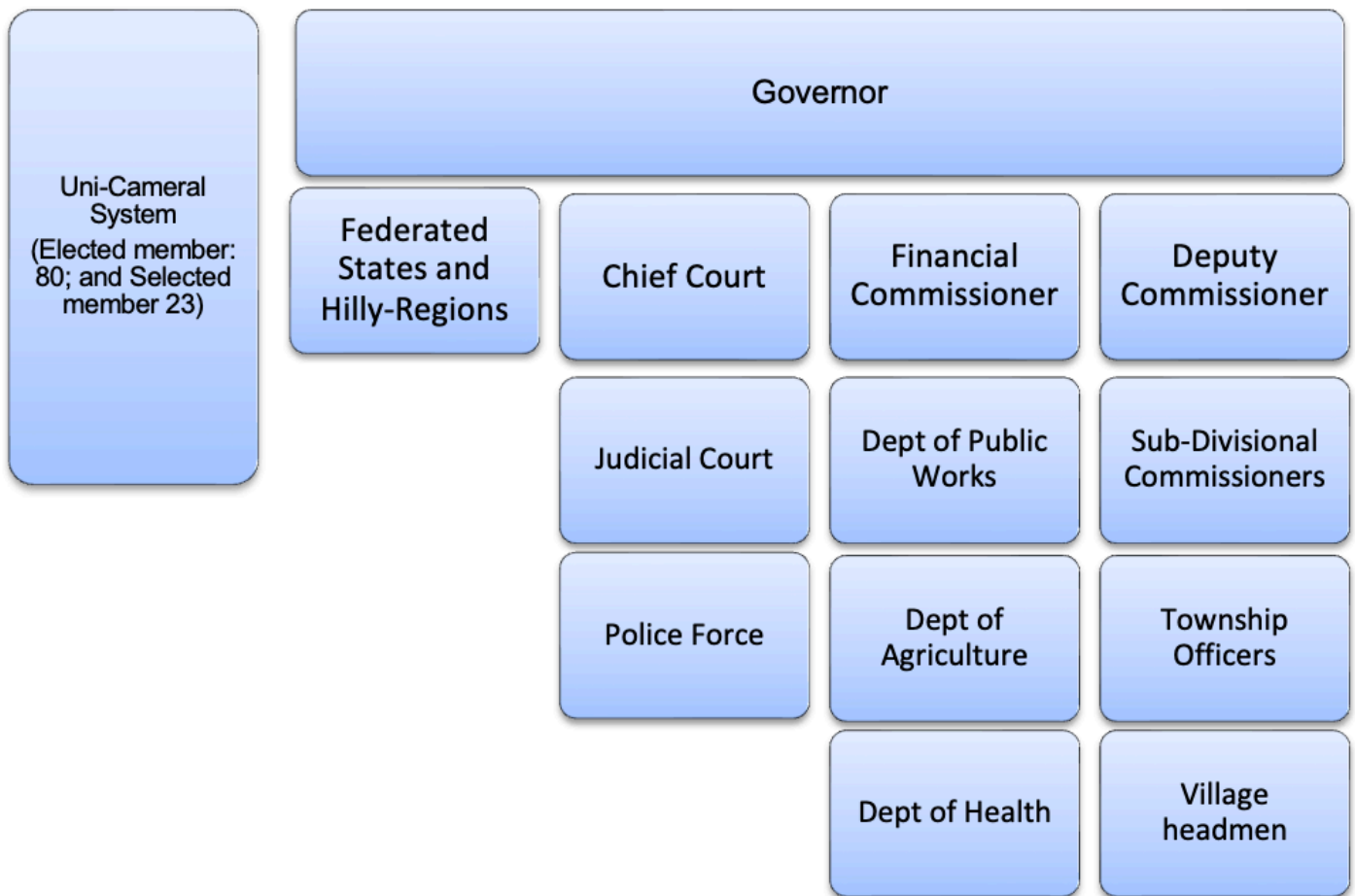
Regarding the court system, designating the village headman as a petty magistrate introduced him to a new function which he was usually not qualified to discharge. The only laws familiar to village leaders were the customary rules applicable by arbitrage procedure. An unbridgeable gap existed between the type of jurisdiction and the official courts operating either under the direct control of the deputy commissioners of the special judicial branch of the civil service. The legal code applicable by Myanmar courts was an adapted amalgamation of British law principles and customary laws, as developed in India prior to 1862. The India Central Legislature in 1863 set up six grades of courts in Myanmar and extended the Code of Civil Procedure to Myanmar. This code did not affect customary rules of succession, inheritance, marriage, or religious usage. The Deputy Commissioners acted as district magistrates handling at the outset, most police cases and the Divisional Commissioner acted as judge magistrates. They oversee civil cases and important criminal cases.

Figure 3.1 The British Administrative System before 1923



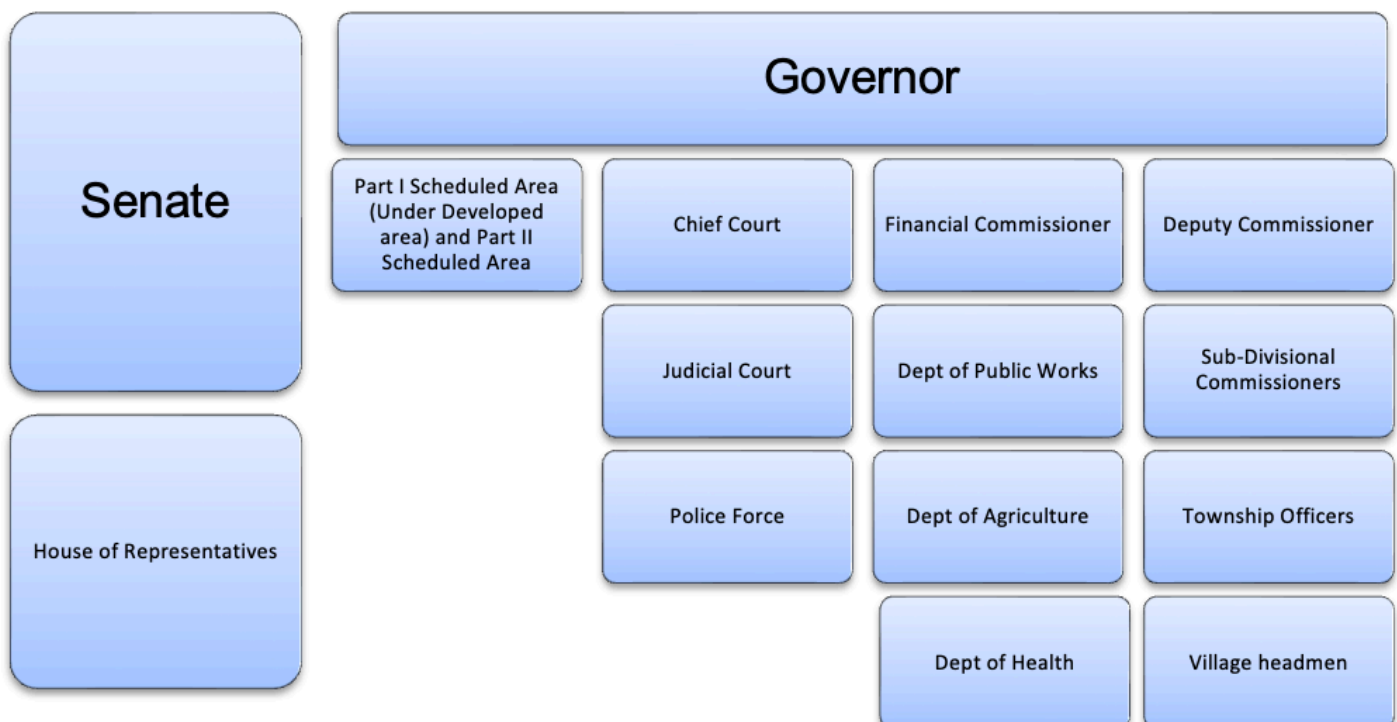
Source: G.E. Harvey, British Rule in Burma

Figure 3.2 Administrative System under Dyarchy System (1923-1937)



Source: G.E. Harvey, British Rule in Burma

Figure 3.3 Administrative System under 1935 Act



3.2 Relations of the Administrative System in British Era

3.2.1 Political and Social

The nature and characteristics of the governmental system during colonial period had totally changed from those in the pre-colonial period. These changes became the major sources of political development and political culture in Myanmar during the colonial period which could be divided into three phases: early colonial period (1886-1914) 28 years, mid-colonial period (1914-1942) 28 years, and late colonial period (1942-1948) 6 years; according to the nature and characteristics of different political systems and political development. The political system in the early colonial period was mixed system of colonial rule and indigenous administrative system. The political developments during this period could be seen as revolutionary and resistance efforts on the one hand and pacification and law and order restoration process on the other.

The political system in the mid-colonial period was pure colonial administration with the western administrative rules and regulations. The political development in this period seemed to be a bureaucratization on the one hand, and an anti-colonial movement on the other hand. The political system in the late colonial period was mostly martial law administration. And the political development in this period was restoration of law and order on one hand and independence struggle movements on the other hand.

Based on such kinds of differences, salient natures and characteristics, the political culture in each period differed from one another. One significant political impact on Myanmar society that was brought about by the colonial rule was the British's "Divided and Rule Policy". Since 1886, while local leaders began to commence the armed revolution in an uncoordinated fashion, the British persuaded and organized some self-seeking Myanmars to offer their talents to the new government. The great groups of semi-independent states lie to the east of Upper Myanmar on both sides of Thanlwin River, stretching to the confines of China, Tokin and Thailand. It is proposed that these states should continue to be administered by their own Chiefs or Swabwas and that the British Government should interfere as little as possible with their internal economy so long as they keep the peace among themselves and pay a moderate tribute. The Kayins joined British administrative units such as policemen, soldiers or other forms of servants. The British could successfully set up subject political culture among some ethnic groups of Kayin, Kachin, and Chins.

Some Myamars changed their political culture through the educational system that was the impact of the growth of the Western Education in Myanmar. The Myanmars desired to solve the political issues by using political approaches rather than armed revolution. They intended to rely on organizational approach. Most of them aimed not to restore a Myanmar king but to gain home-rule and self-administration as well as national government. These

impacts led to a new trend of Myanmar political culture in the colonial period. The organizations that were outwardly characterized by religious concerns but were essentially political concerns played the pivotal role in Myanmar politics. These associations led the people in politics and shared the political ideas and instructions for political activities. They influenced the attitudes, beliefs, and expectations of Myanmar people.

The Young Men's Buddhist Association (Y.M.B.A) which was founded by western-educated Myanmar in 1906, brought about changes in people's attitudes, beliefs and expectations to politics. Under the leading role of Y.M.B.A, most Myanmar had gained new trends of political approach by which they tried to gain more political power and to develop nationalism among Myanmar. It later mostly concerned with refashioning valuable elements in the new context of Western concepts and first, paid much interest in religion and related subjects, and expanded its interest to include a revival of Myanmar art and literature, operating through a number of strong branches in urban centers across the country. At the outset, the Y.M.B.A was suspected of political designs by the authorities, so that civil employees of government were forbidden to participate in it. The voice of Y.M.B.A was very important for the growth of political socialization in Myanmar society. The arts of statecrafts also spread among educated Myanmar. Knowledge about government, the rights and duties of citizens, self-administration, and home-rule became the major sources that Myanmar people got from western education. Educational reform in Myanmar seriously affected the growth of political culture in Myanmar. Although the Y.M.B.A came into existence to carry out religious, social and cultural affairs of Myanmar, the Y.M.B.A, in the part of its existence, shifted its direction towards political matters.

During the late-colonial period, the proletarian ideological influenced some of Myanmar leading politician. Consequently, they propagated their ideological belief among the people. They used commoners such as peasants, workers and laymen as main political actors. As a result, most Myanmar bent in proletarian ideologies and their prior attitude was to adhere to a socialist or communist way for future independent Myanmar.

On the other hand, the British still sought effective measures to govern Myanmar by imposing changes in its political culture as subject nature. The British civilization missions socialized some political practices of abiding by the rule of law, learning and education in Western knowledge, and the practices of the liberty of the individual in Myanmar society. These ideologies and practices made Myanmar people believe that the political power of government can be defined as legitimate power, not absolute or despotic power and the government exists not for its own sake but for the welfare of the people. The rules and laws are the most fundamental elements for every society to enjoy rights and obligations by which the people can lead meaningful and prosperous lives.

On the side of the British authority, many organizations like Y.M.B.A, (Young Myanmar Buddhist Association), G.C.B.A (General Council of Burmese Association), G.C.S.S (General Council of Sangha Sametggi), Dobama Asiayone, became hindrances to government operations.

3.2.2 The Economy

Colonial rule also introduced governance structures to be effectively administered to the needs of the Myanmar economy. These resulted in the introduction of concepts of the modern economy and the bureaucracy. These changes included the free circulation of capital, productive enterprise and system of large scale production. Related to the development of the economy, a Myanmar business class came into existence in Myanmar society. This new class became crucial in Myanmar politics and brought about significant impacts on the political culture of Myanmar. Some of them changed their beliefs, attitudes, and expectations on politics, especially towards the British administrative system and British rulers to whom they became loyal and impressed for the sake of their private fortunes.

(i) Agriculture

The crops grown just before the Japanese occupation were very much the same as in the integrated economy. The exception was in sugar cane and rubber. Sugar cane is one of Burma's newer crops and its rise largely due to the emergence of rubber plantations in Lower Burma which had the moist jungle tracts suitable for rubber plantations. However, under the international agreement, Burma's export quota was fixed at 5150 tons in 1934 and 9250 tons in 1938.

There was an increase in the total sown area. In 1928-1929, the net area sown for all crops was 16.47 million acres. By 1940-1941, this had increased to 17.56 million acres. Major portion of this under rice cultivation was approximately 70 per cent of the total acreage.

There had been extensions of irrigation works and improvement of canals since the integrated economy. In 1928-1929, the total area was irrigated by both Government and private canals, tanks, wells.

There were other improvements in the nature of an improved metal ploughshare, which was developed by the Agriculture Department and the adoption of line-sowing instead of broadcasting.

With reference to forests, the pattern had been well set by 1928-1929 and there was little change either in the importance of the forests or in the conservation policy of the Government. Surveys and working plans, research and protection from fire etc., continued to be exercised by the Government. The Reserved Area of the forests increased from 18.23 million acres in 1928-1929 to 20.09 million acres in 1940-1941.

In techniques also, the principle means of extraction was not by mechanized means that was impractical but continued to be with the use of elephants. There were 6500 of these

elephants in Burma, excluding the Shan States. In transporting, the timber to the mills use was made of the main rivers to float it down as rafts a method used from time immemorial.

The oil industry was in very much the same positions as far ownership and efficiency of production was concerned. It was due to the use of up to date methods in contrast to the uneconomic organization of the coal mining industry in India. There was a monopoly of the Burma Corporation in silver, lead and zinc and some competition in tin and tungsten.

Although the larger mills were still concentrated near the ports, the growth of small up-country mills continued between 1934 and 1939. Rice milling was still responsible for the employment of one-third to one-half of the industrial workers. There was no commercial sugar refinery before 1930. Just before the Japanese Occupation Burma had two main factories – one was the Mogaung factory in the Myitkyina district and the other was at Zeyawaddi near Taungoo.

The other industries dealing with the processing of agricultural products were vegetable oil extraction, flour milling, one brewery and three distilleries and a rubber factory begun in 1935 by an Indian Muslim. An industry of recent growth was the cotton ginneries that existed mainly in the dry zone. Other miscellaneous industries having one or two factories were-knitted-wear factory at Insein, match factories, printing presses, cement factory, soap factory, umbrella factory and the motion picture industry. Upon the decline of the various cottage industries because of the competition from cheap imported goods within the last decade, efforts were made by the Government to revitalize cottage industries in Burma.

Trade Burma had suffered a decline in its foreign seaborne trade, but by 1934-1935 there was a turn, though it never did reach the 1928-1929 level again. In 1940, the Burma Government gave notice to terminate the free trade government with India and a trade agreement was negotiated in 1941. Apart from the Burma Road opened in 1939 and the increase in trade to China due mainly to lend-lease there was a decline in overland trade. Export from Burma to China between 1927 and 1937 declined from 5-1/2 millions to 1 million Shanghai dollars. This trade was handicapped by the adverse exchange rate and the prohibition of the export of coin or bullion from China by the Nanking Government.

Foreign trade was mainly in the hands of foreigners. In internal retail trade, however, the Burmese had been able to hold their own though even here, the Indians and Chinese had made encroachments especially in the Delta.

The banking structure of Burma had been set by 1928-1929 and there was little change since then except for the fact that there was contraction of credit with the depression and a gradual return to normalcy as conditions improved. The main money market was still at Rangoon where the foreign banks operated and agriculture continued to be financed by the Chettyar who got his credit from the European banks and served a link.

During the split economy, the imperial Bank of India was the Government's banker had acted as a sort of a central bank. With the passage of the Reserve bank of India Act 1935, a

branch of this new central bank was opened at Rangoon and the Reserve Bank of India was the official Government banker. With the separation of Burma from India, an agreement was reached between the Government of Burma and the Reserve Bank of India and the latter continued to be the former's banker. New Burma rupee notes were issued but the coins were still India coins.

As before waterways continued to be the main form of transportation. The Twante Canal was further widened to 330 feet and deepened to 9 feet below low tide level in 1933-1935. The railroads were taken over by the Government from the Burma Railways Company in 1929. By 1940-1941, this had increased to 2060 miles and the Irrawaddy was bridged at Sagaing in 1934 that made possible through runs from Rangoon to Myitkyina.

The Chinese began building the road in December 1937 which was completed in early 1939. The distance from Kunming to the Lashio, terminus of the Burma Railways was 715 miles of which 120 miles were on the Burma side. The Irrawaddy Flotilla Company did attempt and internal seaplane service in 1934 which was suspended in 1939. Internationally, Rangoon was used as an airport by the planes of the Air France, the Dutch K.L.M, and China Corporation.

Prior to the separation of Burma and India, some heads of revenue and expenditure belonged to the Provincial Government whilst others belonged to the Central Government at Delhi. With the separation, all these heads of revenue and expenditure came under the purview of the Burma Government.

Since the separation, the policy of the Government had been one of balanced budgets. The policy the Government had to follow as Finance was one of the transferred subjects under the new constitution and the Burmans had to prove and establish the confidence of the British Government of their ability to manage the finances of the country, in addition to the fact that Burma owed India a large sum of money.

In the villages the people had a low standard of living but there wasn't the same grinding poverty as in China and India. Even in 1800, the standard of living was higher in Burma than in India. Judging from the descriptions of houses and food, there had been a slight rise in the standard of living since the depression. The standard of living in towns had been rising as the cost of living (at least in Rangoon).

The industrial workers were protected by the Workmen's Compensation Act of 1923. There were, however no compulsory types of social insurance. Mining wages were about twice that of the agriculture wages. The housing condition of industrial workers in Rangoon was rather bad and had not improved since 1928-1929.

Prior to the Japanese occupation there was a limited amount of work being done in rural reconstruction by various bodies and societies (Government and Private), whose aim was to improve the economic condition of the rural population and to help them stand on their own feet. These agencies not only gave lectures, slides and movies on better health and

better farming but also actively helped in the distribution of medicines, seeds, chicken eggs and improved breeds of pigs.

3.2.3 Literatures Impact on Political Changes

The growth of nationalist literature played a significant role in the process of political socialization during the colonial period. Before the British occupied the whole Myanmar, nationalist authors had expressed anti-British ideologies in newspapers, magazines, journals and other kinds of written works. The nationalist literature stimulated Myanmar's nationalist spirit and provoked hostile sentiments and attitudes towards the British. Most of them led Myanmar to be inspired in parochial attitudes towards British rulers. Educated Myanmar tried to issue Myanmar-owned newspapers and journals by which they intended to propagate nationalist ideologies, their views and outlooks on British rulers. Nationalist literature encouraged and promoted Myanmar people's political awareness and nationalism. The British made Burma a province of India in 1886 and instigated far-reaching changes to the country's make up. Indians were brought in to fill civil-service jobs and the business interests of Indians and Chinese in Burma were encouraged, which bred resentment in many Burmese people. Agriculture was geared towards export and Burma became the world's largest exporter of rice. Resistance to British rule continued in the northern territories up until 1890, when the British finally destroyed entire villages in order to halt guerrilla activity. Here, as elsewhere, divide-and-rule was characteristic of British governance, with certain ethnic groups being favoured over others, creating clashes of loyalties.

The start of the Second World War saw the administration of Burma separated from India. For some nationalists, the War presented an opportunity to gain concessions towards autonomy in return for Burmese support in the hostilities, but the Thakins rejected any participation in the war. The nationalists drew much inspiration from Marxist ideas and the Sinn Féin movement in Ireland. Aung San co-founded the Communist Party of Burma. He sought contact with Chinese communists, but the Japanese authorities got to him first, promising military training and support for a national uprising. Aung San and 29 other young men, known as the Thirty Comrades, left for Hainan Island in China (which was under Japanese occupation) for the promised training. The deal was that the Japanese would help Burma rid itself of the British colonialists and grant independence.

3.3 Japanese Administration In (1942-1945)

3.3.1 Historical Background

With the Japanese occupation, Myanmar had no choice but to act in conformity with the desire of the Japanese military authorities. Generally, Myanmar had a status of an independence nation with independent national government. But Myanmar were still

under oppression and lack of national identity. Almost all of Myanmar people had suffered from resentful miseries and bitter experiences under merciless conducts committed by the Japanese military personnel. These painful political experiences changed the attitudes, outlooks and value system of Myanmar people.

According to the draft governmental structure, at the top of the executive was the dictator. Under the dictator, Cabinet of Ministries and Privy Council were set up. All Cabinet Ministers were directly appointed by the Dictator, and he had the right to remove any of them. The Privy Council was composed, and all members were nominated by the Dictator. This council was not a legislature but a consultative body. Of course, the form of government was dictated by the Japanese and the government officials had to carry out the implementation of Japanese military operation and Co-Prosperity Sphere Project.

Unlike the British colonial rule, Japanese military administration seriously affected not only urban people and elite classes but also rural farmers and common people and even the religious sanctuaries were violated.

3.3.2 Administration under the Japanese Occupation Period

In August 1940, the Japanese had entered southern Indo-China and started to attack the colonial possessions of the Americans and Europeans in the Far East in December 1941 and entered Myanmar in the early part of 1942. The British Civil Administration was in disorder, deteriorated and finally collapsed, and the Japanese Army occupied Yangon in March 1942. By the end of May, the British and Indian forces were defeated and retreated from Myanmar.[\[27\]](#) Administration under the Japanese occupation can be seen as three periods:

(1) BIA Administration (January 1942- May 1942)

(2) Japanese Military Administration (June 1942-July 1943) and

(3) Civil Administration (August 1943-1945)[\[28\]](#)

(i) BIA Administration

After capturing Yangon, an administrative organ, named the Peace Preservation Committee was constituted in occupied areas for the settlement of peace and order. The Administrative organs were headed by Thakhin Tun Oke[\[29\]](#) and set up the Central Administration Committee and carried out the administrative matters by dividing the territorial's divisions into villages, townships and sub-division.

Although the Central Administrative Organ headed by Thakhin Tun Oke issued many orders, the Japanese Military Administration office on the other hand appointed the Japanese officers, established the district and township administration office in some

important areas, and attempted to replace the administrative committee established by the Burma Independent Army and the Myanmar executive administration with it. However, the Japanese 15th Army understood that the Myanmar leaders from the political parties were needed in carrying out the administrative matters in practice.

(ii) Japanese Military Administration

While the Central Administrative Organ was carrying out the administrative matters, the Japanese Army set up the Military Administration and opened its office at the Governor's House in Yangon on June 4th, 1942.[\[30\]](#) In order to gain the achievement of the Military Administration, there were five Departments under the Military Administration as follows:

- (1) General Affairs Department**
- (2) Industry Department**
- (3) Finance Department**
- (4) Transportation Department**
- (5) Religious Affairs Department.**

Moreover, the Mawlamyaing Administration Department was established. It undertook the following tasks with the help of the Minami Organ:

- (1) Instructing by founding the Peace Stabilization Committee in Yangon.**
- (2) Investigating the military and political information.[\[31\]](#)**

Moreover, the Japanese Military Administration office established the Mandalay Military Administration office on 2nd May 1942. This department had to undertake the tasks of regional administrative matters especially in peace and rehabilitation.

On June 3rd 1942, General Iida, Commander in Chief of the Japanese Armies, appointed a "Preparation Committee for Central Administration" led by Dr. Ba Maw.[\[32\]](#) On 4th June 1942, members of the Preparatory Committee were appointed by the military ordinance number (2) of the 15th Army. It consisted of Dr. Ba Maw, Dr. Thein Maung, Thakin Mya, Bandoola U Sein, Thakin Tun Oke, Thakin Nu, U Ba Theins, U Ba Pe, and Thakin Ba Sein. Its main tasks were;

- (1) To establish the Central Executive Administration by co-operating with the military office.**
- (2) To guide the Burma people in order to promote co-operative efforts toward the Japan's war efforts.**
- (3) To present suitable advice to the 15th Army regarding the military administrative works before the founding of the military administration.**

(4) To carry out the duties assigned by the commander of the 15th Army.[\[33\]](#)

On 25th July 1942, six departments were defined as follows, instead of five departments:

(1) Central Executive Department

(2) Political Department

(3) Finance Department

(4) Transportation Department

(5) Industry Department

(6) Education Department'

At the same time, the Japanese authorities directed Dr. Ba Maw to form the Myanmar Government by the military ordinance number 16. Dr. Ba Maw was given the task of rebuilding the Government Machinery and on 1st August 1942. Lieutenant General Lida, Commanding the Imperial Army in Myanmar inaugurated the Myanmar Administration with Ba Maw as its head, and appointed the members of Myanmar Government under the control of the Military Administration. The authorities and the responsibilities of the Administrative office are:

(1) The Commander in Chief of the 15th Army used the legislative Power without summoning the Parliament. When the Administration Office served the assigned duties, it has to draw the necessary rules and regulations and have to present to the Commander in Chief of the 15th Army to be undertaken after getting the agreement from the Commander in Chief of 15th Army.

(2) General Judicial matters will be controlled by the Military Administration Office except for the judicial matters concerning the Japanese and Judicial Power controlled by English Emperor (or) Viceroy.

(3) General Management will be carried out after obtaining the permission from the Commander in Chief of 15th Army except the military, foreign relations, building and prosperity owned by the enemies, matters concerning the BIA controlled by the commander in chief of 15th Army. Other assigned tasks will be carried out by the military Administration Office itself.

(4) Constitution of Burma Government.

Japanese conceived that restoration of law and order and defence of human rights were of vital important for a country. Therefore, Japanese issued ordinance decree number 6 on 7th July 1942, relating to the said purpose. It imposed for the re-establishment of the law courts as before the outbreak of war and to use the existing laws and legal practices that existed during that period.[\[34\]](#) Japanese had reorganized one Supreme Court in Yangon and

altogether, 144 civil and criminal courts at different townships, districts and divisions were set up.[\[35\]](#)

Japanese organized law courts which had jurisdictions over Myanmar citizen only. They had no right to interfere in the cases which Japanese considered to be brought to the Japanese military tribunal. Particularly, when Japanese is involved a case to be brought to trial, it was usually brought to the Japanese military tribune.

Dr Ba Maw, who led the government systematically, reorganized the Myanmar government, composed of 10 ministers and assigned the prominent Myanmar politicians to act as ministers led by Prime Minister, Dr. Ba Maw.[\[36\]](#)

After the establishment of 10 ministries and appointment of the ministers, Dr. Ba Maw allotted the duties and responsibilities of the ministers. Prime minister's office, Legal advisory council, Public service commission, state printing press bureau, Information and propaganda, civil service, compensation Board, civil defence, Burmese Gazetteer, Karen-Burma central organization and preparatory committee for Myanmar independence were placed under the direct control of the Prime minister.

After the formation of the government of Myanmar the government announced its policy, in which it said that the government would co-operate with Japan in fighting against the enemy, would participate in Japanese led East Asia plan, would establish Japan Myanmar friendship and would rehabilitate areas of Myanmar which had been destroyed by the retreating British.

Both the Japanese army and B.D.A soldiers tried to interfere in the administration of the country that was run by civilian authorities. The Commander in Chief of B.D.A tried to follow this pernicious tradition by demanding the right to deal directly with the head of the state. He even persuaded the Constituent Assembly that met in 1943 to insert some clauses that would provide the right of B.D.A as independent entity. He neither paid due regards or co-operated with the Myanmar Judicial court. The B.D.A soldiers also had intervened and tried to influence the judges at some district courts.

Another difficulty for the newly formed government was to take the place of the Central government which had neither definite policy nor the plan. The Newly organized civilian government could not effectively provide the protection for the citizen and restore law and order. The Newly formed civil government could not freely implement the decision they had made. The Japanese had tried to control the government. The Japanese C-in-C had appointed some of the offices as advisors to each ministry and officer on special duty for some important departments.

Myanmar government had no jurisdiction over the Japanese citizens living in Myanmar. In case where one of parties brought to lawsuit was Japanese or if both parties were Japanese citizens, Myanmar law courts could do nothing. Such cases were not within the

jurisdiction of the Myanmar law courts. Only the Japanese military court could hear such cases.

The new government emphasized its plan for the social security of the country. Dr. Ba Maw established a new department known as Civil Defense Department. He had appointed an advisory board for the department consisting of representatives from the Municipal department, Department of public works, Public Health, and Director of police and Director of Relief and Resettlement. Under their supervision, a voluntary defence army performed the security measures within the country successfully.

Dr. Ba Maw realized that unity among the ethnic nationalities was vitally important for the success of the new government. The Japanese 15th Army presented to give Myanmar independence in order to gain the belief of the Myanmar people. In March 1943, the Japanese Government invited Dr. Ba Maw, two other Myanmar leaders and General Aung San to Tokyo.

On returning from Japan, Dr. Ba Maw, as per Para 7 of the memorandum on 23rd March 1943 formed a Preparatory Committee for independence of the country, on May 8th 1943 consisting of 26 members. Preparations were made to form an Independence Preparatory Committee and on 8th May 1943, Independence Preparatory Committee consisting of Dr. Ba Maw was appointed.[\[37\]](#)

The committee for preparatory for independence, consisted of the persons conceiving differential types of political concepts. Some of them were very largely for the revival of Monarchical system. Some of them wanted to install a communist system of administration, some liked to install Japanese administrative system. Some advocated for Dictatorship. Some of them wanted to install parliamentary Democracy practice. Some wanted a government to be manipulated by a group of few leaders.

On May 8th, 1943, an Independence Preparatory Commission was appointed to draft and produce the constitution in a few weeks. The constituent committee could not do their job freely. It was because some of the Japanese military authorities attended the meeting of the committee as observers.

After the completion of the constitution the C-in-C of Japanese army in Myanmar, had informed, the president of the constituent committee on 31st July 1943 that he had already received instruction from Tokyo to grant independence to the country. Thus, Myanmar could proclaim as independent state on 1st August 1943.

(iii) Civil Administration

On 1 August 1943, Myanmar proclaimed as independent state. On the same day, Dr. Ba Maw was elected as Chancellor of Myanmar. On the consecration day, Dr. Ba Maw had taken solemn oath in accordance with the precedents of ancient Myanmar kings.[\[38\]](#) On the same day, Dr. Ba Maw declared war on the British and Americans.[\[39\]](#)

Unlike the previous government of 1942, Dr. Ba Maw organized the new government for the independent Myanmar more systematically. The Chancellor, as the head of the state appointed the ministers who, in accordance with his jurisdictions abided by the constitution. In addition to the previous ministries of his government, he extended six Ministries such as Ministry for Deputy Prime Minister, Defence Ministry, Ministry of Foreign Affairs, and Ministry for prosperity and propaganda, Ministry for co-operation and Ministry of Taxation. Next, he set up a consultative assembly consisting of 20 members and a supreme court with one Chief Justice and 3 Supreme Court judges. The ministers, members of the consultative assembly and the judges of the Supreme Court had to take solemn oath of allegiance to the Chancellor. He gave appointment orders to each minister and member of the consultative assembly and judges in person. Out of the members of the consultative body, he had selected 7 members and formed a small committee to draft a constitution. He also appointed commander in chief of the Myanmar army. On August 12th, 1943 the new ministers started to regulate their ministry. As for Chancellor Office, he had appointed 7 secretaries who had to take oath of allegiance to him secretly.

Dr. Ba Maw, as a Head of the state of Myanmar helped most of the powers of the government. The sovereign power resided with him. All the ministers of the ministries were responsible to him. With the nomination of the Prime Minister, the Chancellor appointed the ministers.

The Chancellor, as a commander-in-chief of the Army, appointed one of the high - ranking officers of the army as minister of military affairs.

The Chancellor as head of state appointed an Auditor General to take charge of the national accounts. After his office tenure, the Auditor General could not take of other jobs without the approval of the Chancellor.

The Legislative function of a government was one of the most important functions of a government for an independent country. During Wartime, the Legislative function of independent Myanmar was vested in the hands of the Chancellor.

The Chancellor had systematically reorganized the civil administrative body. As a first step, he organized the public service commission, which was to select the persons to be appointed for 1st and 2nd class gazette officers. He then revised the existing civil administrative body. Under this revised form, the District commissioner was the head of administration of a District. To assist the regulation of his administrative machinery, an Income Tax officer, Sub divisional officers, Township officers, Assistant Township officers and headmen were appointed for the security of a district. A District police Superintendent had to act as the head of the department. Under him, police majors, captain, lieutenants and sergeants were appointed to assist him to prevent criminal offences. Although the Divisional commissioner post had been abolished in 1942-43, he divided the country into four divisions and restored the Divisional Commissioner posts. Along with the restoration of the said posts, he appointed a police colonel for each division.

Due to difficulties, delegation of authorities to the District Commissioner increased. With the exception of some of the important issues, the district Commissioners had the right to execute all kinds of issues involving within their district at their own discretion after getting the consent of Divisional Commissioners. Similarly, education officers, health officers and public work officers could carry on their duties within the district without taking consent of the head offices at Yangon, but after consultation with the Divisional Commissioners. After all District Commissioners were entrusted the power to stop the tour programme of the officers within his jurisdiction, to requisite the buildings within the districts to open an office, to assign the officers to any duty for military purposes in accordance with his will. Thereby the power of the District Commissioner and Divisional Commissioner were greater than ever.

However, Japanese military authorities, in dealing with the Myanmar civil servants considered them as their subordinates. The District Commissioners had to do what Japanese authorities assigned to them. They had to recruit labour for Japanese army. Boats, Carts, Motorcar, and vessels were requested if Japanese army demanded for it. They also had to buy rice, cooking oil, bears, cows and pigs which were needed for the Japanese army. Apart from these, they had to find buildings to station the Japanese army as well. In addition they were obliged to find labourers and collected raw materials as demanded by Japanese merchants.

The District Superintendent of police, in addition to preventing criminal offences within the district had to carry out extra jobs as demanded by Japanese military authorities. Apart from these duties they had to take part in the establishment of Kayin-Myanmar friendship prevention of contagious diseases, Mahabamar led distribution of essential commodities for the convenience of the people, controlling the prices of the commodities, recruitment of labour forces, etc.,

The civil servants could not fully perform their task within their jurisdictions as they had to perform their work to satisfy the politicians and Dr. Ba Maw's intelligence unit. At the same time, they had to carry on the work assigned by Japanese authorities. Particularly within the Japanese military administrative area, the civil servants had to co-operate with the Japanese authorities and had to carry out their administrative duties within the limit of approval of Japanese authorities. The civil servants had also the additional responsibility to caution the citizens not to show their lathed and pro-British attitudes openly and to be silent about the resistance movement to be launched by the patriots. In such a situation, the civil servants could not do their jobs, strictly in accordance with the prescribed rules and regulations.

The Japanese military police had the habit of interfering with the civil administration throughout the country. Myanmar government had to allow their intervention in all the cases brought to them accordance will Para 4 of the constitution of 1943, granted freedom of Japanese military police action, without intervention of the government during Greater East Asia war, and to put both BNA and police forces under the commander of the Japanese

Army and Navy. This agreement officially permitted to Japanese military police to intervene civil affairs.

3.3.3 Impacts of Japanese Administration

(i) Executive Function

When Myanmar government re-organized civil administration, it did not duplicate the British system completely. The Divisional commissioner posts had been abolished. The Judicial power and executive power had been separated. Thereby the executive authorities of the civil administrators had been reduced. The village councils had been abolished. *Thugyi* (Headman) of the village were appointed not by usual elections but by the will of the District Commissioner. Civil servants were appointed not only by virtue of qualification and experience but also by virtue of experiences in political fields.

The main tasks of the civil administrative authorities were to co-operate with both Japanese and Myanmar military authorities for the success of Greater Asian War policy. They were responsible to enforce law and order within their jurisdictions, to recruit the labours, auctioning liquor shop and fishing rights etc.

Police force had been re-organized in a new form. The head of the police force was to be called as not the commissioner of police but as Director of Police and a Japanese officer was appointed as a Director. Under him, Myanmar a citizens was appointed as an Assistant Director. Instead of Yangon Police Force being separately organized as in the colonial period, it was placed under the Directorate of Police. The existing commissioner post for Yangon Police Force had been abolished and appointed an assistant director was appointed at the Directorate. Under him two District superintendents, one to take charge of Eastern Yangon district and another for western Yangon district were appointed After reorganization of police force they were given proper training to be able to maintain and order. When civil administration had been established the criminal cases seems to be mounting up.

The government had practiced separation of power when it organized the civil administration. The legal function of District Commissioners, Sub divisional Officers, and Township Officers were revoked and new judges were appointed to carry out legal functions. In organizing Legal Courts, the Supreme Court was established as a highest court of appeal. A Chief Justice and three additional Justices were appointed at the Supreme Court. Under the Supreme Court, District Session Courts and Township Session Courts were organized.

The Myanmar government implemented the new system of education. The new system aimed to promote nationalism and to cope with the spirit of "Greater East Asia Coprosperity for youngsters. The text books were revised. The phrases or paragraphs that intended to praise the glory of British had been removed. The differential types of school had been liquidated and a single type of school established Myanmar Language was prescribed as a

first language and was to be taught as a compulsory subject. Some Kayin schools were allowed to teach Kayin Languages as second language. Japanese Language was not allowed to be taught in schools in Myanmar. Compulsory physical training had been given to the students at every school.

(ii) Legislative Function

The Legislative function is most important function for a government. Although the Japanese C-in-C had transferred the administration of the country to Dr. Ba Maw who led the civil government and held absolute power and acted as the head of the government. He had abolished the existing Legislature of the colonial period but did not allow setting up the Legislature for the newly formed civil government. It was clearly stated in Para 4 of ministry order that the Prime minister shall be responsible to the C-in-C in direction and controlling of the affairs of all ministries and departments of the government. The ministries and department shall be responsible to the Prime Minister. Regarding the allocation and re-appropriation of the budget for the civil government, it was necessary to get the approval of military administration. The appointed Japanese advisers took direct control of certain departments completely and took part in carrying out important functions

(iii) Judiciary Function

By Military Ordinance No. 6 issued on July 7th, 1942, the Japanese Commander-in-Chief reopened the courts and the "Business of Public prosecution" and the conduct of "Judicial Administration". The courts which were established were not given jurisdiction over subject matters which fell under the exclusive jurisdiction of Japanese courts martial or the military courts set up by the Japanese Army, nor over civil and criminal cases in which one of the parties or accused was Japanese.[\[40\]](#)

Slight changes were made in the structure of the higher appellate tribunals. The Yangon City Court was vested with the original civil and criminal jurisdiction of the former High Court of Judicature of Yangon, while the appellate jurisdiction of the High Court was transferred to a new Supreme Court. Scrupulous care was taken to get qualified and experienced men to fill the highest judicial posts.[\[41\]](#)

At the highest level, the Japanese respected the judiciary and the laws, being very carefully to observe international laws and the regulations particularly. However, in the district some Japanese officers suffered from the conqueror complex and wanted to interfere with the day-to-day workings of the law.[\[42\]](#)

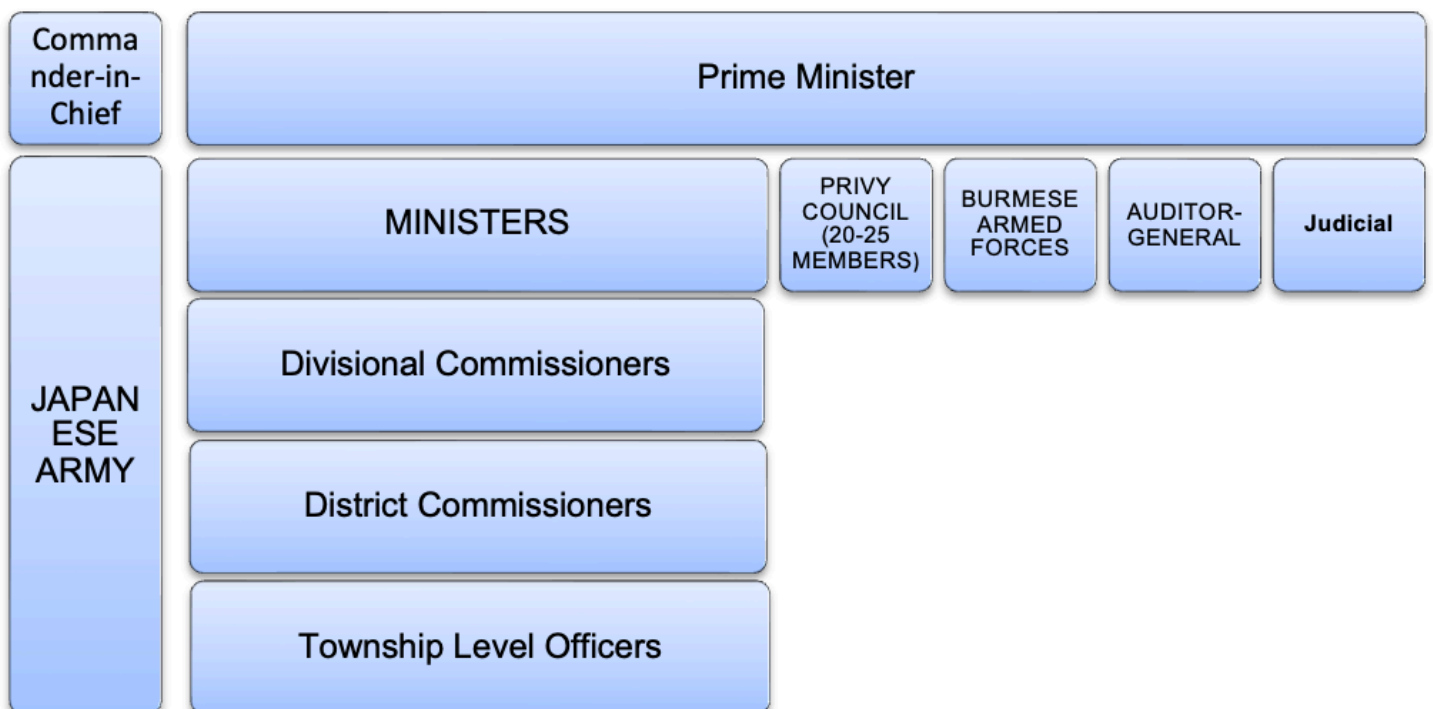
Judiciary function is of vital importance for a government. The Japanese had entrusted most of the judiciary power with the Myanmar government. The supreme court of Myanmar was the highest court of appeal. If one was not satisfied with the verdict given by the courts at the districts, one had the right to appeal to the Supreme Court to review the case. But, if one of the parties to the suit was a Japanese citizen the case could be heard only at the Japanese Military court. The verdicts given by such sort of court was final. The case could

not be submitted to Myanmar Supreme Court for review. Therefore, though there seemed exist on independent judicial function for Myanmar, occasional interference of Japanese authorities undermined the independence of the Judiciary department.

Although, the Japanese had employed the divide and rule policy in ruling the country. The main object of waging war between the Japanese and Myanmar were entirely different. As the war dragged on, the relations between the two nations became strained. Japan's objective was to win the war and colonize the annexed territories. To achieve their objectives Japanese conceived that the end justifies the means. The main purpose of Myanmar involvement in it was to attain independence of the country by helping Japanese war efforts by all means. At the same time, Myanmar had a strong desire to have social and political freedom. The divergence of conception on war brought about the tension in relations between Japan and Myanmar.

Under the Japanese administration, the Japanese conducted their propaganda with considerable skill in the early stages of their government. A number of the more politically minded Myanmar people were deluded into thinking that they had indeed come as liberators. However, as time went on it became increasingly clear that the independence granted was illusory and that the Japanese remained the real masters and even those who had at first welcomed them became through disillusioned. Among the mass of the people, and particularly the poorer classes, it was significant of the lack of consumer goods, inflation, forced labour, and corruption.

Figure 3.4 Administrative Structure in Japanese Period (1942-1945)



3.4 Relations of The Administrative System

He worships at the pagodas, but will then compel a Pongyi to climb a tree to fetch a coconut; he enlisted the Burman and provided him with weapons, but then slaps and beats Burmese recruits in public. He tells the Burman he is a Buddhist, but then desecrates the monasteries, and forces thousands of priests to take up manual labour. On the other hand, the Japanese assisted the Burman in building a hero shrine in Rangoon, on the Japanese model. And Japan is to have a replica of the Botataung pagoda erected somewhere in Nippon. Japanese painters and sculptors have done Ba Maw, "with his gaungbaung beautifully tied", and other leaders of the new Burma. In addition, Japan has presented Ba Maw with a personal airplane, which may have its uses.

The Japanese appointed their own administrators as "governors of districts" (there are thirty-two districts in Burma). At the same time Japanese Army officers were set up in various parts of the country as Peace Commissioners. Their function, however, was to spread propaganda, calm the Burmese, maintain law and order and gather intelligence. Meanwhile, a Japanese general explained to a meeting of Burmese leaders that any Burmese Government would have to be subordinated to the Japanese military authorities and that it was impossible to grant independence during the war. However, on August 1, 1942, the Tokyo radio announced that a Central Executive Committee had been set up with Ba Maw as Chief Administrator. Tokyo further explained that "the Commander-in-Chief of the Japanese Army in Burma will be the Supreme Head of Burma's defence, reconstruction, etc., while not interfering with the Executive Administration." Members of the latter were told they "must accept orders from the Commander-in-Chief and be under his supervision.

Early in the campaign, the Japanese were reported to have issued a proclamation detailing the terms of their conquest in Burma, Among impositions placed on the Burmese were: (1) Burma is to pay an indemnity of Rs. 3,000 for every Japanese killed in Burma. (2) For ten years Japan will take all royalties on the natural resources of Burma. (3) For fifteen years Japanese and Siamese goods will enter Burma duty-free. (4) All property left by Indians and other foreigner is to be expropriated to the State. (5) No India or other foreigner may enter Burma by sea or land. Other provisions stated that 1,000 Burmans were to be sent each year to Japan for education; Burma was prohibited from signing a trade agreement with any other country; Burmans were to feed Japanese soldiers free until the end of the war; and Japan was to supply all arms.

Burmese feelings sustained many shocks before the end of 1942. During the early months of the occupation, reliable observers reported that Japanese soldiers raped Burmese and Kachin women; villagers were forced into labour at the expense of their own cultivation; sacred Buddhist temples were violated. Burmans were forced to salute Japanese sentries and if they refused they were either beaten or shot.

Burma's geographical position as a buffer between Greater East Asia and India conditioned the whole pattern of Japan's military, economic and political plans for her new neighbor. Reconstruction, cultural benefits and industrial improvements all were subordinated to military and political expediency. While sponsoring a "co-operative puppet government, Japan renovated Burma's economy just enough to fill in deficiencies in strategic materials and make the country really useful to Japan.

The job of educating the Burmese to an appreciation of Japanese culture and military grandeur was entrusted to various agencies trained for this purpose under the guidance of the Greater East Asia Bureau of Southern Regions and the Burma Association in Tokyo. With usual efficiency and thoroughness, the Japanese established schools to train Burmese schoolteachers to teach the Japanese language and still other schools to develop skills in specific fields such as railways, shipbuilding, and banking. Students, tourists, teachers, artists and authors were sent to Japan on the exchange system. Political goodwill missions, sport improvement associations and lecturers on Japanese invincibility and racial greatness jostled each other like travelers by crowded trains. A servant of Burma Society started encouraging monthly clean-up days and calisthenics.

With equal industry and a lavish setup of Leagues, Associations and Committees joint Japanese and Burmese administration was created to run the country. While the invasion campaign was still underway, the Burma Independence Army (its officers used red ink in their orders to show their bravery) handled the beginnings of civil government with committees in each district. After Ba Maw and his Central Executive Committee took over, a "Burma Independence Preparatory Committee" was established. However, the Japanese handled all matters pertaining to finance, foreign policy, trade, communications, defence, public health and expropriated property. The rest was left to the Burmese; British law and language were continued temporarily in the courts and extraterritoriality was claimed for the Japanese. It was a "joint" setup, but the Japanese gave the orders, right down to the village headmen. These latter, incidentally, were forced without payment to act as Jap agents and report the passage of British troops.

By August 1943, Independence was declared and "unanimously" selected Ba Maw as chief executive. Ba Maw as Prime Minister announced the appointment of ministers and privy councilors. War was declared against the United States and Britain; and a treaty of alliance was signed with Japan. Ba Maw became a more vociferous "thumb-upper" for Japan; the early transfer of "enemy assets" to Burma was promised; and the new government was recognized by Japan, Nanking, Thailand, Manchukuo and Germany.

Among the members of the Cabinet Privy Council, and High Court of the Japanese-sponsored government of independent Burma, inaugurated in August, 1943, there were several officials of the former government. Included are four who had been made Knights of the British Empire. Four others had been Senators; four others were former cabinet ministers. Thirteen others were former members of the Burma House of Representatives. The entire machinery of the new government was quite definitely Fascist in organization.

Principles of Ba Maw's "front line" policy were given as increasing the strength of the Burmese under war conditions, and the establishment of an administrative system competent to deal with all external and internal affairs. Ba Maw was drawing up a One-Year Plan for achievement of these aims which also were to include closer co-operation with the Japanese Army in "military counter-action". Late in 1943, Burmese Government with establishing a party and Ba Maw's Socialist Sinyetha group; with the achievement of racial consciousness; solution of the problem of Indians of British nationality; establishment of diplomatic relations with friendly nations; and support for the Indian Independence movement.

Japan also tried its hand at resolving the problem of ethnic and socially distinct minorities. Kengtung and Mong Pan in the Southern Shan States were "annexed" to Thailand in July 1943. The Karens, Kachins, Was and other groups all had different claims. Japan tried to link them with the Burmese. Ba Maw conferred with Karen leaders and announced that he had made progress toward ending a century-old feud by telling them that Burma's independence was meant for all races in the nation.

Because the military have stopped all trade, Burma was in the midst of a serious food dislocation. Rice and salt were the only foods generally available, other items being three to four times their former price. Imported food luxuries were ten to twenty times higher than normal.

Economically, the Burman has several charges against the Japanese. There is an almost complete absence of consumer goods in the bazaars of Rangoon, and the district towns. Likewise, the absence of a cash market for his rice, cotton, beans, tobacco, and other crops, the breakdown of railways, steamers, posts and telegraphs, and electric light services and the reduced comforts and small luxuries of town and city life under the Japanese are all counted against them.

The recruitment of forced labour, the requisition of food supplies, the looting of medical stocks from Government hospitals, and the occupation of the best residences and offices have not helped to improve Japanese reputations in the land of pagodas. By 1944, the rice surplus of lower Burma had disappeared. There is yet, however, a low, but tolerable, standard of living under which daily life in the towns and villages has returned to the standards of fifty years ago.

In the financial sphere the Southern Development, Chosen, and Yokohama Specie Banks have replaced all former banking in Burma. A People's bank, subscribed to by the Burma Government and Japanese interests, was set up in 1943. In addition, land mortgage and co-operative associations have been organized. The Japanese used military scrip extensively. But the Burmese objected on religious grounds to the Pagoda printed on one side and also disliked the small denominations. The Japanese fixed the Burmese rupee, the Malay dollar, and the Java guilder at the same value and made Thai notes interchangeable with Burmese.

3.5 Conclusion

The third of the Anglo-Burmese Wars lasted less than two weeks, and Myanmar lost her independence in 1885. The hopelessly outmatched royal troops surrendered quickly, although armed resistance continued for several years.

During the British colonial government, the government structured a hierarchical system consisting of divisions, districts, townships and villages under the administration of the Division Commissioners, District Commissioners, Assistant Commissioners, Township Officers and *Thugyis*. Under this administrative system, the highest authority was at the top of the hierarchy with Lt. Governor to appoint the government officials such as Division Commissioners, District Commissioners, and Township Officers who enjoyed high level of authority. These government officials were responsible for maintaining law and order, administering justice and collecting revenue. *Thugyis* who were basic elements of village administration, were also appointed by District commissioner who had the power to dismiss or substitute the *Thugyis* if necessary. *Thugyis* appointed the lowest elements of the British colonial hierarchy, "Se-eingangs", subject to the approval of the District Commissioner.

The British colonial government introduced another component of the administrative system in 1898 by establishing Municipal and Township Committees. However, the Lt. Governor also appointed members to these bodies. The Lt. Governor established the judicial arm of the administrative system in 1900 with the appointing of Myanmar Session Judges. In case of legislature also, the Lt. Governor held the authority to promulgate laws.

In 1897, the Myanmar Municipal Act was enacted for urban areas. According to this Act, Municipal committees and Town Committees were organized. However, there were very few elections for those committees in some areas. The Lt. Governor or Chief Commissioner appointed the members of committees. According to Craddock Scheme introduced in 1918, the Municipal administrative structure was organized by townships, districts, and municipal councils with members elected from Myanmar Citizens.

There was more participation in administration from the year 1921. In this year the British government allowed formation of District Councils and Circle Boards. The members of these councils were elected by general elections. However, if they failed to elect the members to fill the full quota of seats, the District Commissioner appointed the members to fill the vacant seats in the District Council. A point worthy of note is that no government officials were allowed to represent as candidates in the election for either the Circle Board or the District Councils. If one of the *thugyis* was elected or appointed by the District Commissioner to be a member of District Council, he had to resign from his executive post. Thus, open the first opportunity was often for Myanmar to participate in the administration process, however small at the beginning.

Selection and Appointment of government official was strictly by competitive examination. It may be assumed that it opened a gateway for educated Myanmar citizens for the position of Assistant township officers. However, the selected Board committee could

appoint only fifty percent of the vacant posts. Persons appointed by chief commissioners and District Commissioners filled the other. Anyhow, there was a little participation of Myanmar citizen in Civil servants administration.

Until 1923, the head of the Government of Myanmar was a Lieutenant Governor. Since then the post has been that of a Governor assisted by his Council of Ministers, selected from the Legislature. Under the *Dyarchical* administration there are only four corresponding posts, two Members of Council and two Ministers, while in the 91 Departments administration there were additional Departments, previously administered by the Government of India, such as Customs, Income Tax, and Railways. The Ministers were to be chosen by the Governor and the intention was that the Governor should select a Prime Minister.

Actually, in the hands of these Ministers handled the ordinary administration of the Government, for which they were jointly responsible. Committee Meetings were a familiar feature of the country, and since the present system of Government was started in 1923, there has been regular Government meetings presided over by the Governor, at which cases are decided which are too important to be disposed of by a single Minister or Member of Council, so that the practice was not a novelty.

The Ministers were not entitled to advise the Governor on any questions relating to them. Not all the functions of Government were in the hands of the Council of Ministers. Those connected with defense, external affairs, excluded areas, ecclesiastical affairs, and monetary policy, currency and coinage, were to be exercised by the Governor at his discretion.

Monetary policy, currency and coinage, did not at first concern Myanmar, as the India currency was retained for the present and there was the branch of the Reserve Bank of India at Yangon. External affairs were of little importance, their relations with Siam and French Indochina had for years been undisturbed. In Chinese frontier in the North-East, little could occur beyond petty raids. The excluded areas comprised the Federated Shan States and the Karen Hills on the East, the Kachin Hills on the North-East and North, and the Chin Hills on the North-West. Though large in area they were thinly populated, and all except the Federated Shan States were inhabited by primitive hill-tribes and administered under a simple form of government and were quite unsuited to any kind of Parliamentary Government. The Federation of the Shan States, which was started some twelve years ago, was working successfully, and the Shan *Sawbwas* were unanimous in not wishing to disturb the existing arrangement.

The British refusal to heed a plea by the clergy and religious elders to continue the traditional relationship between the monkhood and the state resulted in the decline of the Sangha and its ability to instill discipline in the clergy. This in turn lowered the prestige of the clergy and contributed to the rise of secular education and of a new class of teachers, depriving the Sangha of one of its primary roles. Added to this, the colonial government of

India founded secular schools teaching in both English and Burmese and encouraged foreign Christian missions to found schools by offering them financial assistance. Many mission schools were founded; parents were compelled to send their children to these schools, as there were no realistic alternatives. The teachers were missionaries, and the lessons they gave were marked by repeated criticism of Buddhism and its culture. In the government schools the first teachers were the British and Indian, were mere civil servants, unable and unwilling to continue the older traditions.

Agrarian self-sufficiency was vital, while trade was only of secondary importance. The British impact on this system proved disastrous, as Myanmar's economy became part of the vast export-oriented enterprise of western colonialism. With the British-rather than the people of Myanmar-as the intended beneficiaries of the new economy, the traditional Burmese economic system collapsed.

The opening of the Suez Canal in 1869 created a much higher international demand for Myanmar's rice than had previously existed. The Irrawaddy delta was swiftly cleared of its mangrove forests and in a matter of decades became covered with rice fields. The price of rice increased rapidly and continuously from the mid-19th century and the outbreak of World War II until the Great Depression of the 1930s. This tremendous increase in production created a significant shift in population from the northern heartland to the delta, shifting as well the basis of wealth and power.

In order to prepare the land for cultivation, however, the farmers had to borrow capital from Indian moneylenders from Madras (Chennai) at exorbitant interest rates. The British banks would not grant mortgage loans on rice land, and the British government had no policy for establishing land-mortgage banks or for making agricultural loans. Prevailing prices were high in the international market, but the local price was kept down by a handful of British firms that controlled wholesale trade and by Indian and Chinese merchants who controlled retail trade. With land values and rice prices soaring, the Indian moneylenders foreclosed mortgages at the earliest opportunity, especially when the Great Depression disrupted trade.

The dispossessed farmers could not find employment even on their lost lands because, with their higher standard of living, they could not compete with the thousands of Indian labourers who went to Myanmar. Burmese villagers, unemployed and lost in a disintegrating society, sometimes took to petty theft and robbery and were soon characterized by the British as lazy and undisciplined. The level of dysfunction in Burmese society was revealed by the dramatic rise in homicides.

Although the Burmese economy and transportation infrastructure developed rapidly from 1890 to 1900, the majority of Burmese people did not benefit from it. A railway had been built through the entire valley of the Irrawaddy, and hundreds of steamboats plied the length of the river, but the railway and the boats belonged to British companies. The government had built roads, but they were meant for the swift transport of troops. A British

company worked the ruby mines until they became nearly exhausted. Two British firms monopolized the extraction of petroleum and timber. The balance of trade was always in favour of Myanmar, but that meant little to Burmese people or society.

With the Japanese invasion of Burma in 1942 came the growing realization that one set of colonialists had been exchanged for another. Aung San then quickly changed sides and negotiated with the British to drive out the Japanese. Having had his brush with the imperial ambitions of Japan, he was also one of the founders of the Anti-Fascist People's Freedom League (AFPFL). The Japanese were successfully expelled from Burma in May 1945. However, many parts of the country lay in ruins, devastated by warfare. Plans for the reconstruction of post-war Burma have been under discussion by a great many people in a great many quarters. It is perhaps significant that officials (Burmese and British) of the Burmese Government in exile, Burmans who escaped the Japanese occupation, Indian and Anglo-Burmese former residents of the land of pagodas, and representatives of Indian, Chinese, and British business were interested in building a better and happier Burma after the expulsion of the Nipponese invader.

The British practiced the military administration manned by civil officers with military ranks after reoccupation. Under this service, it administrated under the Governor of Myanmar and under the Commander-in-Chief since 15th February 1943. It was handed over to Lord Louis Mountbatten on 1st January 1944.[\[43\]](#)

The British practiced the administration by two factors. The first was that the Japanese left part of hill Myanmar uninvited. The Chin hill behind Kalemyo remained under British administration, as did the Kachin hill tracts to the northward. The second was that the British believed their loss of Myanmar at that time as only temporary. Thus, the British Cabinet decided that the Myanmar Government should be maintained by military administration.[\[44\]](#)

Post war British policy for Myanmar seemed to be more compassionate than that of former one in pre-war era. The sympathetic attitudes of authorities shaped the political culture of Myanmar in the form of subject and participatory nature during the late colonial period during which Myanmar people were zealously undertaking their independence struggle. A new sense of Myanmar national solidarity that had been born with the Japanese revolution made the British authorities keep more alert attitude towards Myanmar. All Myanmar's highest aspiration was to gain complete independence without any exception. On the other hand, British rulers intended to maintain Myanmar as a dominion status with self-government within the commonwealth sphere.

The differences between the Governor's policies and the expectation of the AFPFL (Anti-Fascist Peoples Freedom Leaders) were rooted many ways. One was concerned with the role of AFPFL, and the second was importing labors from India and educated people from India got much more opportunities than others. Another reason was London's plan to control the hill peoples even after giving freedom to Myanmar. The Governor did not pay

any heed to the public views in line with popular needs and aspirations. Myanmar was not allowed to take part in economic sphere and monopolies of the foreigners were still significant role in economic sphere. The basic underlying problem was mutual distrust between the governor and Myanmar nationalist spokesmen, and these conflicting attitudes change Myanmar's institutions and individuals to involve in the political movements under the leadership of AFPFL. The AFPFL carefully avoided incitement to violence, and a peaceful solution was its objective. AFPFL demanded that the representatives might be responsible to all Myanmar people as a nationalist emblem through public mass meetings. Governor made counterbalance to AFPFL with rival organization. Political power in the governmental system was neither divided nor distributed among separate and largely independent organs of Government. AFPFL passed the Governor by taking their case directly to London and to the British people. The AFPFL raised the momentum of the implementation of the political initiatives, and demanded to British Government (1) to agree to the election of a Constituent Assembly in April, 1947; (2) to include representative of the frontier people in such an assembly;(3) to proclaim before 31 January 1947, that Myanmar would be accorded full independence within a year from that date; and (4) to agree to a re-examination of the projects schemes within the same time period. Immediately following the issuance of these demands, Thakin Aung San made a tour of the Frontier Areas to persuade the Shans, Kachin, and Chin leaders to join independent Myanmar. Thakin Aung San promised the frontier peoples separate status with full autonomy within the Myanmar Union, active participation at the center in a kind of States' Senate, protection of minority rights, and the privilege of secession. Since early 1947, the British government had kept a constructive accord towards Myanmar. The British Government policies were much more favorable and propitious to the attitudes and expectations of Myanmar. Political system was rather trusteeship style than oppressive colonial rule. The British Government paid more attention to the legal rights of citizens. The political development also changed the nature and characteristic of political culture of Myanmar from apolitical and parochial nature into active and participatory nature representing all people in Myanmar.

CHAPTER 4

ADMINISTRATION IN THE POST INDEPENDENCE ERA

(1948-1962)

4.1 Historical Background

At the outbreak of the Second World War, Aung San seized the opportunity to bring about Burmese independence. He and 29 others, known as the Thirty Comrades, left Burma to undergo military training in Japan. In 1941, they fought alongside the Japanese who invaded Burma. The Japanese promised Aung San that if the British were defeated, they would grant Burma her freedom. When it became clear that the Japanese would not follow through with their promise, Aung San quickly negotiated an agreement with the British to help them defeat the Japanese.

Hailed as the architect of Burma's newfound independence by the majority of Burmese, Aung San was able to negotiate an agreement in January 1947 with the British, under which Burma would be granted total independence from Britain. Although a controversial figure to some ethnic minorities, he also had regular meetings with ethnic leaders throughout Burma in an effort to create reconciliation and unity for all Burmese.

The Constitution of the Union of Burma (Myanmar) owes its inception to what is popularly known as the Aung San- Attlee Agreement signed in London in January 1947. The agreement was the result of talks between Mr. Attlee and his Labour Government, and U Aung San (Bogyoke Aung San) and his delegation who had been invited to London to discuss the future of Burma[\[45\]](#) (Myanmar).

The agreement virtually guaranteed the Independence of Burma (Myanmar) the option to either leave or stay with the Commonwealth. It was also agreed that elections to the Constituent Assembly that was to draft the Constitution was to be held in April 1947.

In the Agreement, the British Government favored on principle to the early unification of the Frontier Areas and Ministerial Burma (Myanmar) with the free consent of the inhabitants of those areas. It also provide for the formation of a Frontier Areas Committee of Enquiry consisting of equal members from the Frontier Areas[\[46\]](#).

In February 1947, Bogyoke Aung San and the AFPFL (Anti fascist Peoples' Freedom League) Leaders attended the Panglong Conference which was held in the Shan States to ascertain the wishes of the people of the Frontier Areas[\[47\]](#). In addition, present at the Conference were the *Saopwas* of the Shan States, the leaders of the Chins and the Kachins and representatives of the Supreme Council of the United Hill Peoples (SCOUHP). Fortunately, agreement was reached on the 12th February and the Chins, Kachins and the Shans decided to throw in their lot in the formation of a Unified Burma[\[48\]](#) (Myanmar). Three Karenni leaders were also present at the Panglong Conference as observers, but did not yet decided to join a Federated Burma (Myanmar).

The Panglong Agreement laid the foundation for the Union of Burma (Myanmar), and the Frontier Areas Committee which was soon afterwards set up in accordance with the Aung San-Attlee Agreement and which conducted investigations on the spot, could report favorably on the formation of a Federal Union in Aril 1947.

Also in April, countrywide elections for the Constituent Assembly were held and the majority of seats were won by the AFPFL. In April, 1947, it had the Constitution drawn in India and taken back to Yangon in May, 1947. In fact, first draft of the Myanmar It is also a known fact that Sir Benega Rau himself came over to Yangon to give advice on the final draft.³

In May 1947, the AFPFL held a Convention at the Jubilee Hall in Yangon where a "111 Member Committee" was appointed to draw up the first draft of the Constitution. The Committee worked night and day, and on May 23rd, 1947, the draft was produced and adopted. Besides the Indian Constitution, the Myanmar Constitution was inspired by other Constitutions. Thus, the President as the terminal Head of the Executive is to same extent inspired by the French Constitution (The Fourth Republic). The portion on Fundamental Rights, the ideological portion is inspired by the Constitution of the United States and colored by that of later constitutions like the Constitution of Eire. The idea of incorporating Directive Principles is also taken from the Constitution of Eire. There are also other sections in the Constitution like the one which deals with the question of dissolution of Parliament, which is directly based on the Constitution of Eire Article 3(2). Provisions regarding the powers and functions of the President are also very similar to that contained in the Constitution of Eire. The Yugoslav Constitution was also consulted frequently, particularly about the provisions relating to the economic policy of State Socialism.

At the investigations made by the Frontier Areas Enquiry Committee a few months later in March and April 1947, the stand taken by the karenis and the Karen's made it even clearer that the amalgamation of the Frontier Areas (including those inhabited by the Karen's) with Ministerial Myanmar would not be possible and that some type of Federal Constitution would be necessary[49].

Thus, in May 1947, when the AFPFL Convention sat to draft a Constitution, the problem of drafting the Federal Provision was found to be a difficult one. It was then decided that three different classes or units should be included in the Constitution; the Union State; the Autonomous State; and the National Area.

The status of a Union State was to be accorded to a people who have;

(i) a defined geographical area with a character of its own;

(ii) unity of language different from the Myanmar

(iii) unity of culture;

(iv) unity of historical traditions;

(v) unity of economic self – sufficiency;

(vi) a fairly large population;

(vii) the desire to maintain its distinct identity as a separate unit.

Moreover, it was provided that the Union State would have its own Constitution in conformity with the Constitution for the Union and its own special characteristics and features. It was also provided that it would have its own legislature which would elect a "Governor" who would be the Head of the Union State.

The second status was that of an "Autonomous State". It was to be accorded to a people who more or less possess characteristic enumerated in respect of the Union State, but lack in economic self-sufficiency. The Autonomous State was to have and an elected State Council which in turn would elect a Chief Executive Officer who would be the Chief of the State. The State Council was to have certain legislative powers by making ordinances in respect of certain matters.

The third status was that of a "National Area". It was to be accorded to a people who lacked the qualifications for the Union State or the Autonomous State but possesses more or less a distinct language and a territory in which they are concentrated in appreciable numbers, and a desire to maintain their distinct identity. Unlike the Union State and the Autonomous State, the Chief Executive was not to be elected, but was to be appointed by the President of the Union and was to be called the "Administrator". There was also to be an "Advisory Council" to assist the Administrator. The Advisory Council was to have the powers and perform the functions of a local self-governing body.

The above classification of the status of component units in the proposed Federal Structure for Myanmar was indeed most interesting. Apparently, the AFPFL Convention is drawing the first draft of the Constitution had in mind the Federal Constitutions of countries like the U.S.S.R and Yugoslavia where different areas are given different status, according to their stage of development.

Although the AFPFL draft makes no mention as to which minority groups were to be accorded with status, it is possible that the status of Union State was meant for the Shans, the Kachins and the Karennis would apparently qualify for the Autonomous State because of their lack of economic self-sufficiency. Moreover, in the case of the Karennis they did not even have a large population. The status of National Area was probably meant for the Chins, who in any case did not desire a State at that time.

As the new leader drafted a constitution with his party's ministers in July 1947, the course of Burmese history was dramatically and tragically altered. Aung San and members of his newly-formed cabinet were assassinated when an opposition group with machine guns burst into the room. A member of Aung San's cabinet, U Nu, was delegated to fill the position suddenly left vacant by Aung San's death. A Burma was finally granted independence on January 4, 1948, at 4:20am - a moment selected as most auspicious by an astrologer. Since the gaining of independence, a multiparty system was introduced and Anti-Fascist People's Freedom League (AFPFL), which obtained the majority support of the people in the Parliament, formed the government. The session of the Chamber of Deputies

(or) Parliament, held on 24 September 1947 approved the Constitution of the Union of Myanmar and appointed the Sawbwa of Nyaungshwe, Sao Shwe Thaik as Provisional President.

As Myanmar was a country, which believed in democracy and introduced democratic administration, the people's representatives accepted that the sovereign power was vested by the people according to the Constitution. According to that concept, the people's representatives had to use the executive, judiciary and legislative powers on behalf of the people.[\[50\]](#)

After attaining independence, the AFPFL government, headed by the President Sao Shwe Thaik and Prime Minister Thakin Nu was formed including 16 ministries. The first prime minister of independent Myanmar, U Nu, set upon himself the task of the preservation the Union. During the period 1948-1958, the dangers were insurrections, a deteriorating economy, and political fission. U Nu was the central figure in the first decade after the independence, and the epoch ended with his fall in March, 1962. The political situation in Myanmar was unstable under the practice of Democratization in this period 1948-1962.

4.2 Administration under Parliament Democracy (1948-1961)

The President of the Union of Myanmar promulgated the State Constitution on 4 January 1948.[\[51\]](#) According to the Constitution, Myanmar became a republic, exercising the parliamentary democracy system. The administration by democracy means governing the country by people's system. There were two types of administration in people's administrative system. One was the direct administration by the people and the other was the indirect administration by the people. The administrative system of Myanmar under AFPFL government was of the second category. The two Chambers of Parliament namely Chamber of Deputies and Chamber of Nationalities were elected freely by the people according to the Constitution.[\[52\]](#)

4.2.1 Administrative System under 1947 Constitution

The values of sovereign independent state are mentioned in the 1947 constitution to maintain the social order based on the eternal principles of justice, liberty and equality, and to guarantee and secure for all citizens' justice social, economic and political, liberty of thought, expression, belief, faith, worship, vocation, association and action, equality of status of opportunity.

According to section 4, all powers, legislative, executive and judicial, are derived from the people and are exercisable on their behalf by, or on the authority of, the organs of the Union or of its constituent units established by this Constitution.

(i) **The Role of the President:** The President has apparently been made to belong to Parliament on the English principle of “King in Parliament”. This principle has also been followed in the other Constitution like that of Ireland, India and Pakistan[53]. The necessity of including the President as part of the Parliament seems to be that a Bill passed by both Chambers of Parliament is to be presented to the President for signature and promulgation. The procedure is that the President is to sign the Bill passed by both Chambers within 7 days of the date of presentation[54]. After signature, the Bill becomes an Act. Every Act must be promulgated by the President by publication in the official gazette, and it will come into force on the date of promulgation, unless a contrary intention is expressed[55]. The Constitution also contemplates occasions where the President for some reason may not sign the Bill presented to him for signature. In such a case, after 7 days from the date of presentation, the Bill will become an Act in any case. In other words, the President has no veto power whatsoever regarding legislation. His functions in this respect are purely formal and of an obligatory nature. The President shall, on the nomination of the Chamber of Deputies, appoint a Prime Minister who shall be the head of the Union Government. The President shall, on the nomination of the Prime Minister, appoint other members of the Union Government. The President shall, on the advice of the Prime Minister, accept the resignation or terminate the appointment of any member of the Union Government. Subject to the provisions of this Constitution, the executive authority of the Union shall be vested in the President; but nothing in this section shall prevent the Parliament from conferring functions upon subordinate authorities, or be deemed to transfer to the President any functions vested in any court, judge, or officer, or any local or other authority by any existing law. The President may communicate with the Parliament by message or address on any matter of national or public importance. The powers and functions conferred on the President by this Constitution shall be exercisable and performable by him only on the advice of the Union Government, save where it is provided by this Constitution that he shall act in his discretion or on the advice or nomination on receipt of any communication from any other person or body. [56]

4.2.2 Formation of the Legislature

The legislature under the constitution of union of Burma (Myanmar), 1947, is a Bicameral legislature. In providing for a bicameral legislature, the Constitution was also following the tradition which existed under the Government of Burma Act, 1935. Under that Act, the legislature had two houses; the House of Representatives and the Senate. The House of Representatives, the lower House, was more or less on an elected basis[57]. Regarding the Senate, half of the members were to be elected by the House of Representatives and the remaining half were to be chosen by the Governor at his discretion[58]. The Senate was more or less meant for men of wealth, distinction, or learning[59].

Apart from following tradition, the framers of the Constitution had also in mind the fact that all Federal Constitutions possessed a bicameral legislature[60].

The composition of the Chamber of Nationalities must have presented a problem to the framers of the Constitution. Being then overwhelmed by the idea of democracy, it was decided that there should be no nominated members on it, though this is by no means uncommon in many countries which are also admirers of democracy. At the same time, it was clear that the same basis of electing members by the number of population would not be fair on the minority races, which had a relatively small population compared to the Myanmar. Thus a system of weighting which would ensure that the minority races to be in the majority in the Chamber of Nationalities was finally evolved.

Under section 83 (1) of the Constitution, the Chamber of Deputies shall be composed of members to represent constituencies determined by law. This sub-section (2) then goes on to say that the members of the Chamber of Deputies shall be, as nearly as practicable, twice the number of members of the Chamber of Nationalities. Although the Constitution envisaged that the actual number of members of the Chamber of Deputies can be fixed by law, it nonetheless stipulated that it shall not be fixed at less than one member for each 100,000 of the population, or at more than one member for each 30,000 of the population.

Under the Parliamentary Elections Act 1948, section 3, the total number of members for Chamber of Deputies is fixed at 250, and is to be sub – divided as follows: -

- (a) 25 seats for the representatives of the Shan State.
- (b) 7 seats for the representatives of the Kachin State.
- (c) 6 seats for the representatives of the Chin State.
- (d) 2 seats for representatives of the Karenni State.
- (e) 7 seats for representatives of the Karen State.
- (f) 203 seats for the rest of the Union of Myanmar.

(i) Electoral System: Election to both Chambers of Parliament is based for the first time on the system of universal adult suffrage. Thus, every citizen above 18 is qualified to vote in the elections to both Chambers.[\[61\]](#) Property qualifications are prohibited.[\[62\]](#) Discriminations in the right to vote on grounds of sex, race and religion are also prohibited.[\[63\]](#) Voting is to be by secret ballot.[\[64\]](#)

(ii) The Role of Speakers in Parliament: Under section 67 of the Constitution, Chamber is to have a Speaker and Deputy Speakers who are to be members of that Chamber. They are to be chosen by the Chamber concerned, and may also be removed by the Chamber concerned by a majority vote.

The main function of the Speakers is to see that the rules and procedure of the Chamber is enforced and followed. Special provisions is made in section 82(2) to just the jurisdiction of the Court with regard to the Speakers in exercising the powers vested in them under the

Constitution for regulating procedure or the conduct of business or for maintaining order in the Chambers.

Moreover, the Speakers are to play a prominent part in the removal of Judges of the High Court and Supreme Court and the Auditor General. This is because the Constitution provides that a charge against them must be made in either Chamber of Parliament, in all cases, there is to be a Special Tribunal, and the Speakers of the two Chambers are to be members in it.

(iii) Structure of the Parliament

The legislative power of the Union shall be vested in the Parliament which shall consist of the President, a Chamber of Deputies and a Chamber of Nationalities, and which is in this Constitution called “the Parliament” or “the Union Parliament.” A Chamber of Parliament shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Parliament shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled to do so sat or voted or otherwise took part in the proceedings. [\[65\]](#)

Under section 66, there are to be two sessions of Parliament every year, with not more than 12 months in between two sessions. However, normally, Parliament meets twice a year, once in August or September to vote upon the budget, and again in February. Each session lasts about a month. There have however been frequent complaints by the opposition that Parliamentary time is too short and an attempt was made in 1957 to amend section 66 to ensure that there should be at least 150 days of Parliamentary session every year. The proposal was however defeated by the Government [\[66\]](#).

There were two Chambers of Parliament based on the European Parliamentary system. The Central Government and State Governments (Shan State Government, Kachin State Government, Kayah State Government, Karen State Government and Chin-Special Division) came into existence. [\[67\]](#)

The Parliament elected the President by joint-session of both the Chambers. The term of office was 5 years and no person should serve as President for more than two terms. [\[68\]](#) Normally a parliament lasted 4 years so that the President would outlive a Parliament by one year. Actually, no President was elected for the second term during 1948 and 1962.

The Constitution promulgated that the Parliament could revise the constituencies at least once in every ten years. However, any alteration in the constituencies could not take effect until the termination of the existing Parliament. Normally the term of the Parliament was four years but in the event of a state of emergency declared according to the Constitution and if two-thirds of the members were present and voted at a joint sitting, the term of the Parliament could be extended from year to year. [\[69\]](#)

The distinctive function of the Chamber of Deputies was to approve the annual estimates of the receipts and expenditure of the Union. Money bills must be initiated in the Parliament only. The Chamber of Nationalities had no right to initiate the money bills. Bills which were approved by the Chamber of Deputies must be presented to the Chamber of Nationalities. The Chamber of Nationalities could amend the bills and presented to the Parliament for reconsideration except money bills.^[70] If a bill was passed by one Chamber and accepted by the other Chamber, It was regarded as passed by both Chambers of Parliament.^[71] The Chamber of Deputies must not pass any vote or resolution for the appropriation of revenue or other public moneys, unless it was recommended to the Chamber by the Union Government.^[72]

Subject to the provisions of this Constitution, the sole and exclusive power of making laws in the Union shall be vested in the Parliament: Provided that an Act of the Parliament may authorize any person or authority therein specified to make rules and regulations consonant with the Act and having the force of law, subject, however, to such rules and regulations being laid before each Chamber of Parliament at its next ensuing session and subject to annulment by a motion carried in both Chambers within a period of three months of their being so laid, without prejudice, however, to the validity of any action previously taken under the rules or regulations. Provision may, however, be made by law on principles of regional autonomy for delegating to representative bodies of such regions as may be defined in the law, specified powers in administrative, cultural and economic matters. A law embodying such provisions shall determine the rights, powers and duties of such representative bodies and their relations to the Parliament and to the Union Government.

The Parliament shall have power to make laws of the whole or any part of the Union except in so far as such power is assigned by the next succeeding sub-section exclusively to the Shan Councils. For greater certainty, but not so as to restrict the generality of the foregoing terms of this section, it is hereby declared that, notwithstanding anything in the next succeeding sub-section, the exclusive legislative authority of the Parliament shall extend to all matters enumerated in List I, the Union Legislative List, of the Third Schedule to this Constitution. Any matter coming within any of the classes of subjects enumerated in the said List, shall not be deemed to come within the class of matters of a local or private nature comprised in the list of subjects assigned by the next succeeding sub-section exclusively to the State Councils. Each State Council shall have power exclusively to make laws for the State or any part thereof with respect to any of the matters enumerated in List II, the State Legislative List, of the said Schedule. Any State Council may by resolution surrender any of its territories or any of its powers and rights to the Union. The powers exercisable by the Union by reason of the entry in the Union Legislative List relating to the regulation of forces, mines and oil-fields and mineral development, shall be subject to the condition that before the issue of any certificate, license, or other form of authorization, for the exploitation, development or utilization of any forest, mine or oil-field, the issuing authority shall consult the Union Minister for the State concerned. Notwithstanding anything in section 92, the Parliament shall, if the President has declared by Proclamation

(in this Constitution referred to as a “Proclamation of Emergency”), that a grave emergency exists whereby the security of the Union is threatened, whether by war or internal disturbance, or that a grave economic emergency affecting the Union has arisen in any part of the Union, have power to make laws for a State or any part thereof with respect to any of the matters enumerated in the State Legislative List.

If it appears to the State Councils of two or more States to be desirable that any of the matters enumerated in the State Legislative List should be regulated in these States by an Act of the Parliament, and if resolutions to that effect are passed by those State Councils, it shall be lawful for the Parliament to pass an Act for regulating that matter accordingly; but any Act so passed may, as respects any State to which it applies, be amended or repealed by an Act of the State Council. All revenue from the sources enumerated in the Fourth Schedule to this Constitution shall form part of the revenues of the State in or by which they are raised or received, all revenues other than such as are assigned to the States by the last preceding sub-section shall form part of the revenues of the Union: Provided that the Union may make such grants or contributions out of its revenue in aid of the revenues of the units as it may determine to be necessary upon the recommendations of any Board or other authority appointed for the purpose. The right to raise and maintain military, naval and air forces is vested exclusively in the Parliament. No military, naval or air forces, or any military or semi-military organization of any kind (not being a police force maintained under the authority of any unit solely for duties connected with the maintenance of public order) other than the forces raised and maintained by the Union with the consent of the Parliament shall be raised or maintained for any purpose whatsoever. [\[73\]](#)

4.2.3 State Structure

The States were organized in the form of a Union. The Chamber of Deputies was elected on a population basis. The numbers of representatives elected at the Chamber of Nationalities were:

Shan State - 25 members

Kachin State - 12 members

Kayah State - 3 members

Karen State - 15 members

Chin Special Division - 8 members

The remaining area - 62 members

Total - 125 members

The Parliament must be formed after holding the parliamentary elections within 18 months from 4 January 1948, which was the date of attaining independence and the adopting of the Constitution.

During the AFPFL government in Myanmar, democratic system existed only at the minister level. The subordinates, to the Minister were Secretary, Commissioner, District Commissioner, Sub-Divisional Officer and Township Officer who were responsible for administration. They represented the remnants of bureaucratic administration and colonial practice rather than the democratic system. Consequently, the present administration was half democracy and half bureaucracy. The administrative system of Myanmar was contradicted the ideology that the administration must be broad and had direct relations with the people according to the administrative machinery of an independent Country. That was why in 1949, the Reorganization Committee was formed to implement the democratic local administration and on the basis of the Committee's report, Democratic Local Administration Act was approved. The Act was gradually modified after repeated discussions both Chambers promulgated the Act at the Parliamentary Session in February 1953.[\[74\]](#)

The Administration of Myanmar had changed in principle and formed according to that Act. The change in principle was that-

- (1) The administration must be a machinery which could improve the interests of the people by the swiftest and the most effective means.
- (2) The administration must be a machinery that did not vest the power to a handful of people in rehabilitating a new life.
- (3) The administration must be a machinery where powers and duties of the Union were specifically assigned to villages, townships, districts and the Union in which the entire citizen could carry out their duties according to the discipline in rehabilitating the new life.

According to the Democratic Local Administration, it appeared that there were three forms of government in the Union. They were-

- (1) Union Government
- (2) State Government
- (3) Local Government

The Union Government was the Central government that had responsibilities of the entire Union. The State Government was the government that governed the respective States and the Local Governments were the democratic local administrative councils in the districts that were vested with powers to administer according to the Democratic Local Administration Act.²

The Local Administrative Councils possessed the following powers:

- (1) Executive power**
- (2) Management power**
- (3) Judiciary power**

The Local Administrative Councils could carry out the executive, management and judiciary matters of the district effectively by possessing these powers. The significant fact was that there were no separations of departments as in the past. In executive matters, there were relations between the head of the department and his subordinate officers. Subsequently the interests and economy of the people could be implemented swiftly, most economically and most effectively. These were the principle and form of the democratic administration.[\[75\]](#)

The local administrative bodies which were formed according to the Democratic Local Administration Act were[\[76\]](#):

- (1) District Council**
- (2) Township Council**
- (3) Myoma Council**
- (4) Ward Committee**
- (5) Village Council**

Local members of Ward Committees and Village Councils were elected by secret ballot. There were two types of elections namely direct election and indirect election. Village Council members and Ward Committee members of Villages and wards where the grass roots people lived were elected by direct election. Myoma Council members, Township Council members and District Council members were elected by indirect election. In the village council, of not less than 5 and not more than 7 members were elected. The numbers of the Village Council members were extended if the number of voters increased. At the Village Committee, not less than 3 and not more than 5 members were elected.[\[77\]](#)

Myoma Council must consist of one representative from each Ward Committee (or) not more than 3 representatives. If the Ward Committee had 5 members, one representative; if 4 members, 2 representatives and if 5 members, 3 representatives; must be selected and sent to the Myoma Council.

In the Township Council, one representative from each Village Council in the Township and not less than 5 and not more than 10 representatives from the Myoma Council must be elected. In the District Council, 5 representatives from each township must be elected and sent to the District Council.

By looking at the above comparison between past and present, it could be observed to what extent the AFPFL administration had expanded and related to the people. There were two types of changes in the administration. The first was the change in form and the second was the change in function. The aim and objectives of the government was to change the form of the administration starting from the village level rapidly and the functions would be changed later gradually.[\[78\]](#)

The Government organized the ministerial offices with Secretaries as the heads and Central, States and Divisions, Districts, and Townships were managed and administered by giving duties to the Burma Civil Service officers. At that time, the Secretariat under the Government took the responsibilities of management and administration. At the administrative offices of Division, District, Township and Village, the Commissioner administered at the Divisional level, the District Commissioner at District level, the Sub-District officer at Sub-District level, the Township officer at Township level, the Assistant Township officer at Sub-Township level and the Headman and the Ywagaung at village level respectively.[\[79\]](#)

The Headman was given broad powers during the AFPFL government after gaining independence. As the Headman was the administrative head of the villagers, he had to inform the superiors concerning with the village matters. The government officers must also give necessary an instruction to the Headman is being informed.[\[80\]](#)

The Headman was elected by the village concerned. But, the District Commissioner could reject the appointment if any defect was found. The application could be rejected if the applicant had any defects in character, physical, mental and was under 21 years or over 55 years of age. The term of the appointed Headman was 5 years. Nevertheless, the Headman had the right to be re-elected. Although the Headman had no regular salary, he got commission from the revenues collected from the village and fines from the petty offences, sentenced according to the Village Act. The government formed village committees at each village. The Village Committee consisted of 4 to 8 members including the Headman. The members of the village committee were also elected by the villagers. The Headman was the Chairman of the Village Committee concerned. The term of the Village Committee was 5 years.[\[81\]](#)

4.2.4 The Union Government

The Union Government shall consist of the Prime Minister and other members appointed under section 56, and collectively responsible to the Chamber of Deputies. The Prime Minister may resign from office at any time by placing his resignation in the hands of the President. Any other member of the Government may resign from office by placing his resignation in the hands of the Prime Minister for submission to the President and the resignation shall take effect upon its being accepted by the President at the next succeeding

sub-section. The President shall accept the resignation of a member of the Government, other than the Prime Minister, if so advised by the Prime Minister.

The Prime Minister may, at any time, for reasons which to him seem sufficient request a member of the Government to resign; should the member concerned fail to comply with the request, his appointment shall be terminated by the President if the Prime Minister so advises.

All executive action of the Union Government shall be expressed to be taken in the name of the President.

Subject to the provisions of this Constitution, the executive authority of the Union extends:

(a) to the matters with respect to which the Parliament has power to make laws; and

(b) to the government, in accordance with the provisions of any treaty or agreement on this behalf, of any Armed Forces not raised in the Union that may, with the consent of the Government of the Union, be stationed in the Union or placed at the disposal of the Union.

War shall not be declared and the Union shall not participate in any war save and except with the assent of the Parliament. In case of actual or imminent invasion, however, the Government may take whatever steps they may consider necessary for the protection of the Union, and the Parliament if not sitting shall be summoned to meet at the earliest possible date. The Prime Minister shall keep the President generally informed on all matter of domestic and international policy.

The Government shall prepare estimates of receipts and estimates of expenditure of the Union for each financial year, and shall present them to the Chamber of Deputies for consideration. The procedure to be adopted in the Chambers of Parliament with respect to the submission of estimates of expenditure, the appropriation of the revenue of the Union and all matters connected therewith shall, in so far as provision is not made in that behalf by this Constitution is regulated in accordance with law.[\[82\]](#)

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4.2.5 Union Judiciary

Justice throughout the Union was administered in Courts established by this Constitution or by law and by judges appointed in accordance therewith. The Courts shall comprise Courts of first instance and Courts of appeal: -

(a) The Courts of first instance included a High Court which shall, subject to law, have original and appellate jurisdiction and power to determine all matters and

questions whether of law or of fact.

(b) The head of the High Court was called “the Chief Justice of the High Court”.

The High Court shall have exclusive original jurisdiction –

(a) in all matters arising under any treaty made by the Union;

(b) in all disputes between the Union and a unit or between one unit and another;

(c) in such other matters, if any, as may be defined by law.

If the High Court is satisfied that a case pending in any inferior Court involves or is likely to involve substantially a question of the validity of any law having regard to the provisions of this Constitution, the High Court shall transfer the case to itself for trial.

The Court of final appeal was called “the Supreme Court”.

No law was enacted excepting from the appellate jurisdiction of the Supreme Court cases which involve questions as to the validity of any law having regard to the provisions of this Constitution. The decisions of the Supreme Court shall in all cases be final.

The Chief Justice of the Union shall be appointed by the President by an order under his hand and seal, with the approval of both Chambers of the Parliament in joint sitting. All the other judges of the Supreme Court and all the judges of the High Court shall be appointed by the President by an order under his hand and seal, with the approval of both Chambers of the Parliament in joint sitting.

All judges shall be independent in the exercise of their judicial functions and subject only to this Constitution and the laws. Nothing in this Constitution shall operate to invalidate the exercise of limited functions and powers of a judicial nature by any person or body of persons duly authorized by law to exercise such functions or powers notwithstanding that such person or such body or persons is not a judge or a Court appointed or established as such under this Constitution.

4.2.6 Right of Secession

201. Save as otherwise expressly provided in this Constitution or in any Act of Parliament made under section 199, every State shall have the right to secede from the Union in accordance with the conditions hereinafter prescribed.

202. The right of secession shall not be exercised within ten years from the date on which this Constitution comes into operation.

203. (1) Any State wishing to exercise the right of secession shall have a resolution to that effect passed by its State Council. No such resolution shall be deemed to have been passed

unless not less than two-thirds of the total numbers of members of the State Council concerned have voted in its favour.

(2) The Head of the State concerned shall notify the President of any such resolution passed by the Council and shall send him a copy of such resolution certified by the Chairman of the Council by which it was passed.

204. The President shall thereupon order a plebiscite to be taken for the purpose of ascertaining the will of the people of the State concerned.

205. The President shall appoint a Plebiscite Commission consisting an equal number of members representing the Union and the State concerned in order to supervise the plebiscite.

206. Subject to the provisions of this Chapter, all matter relating to the exercise of the right of secession shall be regulated by law.[\[83\]](#)

4.3 Review of the 1947 Constitution

1947 constitution was drafted urgently in 1947 (one year ahead of Independence in January 1948). The drafting commission, AFPFL and the parliament approved the draft constitution. The constitution was drafted by a 75-member drafting commission. (In consultation with six legal professionals from India), and designed for parliamentary democracy as the country practicing system.

Despite the fact that there was no a constitutional provision on multiparty system, it accepted the multiparty system. Being a parliamentary democracy, top posts from three branches of power: Legislature, Executive and Judiciary; were Held by the leader of the party which won the majority vote. The ruling party leader was the Prime Minister. As the ruling party has the largest share of the parliament, most of the Prime Minister-proposed bills were approved and those from the opposition were rejected by votes.

The Prime Minister shared the power to lower levels in vertical division of powers. The power was vested in the individual (the ruling party leader prime minister). The government in the parliamentary democracy was weak if the prime minister could not handle the powers efficiently.

The Union was formed with Kayah State, Kayin State, Shan State and Special Division of Chin. There were still monarchical rules by Shan emirates, Kayah Sawphyas and KachinDuwas. Some politicians criticized the constitution for being too centralized as it promotes centralization.

According to, sections 201, 202, 203, 204, 205 and 206 of chapter X in the Constitution, ever State shall have the right to secede from the Union in accordance with the conditions

here in after prescribed.

Although the president is head of state, he is an honorary status (figure-head) only because the prime Minister controls three kinds of power.

Section 90 of the powers of the Parliament stated that “Subject to the provision of this constitution, the sole and exclusive power of making laws in the Union shall be vested in the Parliament. In the Chapter IX, the provision stated that when a bill has been passed by the State Council, it shall be presented to the President for his signature and promulgation. The President shall sign the bill within one month from the presentation of the bill, unless he refers the bill to the Supreme Court for its decisions under the next succeeding session.”

There are Chamber of Nationalities and PyithuHluttaw. The Parliament meeting jointly organized by two Hluttaws exercises highest legislative power

Second Schedule of the Composition of the Chamber of Nationalities of the Section 87 stated that the 125 seats in the Chamber of Nationalities is –

- (a) Twenty-five seats shall be filled by representatives from the Shan State;
- (b) Twelve seats shall be filled by representatives from the kachin State;
- (c) Eight seats shall be filled by representatives from the Special Division of the Chins;
- (d) Three seats shall be filled by representatives of Kayah States;
- (e) Fifteen seats shall be filled by representatives of Kayin State;
- (f) Sixty-two seats shall be filled by representatives of remaining territories of the union.

The remaining representatives shall be elected by the voters from the respective constituencies. Although it is a capitalist economic system in favor of national race businessmen and landowners, foreign business-men were influential in the system. Article 23 of the constitution says that he State guarantees the right of private property and of private initiative in the economic sphere. Private monopolist organization, Such as cartels, syndicates and trusts formed for monopolizing the market or otherwise calculated to injure the interests of the national economy are forbidden, and individual branches of the national economy or a single enterprise may be nationalized or acquired by the State by law if the public interest so requires.

Notwithstanding anything in section 92, Section 94 of the parliament shall, if the president has declared by proclamation (in this Constitution referred to as a “Proclamation of Emergency”), that a grave emergency exists whereby the security of the Union were threatened, whether by war or internal disturbance or that a grave economic emergency affecting the Union has risen in any part of the Union, have power to make laws for a State or

any part thereof with respect to any of the matters enumerated in the State Legislative List. It is a provision on state of Emergency.

It practices a neutral foreign policy. Section 211 –The Union of Myanmar renounces war as an instrument of national policy and accepts the generally recognized principles of international law as its rule of conduct in its relation with foreign states.

Section 212 – The Union of Myanmar affirms its devotion to the ideal of Peace and friendly cooperation amongst nationals founded on international justice and morality.

It includes 23 Section as to citizens and citizens' right and duties. The Constitution can be amended with two third of votes if favored by all MPs from a joint conference of the two Hluttaws. State legislative list, States tax list, and provisions on MP qualifications included in the parliamentary acts can be amended with the majority of votes from the two Hluttaws.

It should be realized that although the Union of Myanmar is a Federal State, it is only a moderate type of Federation based more on the Canadian model rather than that of the United States.

The component units of the Union of Myanmar under the section 222(1) of the Constitution consist of the "States" and "all the territories of the Union of Myanmar not forming part of any State". The latter territories therefore consisted of what is popularly called "Myanmar proper", and also territories like the Arakan (Rakhine) Division, the Chin Hills Special Division and the Kawthulay Region.

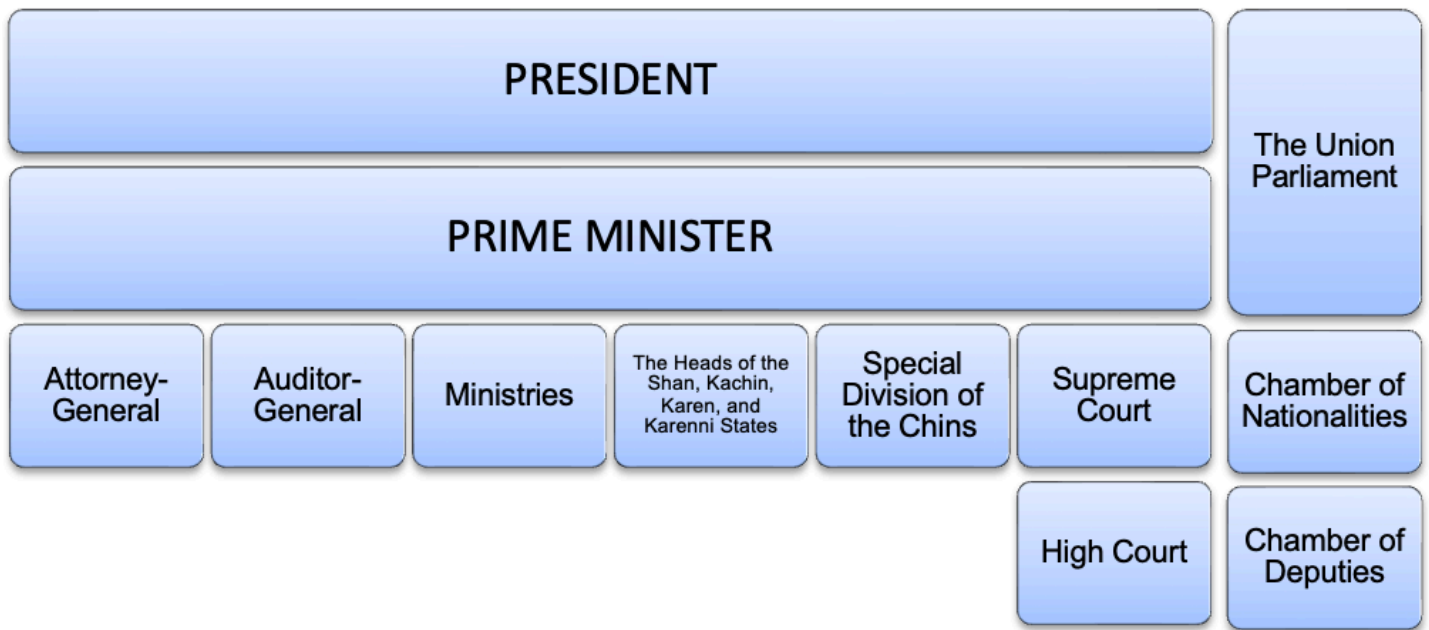
The interesting feature in the Constitution therefore is that while these territories together form a "unit" of the Union of Myanmar, they do not form "State". Therefore, there are no separate organs for these territories. The Union Government and the Union Parliament are also the Executive and the Legislature respectively for these territories.[\[84\]](#)

At first the Constitution provided for the Establishment of three States only; namely, the Shan State, the Kachin State, and the Karenni State.[\[85\]](#) It also contemplated that in due course the Karen State was to be formed.[\[86\]](#) At the time of the enactment of the Constitution, no agreement had been reached as to the areas which were to comprise the Karen State. In the meantime there was to be an area called the "Kaw-thu- lay region".[\[87\]](#)

As far as the State territories were concerned, the Shan State was to include the territories which were previously known as the Federated Shan State and the Wa State.[\[88\]](#) This area was apparently acceptable to the Shans.

The Kachin State was to comprise the areas previously known as the Mytkyina and Bhamo Districts. The Karenni State was merely an amalgamation of the previous "Karenni States"[\[89\]](#)

Figure 4.1 Administrative System in Parliamentary Period (1948-1962)



Source: 1947 Constitution

4.4 Administration under Union Caretaker Government and Pyidungsu Party Government (1958-1962)

The situation of the Union of Myanmar in 1958 was most shaky and deteriorating. The ruling AFPFL had split into two "clean" and "stable" factions. Therefore, on the night of 26th September 1958, the ruling "clean" AFPFL leader Prime Minister U Nu made a broadcast to the nation explaining that the general election was scheduled to be held in November 1958, but in the prevailing situation it could in no way be a free and fair one, and therefore Defense Services Chief of Staff General Ne Win had been invited to make necessary arrangements to hold a free and fair election within six months, and that it had subsequently been accepted by General Ne Win. Moreover, Prime Minister U Nu sent a letter to General Ne Win personally to form a new government and make necessary arrangements to hold a free and fair election before the end of April 1959.[\[90\]](#)

Thereafter, in October 1958, Parliament was called into session, Prime Minister U Nu's Government resigned and the Government headed by General Ne Win was formed. In this way, the caretaker Government came into being including the Prime Minister, that Government had only nine Ministers, apart from State Ministers.

Because of a split within the ruling AFPFL, the Parliament appointed the Chief of Staff General Ne Win as head of a Caretaker Government on 28th October 1958 and entrusted him with the task of holding fair and free parliamentary elections.

As it was later found that, under the prevailing situation, the Caretaker Government headed by General Ne Win could not possibly hold a free and fair election before expiry of the six-month period in April 1959, the Parliament amended the Constitution in February that year and had General Ne Win carry on as Prime Minister.

In the nine months from November 1958 to July 1959, while making efforts aimed at holding a free and fair election, the Caretaker Government headed by General Ne Win gave special priority to and carried out works for the State's security, law and order and economic uplift.

The Caretaker Government took drastic measures in reforming and reorganizing the administrative bodies to restore law and order. At the Central level, Central Security Organization, Advisory Committee to present prizes, Advisory Committee of promotion and transfer in Administration, Coordinating Committee for Intelligence of Internal Security, National Intelligence Bureau, Advisory Committee for Punishment, and Administrative Committee for the Police were formed.

The Caretaker Government was composed of distinguished civilians, drawn mainly from the civil service. The Cabinet was small, with a few members holding several portfolios. In each ministry, military officers held important posts and they often were the real decision maker in the government.[\[91\]](#)

The Caretaker Government formed the following councils in order to run the administrative machinery smoothly-

- (a) Central Security Council
- (b) State and Divisional Security Council
- (c) District Security Council
- (d) Township Security Council

Central Security Council comprised the Chairman from the Ministry of Defense, the Vice-Chairman from the Ministry of Home Affairs and the Chief Secretary, the Secretary of Home Affairs, the Secretary of Judicial Affairs, Inspector-General of Police, the Deputy Inspector-General of Police, the Colonel General Staff and Deputy Secretary of Home Affairs as members. After the Central Security Council was formed, Divisional Security Councils, District Security Councils and Township Security Councils were also formed consecutively. Divisional Security Councils were formed in the form of military Command Headquarters instead of Civil Administrative Divisions. In the Divisional Security Council Brigade Commander from the Armed Forces served as Chairman and Divisional Police Commissioner or Special Divisional Police Commissioner served as members. In the District Security Council, Battalion Commander served as Chairman and District Commissioner, District Superintendent of Police, and Battalion Commander of Union Military Police served as members and the Session Judge or in the absence of a Session Judge, Additional Session

Judge was also put in as members. The administrative functions were operated by these councils. In the Township Security Council the administrative matters were run by the military officer as Chairman of the Township. Also in the Village Tract, Village Security Committee was formed with Headman, Village Organizer, Security in-charge, social welfare in-charge and with the help of Head of Ten Households, the administrative functions were operated.[\[92\]](#)

The Central Security Council was formed with the departmental heads led by the Minister for Defense as Chairman in order to control the administrative bodies systematically throughout the country:[\[93\]](#)

Central Security Council, Divisional Security Council, District Security Council, Township Security Council and Village Security Council, formed during General Ne Win's Caretaker government laid emphasis on restoring law and order in the country. In order to restore law and order in the country, three programs were laid down to suppress the insurgents. The programs consisted of confiscating illicit arms, spread throughout the country, launching of intensive operations against the insurgents with the help of the people and taking drastic actions according to law without bias.[\[94\]](#) Firstly, the illicit arms were gathered and took action. An order was issued by the Ministry of Home Affairs dated 14 November 1958 to those who possessed illicit arms to submit them personally to the nearest military units, civil administrative and police officers, Police stations, not later than 13 December 1958. The main cause for the violating of law such as insurgency dacoit, robbery and murder was the existence of illicit arms.[\[95\]](#)

It was also announced that rewards would be presented to those who gave information on the possession of illicit arms. Crimes were also lowered due to the confiscation of illicit arms. The Caretaker government systematically reformed and reorganized the Police Force. 64 new Police Stations were opened during 14 months at various districts and the power of administration was also extended.[\[96\]](#) During the General Ne Win's Caretaker government, criminal cases also declined remarkably such as murder, dacoit, robbery and kidnapping.[\[97\]](#)

The Caretaker Government had approved the appointment of (13) Special Commissioners at the Brigade Command areas in order to restore law and order effectively.[\[98\]](#) The Special Commissioner could govern the respective Divisions effectively. Training courses were opened to promote efficiency for the members of the Police Force. The Training Schools for the Police Force were Criminal Law School and Gazette Officers' Training School. Also police constables were selected and sent to Junior Officers Course, Platoon Commander Course, Company Commander Course and Basic Training Course in order to restore law and order effectively.[\[99\]](#)

Co Co Island Prison, which was 260 miles away from Yangon, was opened on 24 January 1959 to detain the important political and economic prisoners[\[100\]](#). The appointments of magistrates were increased together with the opening of a new prison to examine the cases

swiftly and effectively. Experienced Session Judges who had retired were appointed in 2 Special Magistrate posts and 4 Full Time Magistrates posts in Yangon.

During its tenure of office, the Caretaker Government brought about the end of feudal rule in the Shan and Kayah States and concluded an agreement delimiting the boundary between Myanmar and China. It held elections on 6th February 1960 and on 4th April 1960 handed over power to the Pyidaungsu Party which had won the elections.

However, the political situation rapidly deteriorated under the new government with a split developing within the Pyidaungsu Party, dissatisfaction against the making of Buddhism the State religion, and the development of a movement for the creation of a truly federal state.[\[101\]](#)

4.5 Relations of the Administrative Systems

4.5.1 Political and Social

When Myanmar became an independent state on 4 January 1948, the Cold War spread throughout the world. The term, Cold War is used to describe the state of neither war nor peace between the Western (non-Communist) and Eastern (Communist) blocs after Second World War. The United States of America and the former Soviet Union were Bloc leaders. Structurally, the Cold War System had given a distinct bipolar configuration to world politics. During the Cold War confrontation years, evince typical adversarial diplomacy: arms racing, ally seeking, brinkmanship, ideological antagonism, and assertive interventionism.[\[102\]](#) At that time, the Korean War began in June 1950 and ended in July 1953, and Vietnam War broke out in Asia.

One of the reasons pursuing non-alignment policy the Cold War period was that Myanmar faced internal insurgencies based on ideological differences. Internally, since the time of independence, Myanmar policy makers immediately faced rebellions launched by Communist groups and by various ethnic groups: for example-Kayins, Shans, and Kachins. The Burmese Communist Party (BCP) was one of the biggest groups among these insurgency groups. Some insurgency groups, for example Kachin and Kayin, demanded Myanmar government to ally with US and Britain and BCP demanded to ally with Chinese Communist. Another reason was that Myanmar needed economic rehabilitation and reconstruction and Myanmar wanted to avoid proxy war and stayed aloof from such war. Myanmar leaders also worried about their giant neighbors, China and India, and were concerned about Myanmar's sandwich position between these two giants.

Unfortunately for the Union of Myanmar, her re-emergence as an independent, sovereign State coincided with the onset of the struggle between the two opposing gigantic politico-military blocs, one headed by the Soviet Union and the other by the United States

of America, which has plunged the entire world into a state of fear and tension such as it has never known before in times of peace.

In the context of such an international situation, the Union of Myanmar's fervent desire to maintain a policy of independence in the conduct of her foreign relations, and her devotion to the ideal of peace and friendly co-operation with all nations, compelled her to stay out of this struggle or the "cold war" as it is called, and to adopt a policy of peace, of neutrality and non-alignment in the "cold war" and of friendly co-operation with all nations.

The Union of Myanmar's neutrality is, however, not neutrality between right and wrong. She believes that in the cold war between the two power blocs, neither side is absolutely right or absolutely wrong; and she therefore refuses to line up absolutely with either blocs, thereby preserving her right to exercise independent judgment on any international issue, and to maintain friendly relations with all nations.

When the administration of the country was handed over to the Caretaker government of General Ne Win in October 1958, Prime Minister general Ne Win declared in his policy statement to the Parliament that the Caretaker government would the policies of neutrality and non-alignment in the "cold war" and of friendly co-operation with all nations.

The Caretaker government secretly planned to inveigle neutral Myanmar into the South-East Asia Treaty Organization (SEATO), and to that end was persecuting "democratic" organizations and political leaders who advocated the policy of neutrality and non-alignment with either of the two power blocs.

In conformity with the Union of Myanmar's policy of maintaining good neighborly relations and friendly co-operation with all nations, the Caretaker government of General Ne Win has made every endeavor to promote friendly relations and co-operation with all countries, especially with the countries of Asia and Africa that have newly regained their independence and have much the same problems as the Union of Myanmar.

In the field of foreign relations, the most outstanding achievement of the Caretaker Government is undoubtedly the conclusion of the Agreement between the government of the People's Republic of China and the government of the Union of Myanmar on the question of the boundary between the two countries.

U Nu was reelected as Prime Minister in February 1960. In this period, the Myanmar's foreign policy did not alter the basic concepts of "Neutralism" in foreign affairs. U Nu government continued the Independent and Active Foreign Policy as it has been practiced.

4.5.2 The Economy in the Parliamentary Period

U Nu was a leading Burmese nationalist and political figure of the 20th century. He was the first Prime Minister of Burma under the provisions of the 1947 Constitution of the Union

of Burma, from 4 January 1948 to 12 June 1956, again from 28 February 1957 to 28 October 1958, and finally from 4 April 1960 to 2 March 1962.

The constitution of Burma provided for the creation of socialism. Among other things, the State was declared the owner of all land. The State was given the power to nationalize any branch of the economy as long as it was done through legal procedure and with compensation to the owners. Even before independence, a Ministry of National Planning was set up and a Two-Year Economic Development Plan formulated. U Nu announced at that time (1948) that he would:

Nationalize monopolistic capitalist undertakings and administer the resulting national undertakings through partnerships between the state and the workers. The Burmese government nationalized the major inland water transportation company; Irrawaddy Flotilla on June 1st, 1948. The Burmese government continued the British initiated control of the purchase and marketing of rice in Burma. In October of 1948, the Burmese legislature passed the Land Nationalization Act and U Nu asserted that collective farming was the ultimate objective of this legislation. Already, before independence, land rents were limited through the Rent Standardization Act of 1947.

The Land Nationalization Act of 1948 allowed the State to take possession of all land that was not being tilled by the owner. This was a popular step because approximately two-thirds of the rice land was owned by non-resident landlords many of whom were Indian money lenders who acquired the land through foreclosure for debts owed by Burmese farmers. The Land Nationalization Act limited the size of land holdings to 50 acres.

In addition to the Land Nationalization Act of 1948, the following legislation concerning agriculture was passed during 1948:

- The Agricultural Bank Act
- The Agricultural Laborers' Minimum Wage Act
- The Tenancy Disposal Act
- The Agriculturalists Debt Relief Act

In 1952, U Nu promised that someday every family would own a house and an automobile and have an income \$175 to \$200 per month. In August of 1952, he also convened the *Pyidawtha* (Happy Land) Conference at which further elements of the proposed welfare state were announced. Also announced were an eight-year plan for industrial development and a five-year plan for agricultural development. The plans really were not well thought out and the government did not have the funds to implement them. Almost forty percent of the funding came from issuing money. This of course led to further problems with inflation.

The Eight-Year Plan was a failure both in the sense of having failed to achieve its targets and in that it diverted resources away from achievable goals. By the mid-1950s, Burma's rice exports were still one third less than those of 1938-39. Timber exports were less than one fourth of those of the average of the period 1937 to 1941. Mineral exports were less than four percent of the average of those of that same 1937-1941 period. Eventually the Eight-Year Plan was abandoned and a Four-Year Plan formulated.

The failed attempts at socialism in Burma are rather typical of the experience of underdeveloped countries in the post-World War II era. What was presented as planned economic development was little more than formulation of goals. Often the targets specified in the plans were unattainable, but even in the case of attainable targets there was the problem that implementation of programs was sorely lacking. The leadership wanted to formulate schemes but left the implementation of those schemes in limbo.

One element of the failure is that the leadership wanted to simultaneously recover from the war, consolidate central administrative control, develop economically and, on top of these very difficult tasks, create a welfare state.

On top of the usual problems of an underdeveloped country Burma had the special problems associated with the fact that World War II rolled over it twice. The British destroyed the major oil wells to keep their production out of the hands of the Japanese. The major mines for tungsten, tin, lead and silver had likewise been destroyed. In capturing the country, both the Japanese and the British bombed the cities and their facilities extensively.

Owing to a number of favorable conditions such as improved security, increased efficiency in the performance of public enterprises, continued growth of the private industrial sector and favorable weather for agricultural crops, the output of goods and services increased in nearly every sector of the economy during 1959-60.

In agriculture, favorable weather conditions and to some extent the efforts of the agricultural agencies have brought the total agricultural output for 1959-60 to the pre-war tonnage. Continued progress was in the production of timber for 1959-60. Teak production increased by 40.4 percent while non-teak production increased by 2.2 percent. In the industrial field, the policy of consolidation and improvement in efficiency of the State-owned industries has resulted in increase in the production of most to increase. In the private sector, cigarette production increased and brine salt from 106 thousand tons to 135 thousand tons. The production of crude oil was still on an upward trend and output in 1959-60 was expected to be sufficient to meet the requirements of the Syriam and Chauk refineries operation at the combined full capacity of 129 million gallons. But, for the rapidly increasing consumption requirements, Burma expected to be self-sufficient in the major petroleum products of motor spirit, kerosene and other fuel oil.

In the minerals sector, as a result of operational difficulties were caused by ground movements in several sections of the mines. Output of tin and tungsten however had

increased and the rise in world prices of metals during the first half of 1959-60 has increased the value of the export of all minerals.

Due to improved security conditions in 1959-60, the number of passengers travelling by all three transportation services. In the foreign trade sector, rice sales were affected early in 1959-60 and rice exports to the whole year are expected to reach the two million ton mark.

4.6 Conclusion

U Nu's government faced many challenges from the outset— disgruntled communist factions and ethnic groups, who felt excluded from the deeply Buddhist U Nu's vision of the country, began insurgencies, as did Kuomintang Chinese nationalist forces in Northern Burma. In the international arena U Nu sought co-operation while steering his country on a non-aligned course. Despite the civil war raging in parts of the country, the 1950s was a progressive decade for Burma, with the economy beginning to recover. The Burmese Constitution had guaranteed a level of autonomy for the ethnic minority states after a period of 10 years, but this did not materialize under U Nu's stewardship, leading to widespread unrest. There were also political schisms within the ruling AFPFL and in 1958 the army took over for the first time under General Ne Win, one of the thakins. This 'caretaker government' purged 'communist sympathizers' and forced the minority states to bow to central government. Elections in 1960 brought U Nu back as Prime Minister but the days of democracy were numbered. Having had his taste of power, Ne Win staged a coup in 1962, and the country's decline under military dictatorship began.

In this period of the post independence era, young leaders like the "Thakhins" played significant roles in Myanmar's politics. The people were keen to participate in politics and it was a very risky time for Myanmar to be stable in politics and other related systems. In the period of 1948-1950, the danger came from insurrections. In the dark days of 1949 the government was virtually bankrupt and no foreign bank would make loans. The position of the government was indeed desperate until an Indian bank took the risks and advanced the money. By 1950, however, the position became improved, as the government was able to make some sales of rice. By 1951, U Nu turned his attention toward the creation of a welfare state, Pyidawthar, or "the country of peace and prosperity." It was the 8-year plan and contained plans for welfare state and dealt with the problems of housing, education, health, and democratization of local administration, the main aim of the Pyidawtha was to raise the gross national product from the prewar level by one-third. To achieve this goal, although agriculture was not to be neglected, a program of industrialization was stressed. One problem was lack of funds, and the others were the program of industrialization and technical assistance. In spite of these difficulties, and surprising in retrospect, many of the projects of the Pyidawtha plan were successfully implemented. Many welfare schemes were realized. Many more schools were built, and the University of Rangoon was expended.

The danger from the deteriorating economy was critical in the period 1951-1956. In 1957-1958 there was political fission, the situation of the Union of Myanmar in 1958 was most shaky and deteriorating, the ruling AFPFL had split into two "clean" and "stable" factions. U Nu was the central figure in the first decade after independence, and the epoch ended with his fall in March 1962. This is the unstable period of the political situation in Myanmar under the practice of Democratization in which political parties, civil societies and general public lacked experience, knowledge and good practices in democratization. Because of the many reasons in politics, the failure of the parliamentary democracy changed Myanmar to a socialist country starting from the revolutionary council. The senior military officers were appointed General Nay Win as a Chairman.

CHAPTER 5

ADMINISTRATION UNDER SOCIALISM (1962-1988)

5.1 Historical Background

Because of a split within the ruling AFPFL, the Parliament appointed the Chief of Staff General Ne Win as head of a Caretaker Government on 28th October 1958 and entrusted him with the task of holding fair and free parliamentary elections. During its tenure of office the Caretaker Government brought about the end of feudal rule in the Shan and Kayah States and concluded an agreement delimiting the boundary between Myanmar and China. It held elections on 6th February 1960 and on 4th April 1960 handed over power to the Pyidaungsu Party which had won the elections. However, the political situation rapidly deteriorated under the new government with a split developing within the Pyidaungsu Party, dissatisfaction against the proclamation of Buddhism as the State religion, and the development of a movement for the creation of a truly federal state.

A military coup on 2nd March 1962 resulted in the establishment of a Revolutionary Council which formed Security and Administrative Committees down to the ward and village levels and attempted to restore the security situation. Proclaiming a General Amnesty on 1st April 1963, it started negotiations with various insurgent groups and concluded an agreement with the Kayin Revolutionary Council on 12th March 1964.

The Revolutionary Council, taking a socialist stand, formed the Burma Socialist Program Party (BSPP) as a nucleus party on 4th July 1962 and announced its philosophy in *The Correlation of Man and His Environment* in January 1963. In line with its socialist stand, the Revolutionary Council nationalized many economic enterprises and started on the First Four-Year Plan in 1971.

The BSPP, developing from a nucleus party to a people's party, held its First Congress from 28th June to 11th July 1971. The Congress decided on the drafting of a State Constitution and a Commission was appointed in September 1971. The constitution which was drafted and submitted to a popular referendum was adopted on 3rd January 1974.

The Period of Revolutionary Council lasted from (2-3-1962) to (1-2-1974). Myanmar had been faced with many changes in political situations for fourteen years after independence. Elections were held and the Revolutionary Council handed over power to the BSPP Government on 2nd March 1974. The Constitution of 1974, drawn up on socialist principles, designated the BSPP as the leading party. Under the guidance of the BSPP, the unicameral Pyithu Hluttaw, elected on universal suffrage, was the supreme State organ, enacting laws and appointing the executive and judiciary. Three new States-Chin, Mon and Rakhine were created in addition to the four existing ones.

The MSPP ruled on the principle of democratic centralism from the Central Committee down to the level of the party cell. It held regular Party Congresses in 1971, 1973, 1977, 1981 and 1985, and a number of extraordinary Congresses. It was supported by two class organizations, the Peasants Asiayon and Workers Asiayon, as well as by the Lanzin Youth Organizing Committee.

Continuing the economic policies of the Revolutionary Council, the BSPP Government in 1973 started implementing the 20-Years Economic Plan whose guidelines were adopted by the 2nd Party Congress in October 1973 and which looked to the doubling of per capita GNP, the transformation of Myanmar from an agricultural country to an agro-based industrial country and the full realization of socialist relations of production by 1994.

Because of a general dissatisfaction with the social and economic situation, a movement of protest developed in August 1988 which soon deteriorated into disorder and anarchy. To prevent a further deterioration of the situation, the Armed Forces took on the responsibility of government on 18 September 1988.

At the First Party Congress held from 27th June to 11th July 1971, it was unanimously decided to draft a new State Constitution. [\[103\]](#) On 7th, August 1972, the People's judicial system was introduced. Courts were composed of representatives of Worker's and Peasant's Council. As the 1947 Constitution was not consistent with the changing Socialist System, a Constitution Drafting Commission comprising of 97 members was formed on 25th Sep. 1971 in order to draft a new Constitution to conform to the Myanmar Socialist System. A nationwide referendum was held and the Constitution of the Socialist Republic of the Union of Burma was promulgated on 3rd Jan, 1974.

After the declaration of the Burmese Way to Socialism in 1962, the BSPP was established by following up the political and economic ideology of the Revolutionary Council. "Burmese Way to Socialism" was influenced by the mix of Communist and Buddhist.

BSPP believed and practiced the social democratic ideologies system through Parliamentary methods. One of its ideology is 'The System of Correlation between Man and His Environment', simply known as *Innya myinnya* (Correlation), where both Buddhist and Marxist rhetoric were used to espouse an old popular expression "One can only afford to be moral on a full stomach" which struck a chord with the people trying to eke out a living in increasingly dire economic circumstances under the rule of the BSPP, and implemented by the Socialist Economy starting with nationalization of all businesses across the country.

5.2 1974 Constitution

On 28th June 1971, the Council adopted the drafting of the new Constitution based on the principles of socialism. On 3rd January 1974, the State Constitution was confirmed in a National Referendum. On 3rd January 1974, the Constitution came into force an overwhelming majority vote of the people.

The State was re-designated as the Socialist Republic of the Union of Myanmar. A centrally planned economy was adopted under the policy of "Myanmar Way to Socialism". Therefore, the trend of economy was changed into Socialist Economic System. For that purpose the entire set of private owned banks and private owned business organizations were nationalized, and with short the planned economy term and long term plans was laid down.[\[104\]](#)

(i) Basic Principles

The Basic principles of the Constitution of the Socialist Republic of the Union of Myanmar were stipulated to go forward to meet the goal of Socialist Democracy. A Socialist society is the goal of the State[\[105\]](#). The economic system of the State is a socialist economic system[\[106\]](#). Socialist democracy is the basis of the State structure, [\[107\]](#) and there was to be no exploitation of man by man or of one national race by another in the State[\[108\]](#). The State was to safeguard the interests of the working people whose strength is based on peasants and workers, [\[109\]](#) and to cultivate and promote the all-round physical, intellectual and moral development of youth. [\[110\]](#)

The single-party system was adopted, and the Myanmar Socialist Programme Party was the sole political party and it led the State.

The sovereign powers of the State, legislative, executive and judicial reside in the people, comprising all national races whose strength is based on peasants and workers. The Pyithu Hluttaw (People's Congress) elected by citizens having the right to vote, exercises the sovereign power invested in it by the people and delegacy to organs of state power in accordance with this Constitution. [\[111\]](#)

According to Article 13 of the constitution, The Pyithu Hluttaw shall exercise the legislative power solely by itself while it may delegate executive and judicial powers to the

Central and Local Organs of State Power formed under this Constitution. [\[112\]](#)

The organs of State Power at different levels shall function in accordance with socialist democratic practices which include mutually natural reporting, mutually offering, accepting and respecting of advice and wishes of the collective leadership, and collective decision making, and abiding by collective decisions with lower organs carrying out the decisions and directives of the higher organs which in turn respect the views submitted by the lower organs [\[113\]](#).

Every citizen has, in accordance with this Constitution and other relevant laws, the right to

(a) elect, and to be elected as, people's representatives to the Organs of State Power at different levels;

(b) recall elected people's representatives [\[114\]](#).

Every people's representative, elected to any Organ of State Power, shall have to report back to the electorate on his work and shall also ascertain the wishes of the people according to Article 16 of the constitution. [\[115\]](#)

The full participation of the working people in local matters is allowed so that such matters may be resolved as far as possible at the local level. They shall be invested with duties possible and powers [\[116\]](#).

(ii) The State and Citizens

The State is the ultimate owner of all natural resources above and below the ground, above and beneath the waters and in the atmosphere, and also of all the lands; shall develop, extract, exploit and utilize the natural resources in the interest of the working people of all the national races and shall nationalize the means of production within the land. [\[117\]](#) Suitable enterprises shall be owned and operated by co-operatives. [\[118\]](#) The State may, in accordance with law, permit such private enterprises which do not undermine the socialist economic system. [\[119\]](#)

The State is responsible for constantly developing and promoting unity, mutual assistance, amity and mutual respect among the national races. The national races shall enjoy the freedom to profess their religion, use and develop their language, literature and culture; follow their cherished traditions and customs, provided that the enjoyment of any such freedom does not offend the laws or the public interest [\[120\]](#).

All citizens shall be equal before the law; regardless of race, religion, status, or sex; enjoy equal opportunities; enjoy the benefits derived from his labour in proportion to his contribution in manual or mental labour; have the right to inherit according to law. [\[121\]](#) No penal law shall have retrospective effect. [\[122\]](#) Punishments shall not be awarded in

violation of human dignity^[123]. Laws shall be enacted to enforce the freedoms, powers, rights, duties and restrictions prescribed by this Constitution^[124].

The State consistently practices an independent foreign policy, aimed at international peace and friendly relations among nations, and upholds the principles of peaceful co-existence of nations.^[125] These basic principles constitute the guidelines for interpreting the provisions of this Constitution and of other laws. ^[126]

(iii) State Structure

State Structure of the Constitution of the Socialist Republic of the Union of Myanmar was described in chapter III of the Constitution. According to relevant provisions of article 28, “Local autonomy under central leadership is the system of the State. Which means that the state is built based on the democratic centralized system with locally self management system”.

According to Article 29 local areas of the Socialist Republic of the Union of Myanmar shall be organized as follows:^[127]

- (1) Villages are organized as village-tracts;**
- (2) Wards are organized as towns;**
- (3) village-tracts and towns are organized as townships;**
- (4) Townships are organized as states or divisions and**
- (5) States and Divisions are organized as the State.**

The different levels of administrative area of Socialist Republic of the Union of Myanmar shall be as follows:-

- (1) Wards or village-tracts;**
- (2) Townships;**
- (3) States or Divisions; and**
- (4) The State.**

And according to Article 30

- (a) Kawthoolei is constituted as the Karen State;**
- (b) Chin Special Division is constituted as the Chin State;**
- (c) Tenasserim Division (I) is constituted as the Mon State;**
- (d) Tenasserim Division (2) is constituted as the Tenasserim Division; and;**

(e) Arakan Division is constituted as the Arakan State.

Hence, [according to](#) Article 31,

The States and Divisions under the Constitution of Socialist Republic of the Union of Burma (Myanmar) are as follows:[\[128\]](#)

- (a) Kachin State**
- (b) Kayah State**
- (c) Karen State**
- (d) Chin State**
- (e) Sagaing Division**
- (f) Tenasserim Division**
- (g) Pegu Division**
- (h) Magwe Division**
- (i) Mandalay Division**
- (j) Mon State**
- (k) Arakan State**
- (l) Rangoon (Yangon) Division**
- (m) Shan State and**
- (n) Irrawaddy Division.**

Therefore, National Flag at that time is contained and designed with fourteen white stars circling around the image of paddy and Pentium. Article 32 is the most important provision to go forward to a new structure of the state. Under this provision, the Socialist Republic of the Union of Burma has a unicameral Pyithu Hluttaw. [\[129\]](#)

“The Council of State formed for the purpose of directing, supervising and coordinating the works of the Central and Local Organs of State Power and of the Bodies of Public Services in accordance with the laws, rules and resolutions passed by the Pyithu Hluttaw”. [\[130\]](#)

“The following Central Organs of State Power were formed to carry out the tasks laid down by the Pyithu Hluttaw”. [\[131\]](#)

- (a) The Council of Ministers;**

(b) The Council of People's Justices;

(c) The Council of People's Attorneys; and

(d) The Council of People's Inspectors.

The People's Council selected by the people was formed for each State, Division, Township, Ward and Village-tract, as step by step according to level.[\[132\]](#) An Executive Committee, a Committee of judges and an Inspection Committee were formed for each State, Division, or Township People's Council. And an Executive Committee and a Committee of Judges were formed for each Ward or village-tracts Council".[\[133\]](#) The prescribed the organs constituted to be undertaken and implemented the tasks adopted by the people's councils of different levels.

According to article 37, the Bodies of Public Services, such as Bodies of Public Administrative Services, Judicial Services, Law Services and Account Services were formed where necessary at central and local levels to support the socialist democracy machinery and to implement the decisions of different levels authority composed by people's representatives as public services.[\[134\]](#)

It is the authority of Pyithu Hluttaw to re-demarcate the territorial limits of the State where necessary for some reason to do so, by a vote of 75 percent of all the members of the Pyithu Hluttaw because it is matter of great importance to be settled by a special meeting of the Pyithu Hluttaw,

Under article 39, the Pyithu Hluttaw may make laws to

(a) Reconstitute States or Divisions if the need arises, after ascertaining the wishes of the citizens residing in the States or Divisions concerned;

(b) Demarcate the boundary of any State or Division if the need arises, after ascertaining the wishes of the citizens residing in the States or Divisions concerned;

(c) Change name of any State or Division, if the need arises, after ascertaining the wishes of citizens residing in the State or Division concerned.[\[135\]](#)

Article 40 describes, "The Council of Ministers may constitute or reconstitute villages, village-tracts, wards and townships within a State or Division, if the need arises, in consultation with the People's Councils concerned".[\[136\]](#)

It is in the authority of the Pyithu Hluttaw to reconstitute States or Divisions, to demarcate the boundary and to change the name of any State or Division and article 40 is the authority of council of Ministers to constitute or reconstitute villages, village-tracts, wards and townships within a State or Division. In this way, the State is constituted by

different levels of authority practicing the Socialist Democratic System or democracy centralized system.

(iv) The Legislature

The Pyithu Hluttaw was the highest organ of State power; it exercises the sovereign powers of the State on behalf of the people. The Pyithu Hluttaw elected by citizens having the right to vote exercises the sovereign power invested in it by the people and delegates to organs of State Power in accordance with the 1974 Constitution.

5.3 Formation of Governance Bodies

5.3.1 Formation of Pyithu Hluttaw

According to article 42, the Pyithu Hluttaw was formed with People's representatives elected directly through secret ballot by citizens who have the right to vote under this Constitution and other electoral laws for the purpose of sovereign power to be practiced by conferring Pyithu Hluttaw on behalf of citizens of the State.[\[137\]](#)

Article 54 describes formation of each respective committees concerning with Pyithu Hluttaw. It was provided as the Pyithu Hluttaw constituted various Affairs Committees of the Pyithu Hluttaw relating to economic, financial, social, public administrative, legislative, foreign, national races and other affairs; with members elected from among members of the Pyithu Hluttaw in accordance with the law. A National Defence and Security Committee consisting of a suitable number of members of the Council of State and of the Council of Ministers".[\[138\]](#)

(i) Power and Authority of was also forward Pyithu Hluttaw

Under the 1974 Constitution, Legislative power was vested in the Pyithu Hluttaw, which is composed of the representatives of all constituencies. Pyithu Hluttaw was the highest organ of the State and exercises the legislative power. Administrative and Judicial Powers were delegated to the other Central and Local Authoritative Bodies according to the provisions.

(ii) Electoral System

Socialist Democracy System is based on the principal essence of "Sovereign authority is in hands of citizen". As all citizens cannot hold and practice sovereign authority owned by them, it needs a representative organ to hold and practice such authority on their behalf. Therefore, citizens shall elect the representatives to govern and administer the citizens on behalf of citizens. For that reason, the Electoral System is a vital matter in socialist democracy concept.

According to article 173, the basic aims of the electoral system are as follows: to elect people's representatives who will truly represent the working people; to secure a broad participation of citizens in the electoral process; to elect organs of the Pyithu Hluttaw and of the People's Councils at different levels that will truly represent the working people. [\[139\]](#)

According to article 174, citizens shall directly elect people's representatives by secret ballot. Every citizen who has attained the age of eighteen years has the right to vote, and all citizens who have the right to vote shall enjoy equal voting rights.

According to article 175, "Constituencies for the election of people's representatives to the "Pyithu Hluttaw" and the People's Councils at different levels shall be formed as follows; [\[140\]](#)

- (a) Constituency for Ward or Village-tract People's Council;
- (b) Constituency for Township People's Council;
- (c) Constituency for State or Divisional People's Council;
- (d) Constituency for the Pyithu Hluttaw".

The Burma Socialist Programme Party, in consultation with mass and class organizations formed under its leadership and with the electorate of the constituency concerned and respecting their wishes, shall submit lists of candidates for election as people's representatives to the Pyithu Hluttaw and to the People's Councils at different levels. [\[141\]](#)

5.3.2 Council of State

The Council of State was formed by elected persons among its members. The Chairman of the Council of State is the President of the Republic. The term of office of the President is the same as that of the Council of State. The President of the Republic represents the State. The Council of State is responsible for giving effect to the provisions of this Constitution. The Council of State is responsible to the Pyithu Hluttaw. It shall have to report on its activities to the nearest session of the Pyithu Hluttaw.

The Council of State may take suitable military action in the face of aggression against the State and action so taken shall be submitted to an emergency session of the Pyithu Hluttaw. If the situation is such that it is absolutely impossible to convene an emergency session of the Pyithu Hluttaw, the Council of State may continue all necessary military action. Such action shall be submitted for approval to the nearest session of the Pyithu Hluttaw.

The Council of State may declare a state of emergency and promulgate martial law in specified areas or in the entire State, if an emergency affecting the defense and security of the State should arise. It may order mobilization in certain areas or in the entire State. Such measures shall be submitted for approval to the nearest session of the Pyithu Hluttaw. The

Council of State may propose to the Pyithu Hluttaw the extension of the term of the Pyithu Hluttaw, or of the People's Councils at different levels by six months at a time up to three times, if wars or natural disasters or conditions prejudicial to security render elections impossible though the regular term of the Pyithu Hluttaw or of the People's Councils has expired.

If an emergency arises in the entire State, the Council of State shall declare a state of emergency and convene an emergency session of the Pyithu Hluttaw. If a sufficient number of Pyithu Hluttaw members necessary to form a quorum fails to attend, the Council of State may take the following measures:-

(a) the Council of State, the Central Organs of State Power, members of the Pyithu Hluttaw belonging to the Organs of the Pyithu Hluttaw and those members who are able to attend the session shall collectively perform the duties and functions of the Pyithu Hluttaw, and

(b) a session of the Pyithu Hluttaw shall be convened as soon as the situation permits and approval obtained on the measures taken on behalf of the Pyithu Hluttaw.

The Council of State shall direct, supervise and co-ordinate the work of the Central and Local Organs of State Power and of the Bodies of Public Services in accordance with the laws, rules and resolutions passed by the Pyithu Hluttaw.

The Chairman of the Council of State shall sign the laws, rules and resolutions passed by the Pyithu Hluttaw as well as the orders promulgated by the Council of State. These shall be promulgated in the official Gazette.

Bodies of Public Services may be constituted only by decision of the Council of State. [\[142\]](#)

5.3.3 Council of Ministers

The Council of Ministers was formed by the Pyithu Hluttaw by electing the members whose names are on the list submitted collectively by members of the Council of State elected under Clauses (a) and (b) of Article 64. The Council of Ministers elects a Prime Minister from among its members.

The Council of Ministers is the highest executive organ of the State. The Council of Ministers is responsible to the Pyithu Hluttaw

The Council of Ministers may, with the approval of the Council of State, constitute such Bodies of Public Administrative Services at different levels as may be necessary and may appoint the required personnel to such Services, according to law.

The Council of Ministers prescribes the duties and powers of organs of public administration at all levels. Organs of public administration at different levels are

responsible to those of the next higher level as well as to the People's Councils concerned and be subject to their supervision and inspection.[\[143\]](#)

5.3.4 Council of People's Justices

The council of people's justices is the highest judicial organ of the State and; formed the necessary judicial Courts only with its members and administers justice. The Council of People's Justices shall be responsible to the Pyithu Hluttaw and shall report to the Pyithu Hluttaw on the state of the administration of justice. When the Pyithu Hluttaw is not in session, the Council of People's Justices shall be responsible to the Council of State. The Council of People's Justices shall supervise all judicial organs and courts within the State.

The State People's Councils, the Divisional People's Councils, the Township People's Councils, the Ward People's Councils and the Village-tract People's Councils shall respectively form with the State Judges' Committees, the Divisional Judges' Committees, the Township Judges' Committees, the Ward Judges' Committees and the Village-tract Judges' Committees with persons elected from among the members of the respective People's Councils.

Members of the Judges' Committees elected by the People's Councils at different levels elected a Chairman from among their members.

5.3.5 People's Councils

The People's Councils at different levels were formed in accordance with this Constitution and electoral laws with people's representatives elected directly by secret ballot by citizens having the right to vote in the area concerned.

The term of office of the People's Councils at different levels is the same as the regular term of office of the Pyithu Hluttaw.

The People's Councils at different levels are Local Organs of State Power and they dealt with the following tasks within the framework of law:-

- (a) Economic and social affairs and public administration;**
- (b) Administration of justice;**
- (c) Local security, defense, maintenance of rule of law and order;**
- (d) Solidarity of the national races and preservation, protection and promotion of their traditional cultures;**
- (e) Protection of the rights of the people in the area concerned and organizing and urging them to perform their duties efficiently;**

- (f) Formulation of economic plans and their implementation;**
- (g) Preparation of annual budgets and their co-ordination;**
- (h) construction, settlement and rural and urban development works;**
- (i) Communications;**
- (j) Directing, supervising and co-ordinating Local Organs of State Power and Bodies of Public Services relating to them;**
- (k) Providing leadership to the people and keeping in close contact with them to obtain their active participation in works of public interest;**
- (l) Preservation, protection and development of natural environment;**
- (m) Co-ordinating the affairs of Local Bodies of Public Services;**
- (n) Performing such other necessary works of public interest as may be prescribed by law.[\[144\]](#)**

5.4 Review of the 1974 Constitution

The 1974 constitution was drafted for three years from 1971 to 1973 and sought the recommendations of public but lack the processes in community and civil society participatory approach. Referendum was held and drafted by a 97-member drafting commission. Recommendations from the people were sought thrice. The Constitution designed a socialist democracy based on socialism in Myanmar ways in which Markist Ideology and Buddhism and Myanmar culture were mixed.

Section 11 prescribes that the state shall adopt a single-party system. The Myanmar Socialist Program party is the sole political party and it shall lead the state. The sole political party (BSPP) guided the Pyithu Hluttaw (People Parliament) by informal way, and Pyithu Hluttaw had to follow up the BSPP's instruction. Pyithu Hluttaw was just the so called institution for the public. The members of the party had full authorities to intervene in legislative, executive and judicial affairs. In addition, the structure was overlapping and conflicting in exercising the powers and it became worst in implementing the socialist democratic programs.

The articles prescribed the way to exercise the Sovereign Power derived from the people. Although it is somewhat similar with the principle of separation of Power, in fact it is Unified Power only of the Chairman of the Burma Socialist Program Party who with making holds the sovereign power of the country.

Being a socialist democracy, three branches of power –the government, the parliament and high court, were under the leading party (Myanmar Socialist Program Party).

The party appointed President oversaw the administration and the legislature and supervised the judiciary; the party was above the President. The President shared powers to subordinates in vertical division of powers. The only party (Myanmar Social-list Program Party) ruled the country as a whole through the party activities and disciplinary committee and the party conference.

The Union was formed with seven states – Kachin, Kayah, Kayin Chin, Mon, Rakhine, Shan- and seven divisions- Sagaing, Taninthayi, Bago, Magway, Mandalay, Yangon and Ayeyawady. It did not allow secession from the Union. It did not include the provision not to secede from the Union.

When General Ne Win transferred the President to General San Yu, the Chairman of the Party is the highest one who control three kinds of power, although it mentioned in the chapter of Basic Principles stated that “the PyithuHluttaw shall exercise the legislative power solely by itself while it may delegate executive and judicial powers to the Central and Local Organs of states power formed under this constitution.”

As there was only the PyithuHluttaw, the Burma Socialist Programme Party designated all the Hluttaw representatives (without rivals) and they had to take part in the election (In some constituencies, the representative selected from the party was competed by rivals, but the latter did not reach the election stage).

Although the constitution stated the electoral system as a syste concentrating on the rights of citizen, the actual policy for electoral system and mechanism at the ground level are totally different and made ineffective and inefficient the values of the socialist democratic system. There was only one party and there was competitor for the candidate who was nominated by the senior level authorities.

Basic Principles of the constitution say “The economic system of state is a socialist economic system.” Economic policies were adopted that “The state shall nationalize the means of production within the land. Suitable enterprises shall be owned and operated by co-operatives.”

“The state may, in accordance with the law, permit such private enterprises which do not undermine the socialist economic system.”

With regard to the State of Emergency, if an emergency arises in the entire State, the Council of State shall declare a state of emergency and convene an emergency session of the PyithuHluttaw. If a sufficient number of PyithuHluttaw members necessary to from a quorum fail to attend, the council of state may take the following measures–

(1) the Council of state, the Central Organs of state power, members of the PyithuHluttaw and those members who are able to attend the session shall collectively

perform the duties and functions of the Pyithu Hluttaw and,

(2) a session of the Pyithu Hluttaw shall be convened as soon as the situation permits and approval obtained on the measures taken on behalf of the Pyithu Hluttaw.

The Constitution States that the State practices a free and independent foreign Policy aimed at world peace and friendly relations with nations and upholds the Principles of peaceful co-existence among nations based on neutral and non-aligned foreign policy.

It includes 26 sections as to citizens, citizen's right and duties. Section from the State chapter, fundamental principles chapter, the States set up chapter, the Pyithu Hluttaw Chapter and constitution amendment chapter can be amended only with the agreement of two third of MPs and with more than half of the votes from a referendum. The remaining provisions can be amended with the approval of 75 percent of MPs.

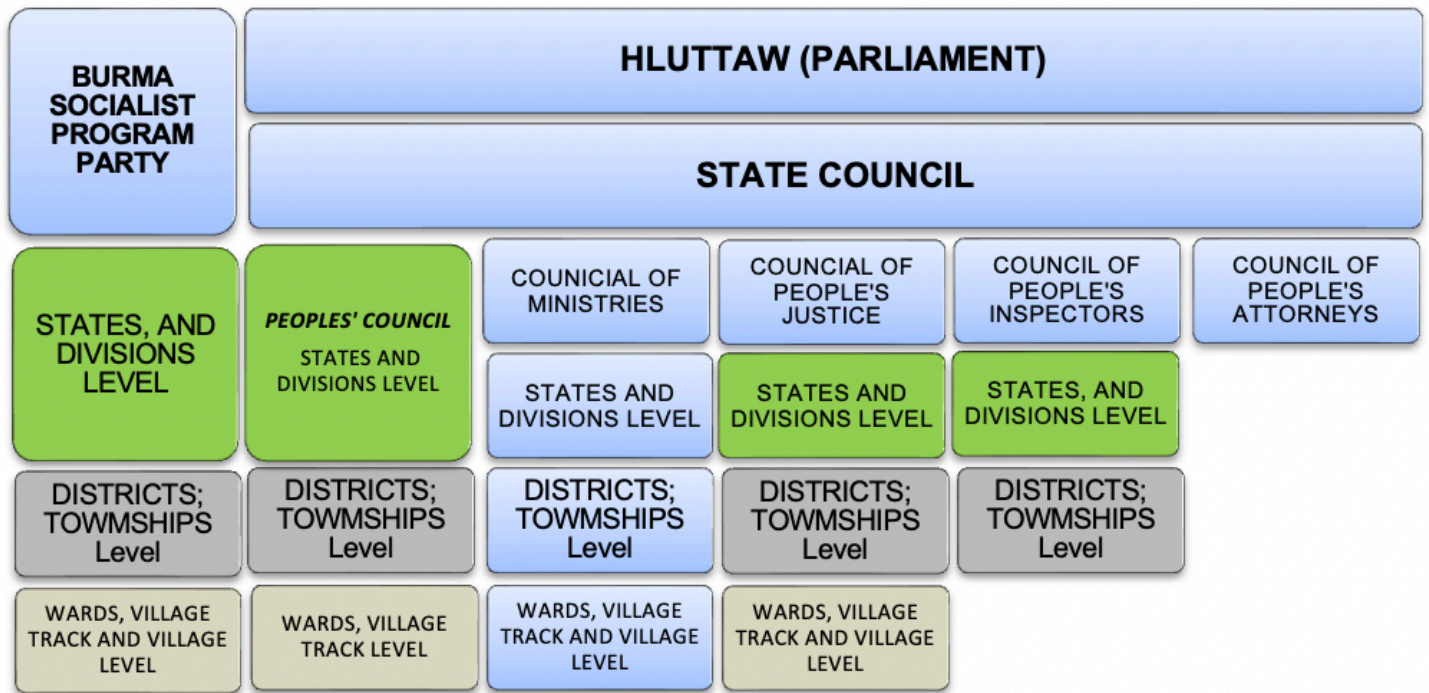
After the 1974 Constitution became effective, the non-separation of powers, the non-independence of the judiciary, and the subjugation of all three branches of the government to the ruling Party became constitutionally formalized and complete.

New Laws enacted by the Pyithu Hluttaw were issued by the State Council, and State Council was responsible to the Pyithu Hluttaw.

Under Notification No.66 of the Council of State, the Law Revision and Law Translation Committee was formed with the Chairman of the Council of People's Attorneys as Chairman. Under Notification No.29 of the Council of State, the Law Commission was formed and the Law Revision and Law Translation Committee were abolished. Furthermore, the Council of State prescribed methods of drafting laws and rules.

Under the 1974 Constitution, only the Pyithu Hluttaw can approve and enact laws and rules. During the Pyithu Hluttaw period from March 1974 to 17th Sep. 1988, a total of 125 laws were enacted and published yearly. Among of those laws, 34 laws were repealed, thus 91 laws (66 Main laws and 25 Amendment laws) are remained as status of 10th July 2009.[\[145\]](#)

Figure 5.1 Administrative System under Burma Socialist Program Party (1962-1988)



Source: 1974 Constitution

5.5 Relations of The Administrative System

5.5.1 Political and Social

Since the Union of Myanmar regained her independence on January 4, 1948, after nearly a century of foreign domination, it has been the prime objective of her foreign policy to safeguard her independence and national security and to work for a new era of progress and prosperity for her people. To achieve this objective, the Union of Myanmar needs a long period of peace at home and abroad and of friendly co-operation among all nations for their mutual benefit.

Unfortunately for the Myanmar, her re-emergence as an independent, sovereign State coincided with the onset of the struggle between the two opposing gigantic politico-military blocs, one headed by the Soviet Union and the other by the United States of America, which has plunged the entire world into a state of fear and tension such as it has never known before in times of peace.

In the context of such an international situation, the Union of Socialist Republic of Myanmar's fervent desire to maintain a policy of independence in the conduct of her foreign relations, and her devotion to the ideal of peace and friendly co-operation with all nations, compels her to stay out of this struggle or the "cold war" as it is called, and to adopt a policy of peace, of neutrality and non-alignment in the "cold war" and of friendly co-operation with all nations.

Myanmar secretly planned to inveigle into the South-East Asia Treaty Organization (SEATO), and to that end was persecuting “democratic” organizations and political leaders who advocated the policy of neutrality and non-alignment with either of the two power blocs. General Ne Win followed up his policy of neutrality and non-alignment in the “cold war” and of friendly co-operation with all nations.

In conformity with the Union of Myanmar’s policy of maintaining good neighborly relations and friendly co-operation with all nations, the Caretaker government of General Ne Win has made every endeavor to promote friendly relations and co-operation with all countries, especially with the countries of Asia and Africa that have newly regained their independence.

Since the time of Myanmar independence, Myanmar leaders always paid a political thinking to her big neighbor, China. Being a small country and in constant fear of communism, the successive Myanmar leaders consistently endeavored to preserve good relations with China. In 1963 and 1981, Chinese leaders helped peace talks between BCP and U Ne Win. However, these peace talks were never successful. After that, the remaining BCP insurgents continued to prevail along the Myanmar-china border and BCP continued to serve as a bargaining chip for china. China never provided the enough assistance to BCP to overthrow the Myanmar government because she feared the South East Asian countries' membership to SEATO under the leadership of the United States. The main purpose of China in Southeast Asia was to attract third world countries into the communist bloc or at least to be 'neutralist'.[\[146\]](#)

Impacts of the Burmese Way to Socialism were multi-fold, affecting the economy, educational standards, and living standards of the Burmese people. Foreign aid organizations, like the American-based Ford Foundation and Asia Foundation, as well as the World Bank, were no longer allowed to operate in the country. Only permitted was aid from a government-to-government basis. In addition, English language instruction was reformed and introduced in secondary schools, whereas previously it had started in kindergarten. The government also implemented extensive visa restrictions for Burmese citizens, especially to Western countries. Instead, the government sponsored travel of students, scientists and technicians to the Soviet Union and Eastern Europe to receive training, to counter years of Western influence in the country. Similarly, visas for foreigners were limited to 24 hours.

Furthermore, freedom of expression was limited extensively. Foreign language publications were prohibited. The Press Scrutiny Board censored all publications (including newspapers, journals, advertisements and cartoons).

The underlying motives for the transition from Revolutionary Council to BSPP rule were changed only for the authorities especially in politics and economic, but not for the poor people as well as all communities which had to deal with parochial nature in politics. Misdirection of the economy, the problem of supplying consumer demands, demonetization and corruption led to the failure of the BSPP. Moreover, the system intent was to allocate

the public resources by the authorities, not by the public. Public participation processes were also significantly weak, and lack of motivation to public to participate in development process. Lack of accountability, transparency and commitment in the political, economic and other processes led to the loss of the trust of people. There were check and balance system between the public and authorities from Township level to the National level. The BSPP government had not eliminated greed or economic exploitation. The collapse of the Communist States in the 1980s affected to Myanmar to change its political system, and the BSPP collapsed in 1988 by the general strike.

Internal conflict and power-struggle between the military faction and the ex-Communist faction flared up, and thousands of leftists or communist sympathizers were purged from the party.

5.5.2 The Economy in the Earliest Time of BSPP

This part is a broad outline of the work and progress of the various Government Departments concerned with national economy during the period March 1963 to March 1964.

This period covered the historic economic changes designed to quicken the people's march to the goal of socialist economy. On October 20, 1963 all private cigarette companies were nationalized with immediate effect. On the same date the Pearl Fishing and Culture Syndicate, the Burma Economic Development Corporation with its 42 subsidiary firms and the Defence Services Institute with its six scheduled firms were nationalized with retrospective effect from August 16, 1963; September 17, 1963; and September 28, 1963 respectively. On March 19, 1964 were nationalized all private-owned wholesale shops brokerage houses, department stores and general stores and co-operative shops in Rangoon dealing in foodstuffs, textiles and 14 other categories of general merchandise. This measure was followed by nationalization of other similar private shops and establishments in the rest of the country on April 11, 1964.

In this period the endeavor of government departments: Land Records Department, Forestry Department, Industrial Development Cooperation, Agriculture Department, Electricity Supply Board, Applied Research Institute, Petroleum and Mineral Development Corporation, Ministry of Trade Development, People's Stores Corporation, Transport and Communications, Burma Meteorological Department, Posts and Telegraphs Department and National Planning were significant.

(i) Agriculture, Education and Extension

The function of the agriculture, education and extension division was to educate educators on modern methods of farming, including effective use of insecticides and fungicides. Burma experienced a shortage of edible oil mainly because of the decline in the

production of groundnut. Therefore the Directorate had taken measures to prevent recurrence of the edible oil therefore in the future.

The Directorate distributed to cultivators varieties of pure seeds. The quantities however proved inadequate because of the expansion of groundnut cultivation in Upper Burma and the Shan State.

Distribution of pure seeds-grains of paddy was carried out to increase the normal output of paddy by at least 10 baskets per acre, and secondly to ensure that 50 per cent of the entire area under paddy was cultivated with the pure seed-grains issued by the Directorate.

As practical demonstration right on holdings of farmers were far more effective than mere lecturing on methods, the Education and Extension Division of the Directorate had given special attention to this part of its work. The Directorate maintained 8 mobile Film Units in 6 Circles for showing agriculture films in their respective areas. During the period, they visited over 200 villages to run these free cinema shows.

About 110 such exhibitions were held in various parts of Burma during the period in collaboration with the regional Security and Administrative Committees. The object of these exhibitions was to popularize modern methods of cultivation and to enable farmers absorb modern ideas and techniques.

Agriculture development measures of the Chin Hills Special Division and the Naga Hills District were undertaken for their early agriculture development:-

- (1) Opening of a Central Agriculture Farm in Southern Chin Hill as there was only one such farm, located in Northern Chin Hills in the whole of this Division at that time:
- (2) Encouragement of terrace cultivation in both areas, as this method of cultivation was best suited to the geographical conditions of these areas and,
- (3) Encouragement of fruit-growing.

Applying various methods of research, the Division carried out breeding of superior strains for different types of soil, climate, rainfall, etc., in respect of all important crops during the period. In addition to breeding of superior strains, the Research Division carried out multiplication of pure seed at Central Farms. The pure seeds so multiplied were kept as "foundation stock" for distribution to farmers. The Land use Bureau was engaged in classifying all the land in the country, but before it had completed this task, it will be necessary for the Directorate to advise farmers on proper use of fertilisers on different types of land. To find out how best plant diseases could be prevented and controlled at minimum cost, the Research Division carried out research and maintained trial plots at the Agriculture Research Institute.[\[147\]](#)

Marketing Division: For drawing up a socio-economic plan based on the Burmese Way to Socialism Program, the Revolutionary Government laid down the framework for a basic 5 years agriculture plan. Within this framework are to be shown the estimated acreage sown, the acreage matured and the acreage damaged, in respect of the 42 specified main crops of the country.

During the period, the marketing Division made a detailed calculation of the number of tractors, pumps, etc., as well as the size of the man-power which would be needed to implement the plan.[\[148\]](#)

(ii) Agricultural And Rural Development Corporation

The work of this Corporation was concerned with general agricultural improvement with emphasis on those projects which need speedy implementation to achieve national self-sufficiency or facilitate export. Given below were the more important of the specific measures undertaken by the Corporation during the period March 1963 to March 1964.

During the period 1962-63, altogether 115 Projects for jungle clearing and construction of embankments, drainage canals, sluices and weirs were undertaken in 18 districts. The Corporation also provided needed funds to the Security and Administrative Committees of the Kachin State and the Chin Hills Special Division for the execution of similar work. In 1963-64, the Corporation carried out 86 such projects. Funds were also provided for undertaking minor irrigation works to the Security and Administrative Committees of the Chin Hills Special Division, the Kachin and the Shan States. As a result of these measures, a total of 46200 acres were rehabilitated and 164500 acres improved in 1962-63; and by the end of 1963-64, some 55100 acres were rehabilitated and 166,160 acres improved. In carrying out land reclamation measures, the Corporation had been assisted by local Security and Administrative Committees of the various districts.

The Rural Sanitation and Water Supply Project were merged with the Agricultural and Rural Development Corporation. During the period March 1963 to March 1964, the project drilled a total of 295 tube-wells in Mandalay, Sagaing and Magwe Divisions. Altogether 58400 villagers were benefited from these wells.[\[149\]](#) The main functions of Settlement and Land Records Department were determination and fixation of land revenue rates, assessment of land revenue at rates so fixed, and collection and presentation of statistical data relating to agriculture. From March to May 1963, officials of the Land Use Bureau were continuing the field work which they had begun in January 1963.

State Agricultural Bank: The Bank opened three new branch offices at Kawkareik, Loikaw and Kengtung in March 1963, thereby bringing the total of such offices to 36. Loans were disbursed to cultivators at their very door-step, with the assistance of the District Security and Administrative Committees. The loan Committees making these disbursements were accompanied by employees of the People's Stores Corporation who brought with them miscellaneous commodities for sale to cultivators.[\[150\]](#)

(iii) **Forestry Department:** The progress which the Forest Department had been able to achieve because of improved security conditions in the country following the advent of the Revolutionary Government continued during the period, March 1, 1963 to February 29, 1964 was as follows;

Girdling of teak – The total number of teak trees girdled during 1962-63 was 278635, which exceeded the target set for the year by 39,675.

Measuring and passing of teak – Altogether 301,716 tons of teak logs were measured and passed during the period in order that they could be converted into timber and put on sale either locally or abroad.

Hardwoods – Under the Burma Selection System, only mature trees of marketable optimum girth were selected and market for felling. After felling and extraction, 673,170 tons of this hardwood were measured and passed by the Department for assessment of royalty and for milling and marketing by the State Timber Board.

Extraction of other forest products – The Department also took steps to increase the extraction of other forest products, notably bamboo and cane, during the period. Also carried out during the period was the collection and identification of samples of all species of trees growing in the country in order to conduct a research into their utilization.

Burma's forests were managed systematically on a sustained yield basis. This work involves tending of the forests scientifically and proper regeneration of the areas exploited every year. As forests were of great help in preserving the fertility of the soil and in water conservation, it is necessary that the area under permanent reserved forests should be increased. Department carries out the following measures during the period:-

Reservation – 175.81 square miles.

Reserve boundary repairs – 1,632 miles 7 furlong

Boundary repairs – 2 2,726 miles 1 furlong

Fire protection - 84,107 acres

Action taken under Forest Act – 6,413 cases

Action taken for breach of contract – 1,710 cases [\[151\]](#)

(iv) **Industrial Development Cooperation:** The main function of the Industrial Development Cooperation was to supervise the operation of various State factories and mills in order that production of goods needed by the working people of the country may be maintained at the maximum possible level. In addition to this function, the Corporation kept a sharp lookout for opportunities to expand existing industries or set up new ones in the light of the country's natural resources and man-power.

The Steel Rolling Mill was in a position to produce enough iron rods to meet the demands of the people and enough iron sheets needed by the People's Oil Industry for making drums. Although production of iron nails and corrugated iron sheets of 26" to 32" gauge was still insufficient to meet the home demand, the position would improve in the near future when the then present expansion plans of factory bear fruit. Marketing of the Mill's products, affected through private agents in the past, was carried on through the People's Stores Corporation.

Jute Mill: Production in the first few years, the Mill operated in two shifts, but starting from August 1962, more workers were taken on and the three- shift system introduced. The result was a phenomenal increase in the output of gunnies.

kerosene stoves, cabinets, slotted angles known as "Ideal Angles", meter- boxes and a large variety of other articles were produced by People's Engineering Works (1), and Rice mills, spare parts and accessories, and iron and steel spare parts and accessories were produced by People's Engineering Works (2) to fulfill orders by various Government Departments.

The Industrial Development Corporation had under its control four State Sugar Mills, namely the Zeyawaddy, Pyinmana, Namti and Sahmaw Sugar Mills. The Mills employ Double Sulphitation Process, and its annual productive capacity, based on a 150-day year, was 30,000 tons.

There were two cement factories at Thayetmyo. The daily and yearly productive capacities of the first Factory were 170 and 50,000 tons respectively, and those of the second factory 400 and 120,000 tons respectively.

Electricity Supply Board: The average per capita consumption of electric power in Burma was only about 15 units and was therefore very much lower than that in industrially advanced countries of the world. The aim of the Board was to expand production of electricity as well as to raise the per capita consumption rate in order that Burma might compare favorably in the course of time with other advanced countries of the world.[\[152\]](#)

(v) **Union of Burma Applied Research Institute:** In conformity with the country's changeover to a socialist economy, the Union of Burma Applied Research Institute shifted its attention from small-scale enterprises to large-scale national industries. More and more of its scientific and technical expertise was utilized by State Organizations, as the Government became the sole supplier and distributor of all kinds of goods[\[153\]](#).

Mines: Substantial progress for the Petroleum and Mineral Development Corporation in varied files of activity, ranging from conduct of geological surveys and mapping to actual mining and production of minerals and export. Its various functions were carried out as in the preceding year by three major Departments namely:

(a) The Department of Mining Projects.

(b) Control of Mining Enterprises Department and

(c) Geological and Mineral Studies Department. [\[154\]](#)

People's Oil Industry: Following the nationalization of the oil industry on January 1963, the work of exploration, production and marketing of oil was carried on by the Burma Oil Company (1954) Limited, but in March 1964, this organization was renamed the People's Oil Industry (POI). Among the several measures that the People's Oil Industry has taken since its inception is the replacement of all foreign nationals on its staff, both in the official and the clerical levels, with the Burmese. Steps had also been taken to expand operations in the field of exploration, production, refining and marketing. [\[155\]](#)

(vi) Ministry of Trade Development

It was mainly concerned with the import and the export trades of the country, it couldnot restrict itself to these fields alone. Just as the import, trade was linked with the internal trade of the country, so the export trade was inseparably bound up with domestic industrial development.

The Ministry there had to carry out its main function in consultation with the departments and organizations which handle internal trade or operate domestic industries.

After national independence had been won, successive Governments made determined efforts to secure what was known as the Burmanization of the import and export trade. Through a system of licensing, Burmese businessmen were encouraged to play and increasing part in these trades, but handicapped by lack of experience and of capital, these businessmen degenerated into get-rich-quick opportunists bent only on selling their licenses to the highest foreign bidder. The result was not only continued domination of the country's trade by foreigners but also a general rise in the prices of goods. This sorry state of affairs came to an end only when the Revolutionary Government inaugurated the socialist revolution and nationalized the entire import and export trades.

Export trade: The principle exports of Burma were rice and rice products teak and hardwoods, pulses and beans, cotton, rubber, oilcakes and minerals. The average value of these exports during the years 1960-61, 1961-62 and 1962-63 was K 118 crores annually. About 70 per cent of the export earning of Burma was received from export of rice and rice products. Before the war Burma exported over three million tons annually, but since the end of the war, this pre-war norm had not been achieved. Earnings from export teak and hardwood was only about 10 per cent of the total export earnings of the country before the war, however, she had not been able to exceed her timber exports above 167,000 tons. As regards pulses and beans and other agriculture products, Burma at that time was exporting about 400,000 tons annually as compared to about 250,000 tons before the war.

Like many other countries, Burma had to regulate her imports and exports since the end of the last war in order to ease her balance of payments of position. This regulation had

been carried on under the Import and Export Control (Temporary) Act, 1974 and the various Orders thereunder. Under this Act, no article or commodity imported from abroad because it was really needed in Burma, can be re-exported out of Burma. Export of goods product in Burma was also controlled under the Act in accordance with the economic policy of the Government. Thus, export of rice and rice-products had been made the monopoly of the Government and handled by the Union of Burma Agricultural Marketing Board; export of teak and hardwoods by the State Timber Board; and export of cotton by the Co-operative Department. Only in the case of Commodities, the export of which the Government was not yet in a position to handle were private entrepreneurs permitted to operate.

Import trade: As imports involved expenditure of hard-earned foreign exchange, great care had to be taken to see that the goods concerned were of real need to the country, that they were of requisite quality and price and that they were brought to Burma in good time. In addition, the terms of international treaties and agreements as well as the requirements of domestic productive industries had to be taken into account.

Goods which figure prominently among Burma's imports were machinery and plant, transport equipment, raw materials, foodstuffs petroleum, coal, finished rubber goods, paper, medicines and drugs. The value of imports made in 1960-61, 1961-62 and 1962-63 averaged K 107 crores a year.

Import of goods was affected in accordance with an import program drawn up annually in the light of the foreign exchange available, the need of the country and the necessity to protect indigenous industries. Imported goods were themselves divided into two categories namely (1) commercial goods i.e. goods to be sold to the people for purposes of use or consumption and (2) industrial goods i.e., goods needed by industries.

(vii) People's Stores Corporation

Until about the end of 1963, the works of procurement and distribution of good in the country was carried on by the three Civil Stores Committees constituted under the Central Procurement Distribution Council as well as by private firms and individual Government bodies such as the Co-operative Department the Electricity Supply Board, the Burma Economic Department Corporation etc. But it was felt that the operation of diverse competing organization in this field was not compatible with socialist principles and so arrangements were made to set up a single State owned body to undertaken the work. All the three Civil Stores Committee were then merged with the newly-formed Corporation and all the procurement and distribution hitherto performed by private and official establishments were taken over by the Corporation.[\[156\]](#)

(viii) Transport Boards

Road Transport Board: The Naypyidaw Transport Company, founded in 1959 as a subsidiary of the Burma Economic Development Corporation for the operation of Rangoon Bus

Services and long-distance, was nationalized by the Revolutionary Government in 1963. Its functions were then taken over by the Road Transport Board.

Burma Railways Board: Railway transport in Burma actually entered the Diesel age in 1963-64. New Diesel locomotives arrived during the period, making it possible for the Board to dieselise a substantial proportion of its train services and meet the increasing demand for passenger and freight transport. A good number of Diesel locomotives had been put into commission by June 1964, mostly on important mail-line passenger-services.

Fast goods-train services between Rangoon and Mandalay were dieselised on March 16, 1964, reducing the running time from 27 hours to 20 hours. The heavy movement of goods to Upper Burma has between Rangoon and Mandalay since June 1964.

Inland Water Transport Board: Among the noteworthy achievements of the Inland Water Transport Board during the period from March 1963 to February 1964 were the streamlining of the administration through proper delegation of powers, opening of new service and extension of existing ones and provision of more craft for service on various routes. During the period under report, altogether 290 vessels were repaired as compared with 450 vessels in the corresponding period of the preceding year.

Union of Burma Airways: The new UBA Board continued to carry out its functions in accordance with the principles of the socialist economy laid down by the Revolutionary Government and was able to achieve a far more spectacular success during the period under report than in the preceding years. The functions of the Board were divided among four major departments, namely the Commercial, Operations Engineering and the Accounts Departments. [\[157\]](#)

(ix) **Mercantile Marine Department:** During the period, the Mercantile Marine Department successfully carried out several measures for securing safe transport of passengers and cargo in coastal and inland waters and also for ousting foreign nationals from Burma's marine transport trade. Surveys of inland and sea-going vessels were made by qualified surveyors of the Department and only those vessels which were sea-worthy were permitted to ply. There had been considerable improvement in navigational safety. Since 1963, rigid checks had been made of the nationality of the owners of vessel. Registration was granted only to those vessels whose owners are Burmese nationals. The result had been elimination of foreign nationals from Burma's coastal and inland water transport business. Foreign nationals had also been debarred from appearing for the marine examination. This had led to the Burmanisation of the crew of almost all the vessels now plying in Burmese waters. [\[158\]](#)

(x) **Burma Meteorological Department**

The plan of operation for this project was signed in Rangoon between the Revolutionary Government and the United Nations Special Fund on January 24, 1964.

Under the plan, the United Nations Special Fund provided four experts and necessary meteorological and hydrological instruments for installation at the observatories covered by the plan. Four departmental staff were sent aboard to study hydrology.[\[159\]](#)

(xi) Posts and Telegraphs Department: To improve the efficiency of the Department and at the same time economise its expenditure, wireless telegraph stations in the districts which formerly had been functioning separately were merged with post offices in 1960, and the combined offices were renamed posts and telegraph offices. Altogether 96 such combined offices were opened throughout the country from 1960 until the end of April 1962. To help in the development of rural areas, the Department had introduced an extra-departmental delivery system and appointed the needed agents. Altogether 22 sub-post offices were set up and 94 extra-departmental delivery agents appointed during the period May 1962 to May 1964.[\[160\]](#)

(xii) Ministry of National Planning

To secure rapid development of her economy, Burma needed to import from abroad far larger quantities of capital goods than her own financial resources allow. She had therefore had to accept foreign aid in various forms from a number of friendly nations such as People's China, Soviet Russia, United States and West Germany. This aid consists of short and long-term loans, 480 loans and free grants. The funds received from these sources were used to finance various development projects.

The projects were (1) Land restoration, (2) Reconstruction of Kabo Dam, (3) Forestry Timber Extraction, (4) Telecommunications improvement, (5) Rice Handling and Processing Mechanization, (6) Procurement of rice mill spare parts, (7) Civil Aviation Airport Mechanization (8) Village Water Supply and Sanitation. (9) Expansion of the Union of Burma Applied Research Institute (10) Inland Water fleet improvement, (11) Improvement of Rangoon Water Supply System, (12) Improvement of Rangoon Sewerage system, (13) Teak extraction industry, (14) Land restoration (15) Union of Burma Applied Research Institute expansion, (16) Village Water Supply and Sanitation and (17) Rangoon General Hospital expansion.

The following factories were constructed:

- (1) A factory on Kaba Aye road for the manufacture of electric motors, Diesel engines, pumps, power tillers and electric ceiling fans,
- (2) A glass bottle factory at Chauk with a capacity to produce 25,000,000 bottles a year,
- (3) A brick factory at Hmawbi with a capacity to produce 13,000,000 bricks a year,
- (4) A can-making factory on Kaba Aye road with a capacity to produce 33,000,000 cans a year,

(5) A textile mill at Prome with 20 looms and 20,000 spindles. [\[161\]](#)

5.5.3 Economy and Socio-Economic

Under BSPP rule, private ownership changed to public ownership by what they called the nationalization process. But the point is that the nation's supreme power was controlled by the group of BSPP only and ultimate political power was controlled by one person. Nationalization benefited the authorities rather than the public. Unclear ownership made the public properties to be maintained for the sustainable.

BSPP government nationalized the economy and pursued a policy of the economic isolation of the country from the world. The ubiquitous black market and rampant smuggling supplied the needs of the people, while the central government slid slowly into bankruptcy. The policy also involved expelling foreigners and restricting visits by foreigners to three days, and after 1972, one week. Furthermore, political oppression caused many in the educated workforce to emigrate.

The BSPP also took drastic steps regarding the currency for the purposes of hoarding by black-marketers and were also used to finance the various insurgencies. Though limited compensation was offered, this wiped out people's savings overnight. At least one insurgency that of the ethnic Kayan, was triggered by this act. However, the impacts obviously felt on the general public. The Public lost their savings for their present and future livelihoods. The public had to save money taking a lot of time, because of the closed market system, and there were many conflicts between the closed market system and monetary policy and its system intents. .

In 1987 United Nations declared "Burma as a Least Developed Country". The BSPP lost the trust of its public as well as some of its members as to whether the system's objective was to reduce the financial lost of the country or not.

5.6 Conclusion

The Burmese Way to Socialism has been described as Marxist, anti-Western, neutralist and socialist in nature, characterized also by an extensive dependence on the military, emphasis on the rural populace, and Burmese (or more specifically, Burman) nationalism. In January 1963, the Burmese Way to Socialism was further elaborated in a political public policy called the System of Correlation of Man and His Environment, was published, as the philosophical and political basis for the Burmese approach to society and socialism, influenced by Buddhist, humanist and Marxist views.

The fundamentals of the Burmese Way to Socialism, as outlined in 1963, were as follows:

1. In setting forth their programs as well as in their execution the Revolutionary Council will study and appraise the concrete realities and also the natural conditions peculiar to Burma objectively. On the basis of the actual findings derived from such study and appraisal it will develop its own ways and means to progress.

2. In its activities the Revolutionary Council will strive for self-improvement by way of self-criticism. Having learnt from contemporary history the evils of deviation towards right or lefts, the Council will, with vigilance avoid any such deviation.

3. In whatever situations and difficulties the Revolutionary Council may find itself, it will strive for advancement in accordance with the times, conditions, environment and the ever changing circumstances, keeping at heart the basic interests of the nation.

4. The Revolutionary Council will diligently seek all ways and means whereby it can formulate and carry out such programs as are of real and practical value for the well-being of the nation. In doing so, it will critically observe study and avail itself of the opportunities provided by progressive ideas, theories and experiences at home, or abroad without discrimination between one country of origin and another.

The policy sought to reorient the Burmese economy to a socialist economy, to develop the Burmese military, and to construct a national identity among many disparate ethnic minorities and the majority Burmans. However, the 20 years economic plan was failed and Myanmar was announced as one of the least developed country in the world

Despite the oppression, sporadic protests against the government continued. Students led protests in 1965, December 1969, and December 1970. These demonstrations took place mainly on campuses located in the cities of Rangoon, Mandalay and Moulmein and were often followed by closure of universities and colleges. In June 1974, workers from more than 100 factories throughout the nation participated in a strike, to which the government reacted by shooting about 100 workers and students on 6 June 1974 at the Thamaing Textile Factory and the Sinmalaik Dock Yard in Rangoon. Since Ne Win was in Australia on an official visit at the time, responsibility for these shootings is unclear. On 5 December 1974, students turned the funeral of former UN General Secretary U Thant into a demonstration, snatching the coffin on display at the Kyaikkasan Race Course and erecting a makeshift mausoleum on the grounds of the former Student Union building in protest against the government for not honoring their famous countryman with a state funeral. The military stormed the campus on 11 December killing some of the students, recovered the coffin and buried U Thant at the foot of the Shwedagon Pagoda, next to the tomb of Thakin Kodaw Hmaing.

The students led protests were eight times as in 1965, 1969, 1970, 1974, 1975, 1976, 1987, and 1988. In August and September 1988, these demonstrations turned into a nation-wide

uprising against BSPP rule in what is now known as the 'Four Eights Uprisings'. The protests were often followed by the workers and the BSPP reacted by shooting. The government always reacted to the demonstrations with the same actions, as they did not consider negotiating or any other ways. The BSPP's system was intended to control the political affair as they were fighting with the rebel. There should handle the political issue with the students and public in the aspect of soft agents.

Referring to the student-led demonstrations against the government in March and June 1988 Myanmar political paradigm started to change from that of a single party system to a multi-party system. The Revolution council dealt with many conflicts with the students because of the different in concepts and ideologies in nation building. The BSPP regarded to the students as the rebels because of misunderstanding and ideologies as they viewed the students as communists. Although some senior leaders wanted to change its administrative system from single party to multi-party, most of the members from high level to ground level did not want to change the system. There might be some reasons for the members and their partners who did not want to change; the first reason is they did not want to lose their power, and the second reason is their security after they had lost their power, and their livelihoods. Their future was because the system locked commitment for security.

Finally, BSPP decided to hold multi-party elections within 90 days, however massive demonstrations in Rangon and the rest of the country continued. It showed the people's desire and impatience for change, these situations could be viewed as people had lack of political awareness because of the parochial culture in Myanmar for many years. This was the impact of the political ideologies of the BSPP.

At the height of the Four Eights Uprising against the BSPP, U Ne Win resigned as party Chairman on 23 July 1988. The Tatmadaw troops shot, killed and maimed hundreds if not up to 3,000 or more demonstrators in various places throughout Burma between of 8th to 12th August 1988 and again on 18th September 1988. On 18th September, 1988 the military led by General Saw Maung dispelled any hopes for democracy by brutally crushing the uprisings.

CHAPTER 6

ADMINISTRATION UNDER SLORC AND SPDC

(1988-2010)

6.1 Historical Background

The Army seized power and General Saw Mg and his officers called themselves the Organization for Building Law and Order in the State, Government called itself the State Law

and Order Restoration Council by 26th September 1988; for the reasons shown below:

The removal of the armed forces and government personnel from the BSPP, large numbers of demonstrators continued their protests while the Army was becoming less potent a force in stopping them; Foreign diplomats and others in the country grew confident that the BSPP government would give in and allow the formation of an interim government, which would suddenly remove the armed forces authority as well; and There was no guarantee what their authority would be under the BSPP government's interim or permanent successor; And the army was most concerned about its internal disintegration; After the coup, SLORC laid out four immediate tasks.

1. Law and order and peace and tranquility
2. Secure and smooth transport
3. Easing the food, clothing and shelter needs of the people and
4. Holding democratic multi-party general elections.

The immediate goal of the Government was to establish law and order. After the coup, thousands of students fled to the border areas and to Thailand. Some fled for safety while thousands of others fled to ethnic rebel camps to prepare to launch armed resistance against the government. The SLORC announced an amnesty program for those students who returned to government-led areas by a deadline, and over 2000 students had returned. Most of the rest students were trained by KNU camps, and formed ABSDF (All Burma Student's Democratic Front) so that to support the activities to establish government in Myanmar.

The SLORC brought the elections under the tighten control. The SLORC began a six-month campaign to issue citizenship, and scrutinizing the citizenship of political candidates especially the processes were intended to Daw Aung San Su Kyi, and former General Aung Gyi for the eligibility to election.

The NLD swept the 16 June elections with over 7.9 million votes, winning 392 of the 447 seats contested. These results must have come as a shock to the SLORC, which was widely believed to have expected a victory for the NUP (National Unity Party, Changed name form BSPP). But the SLORC did not want to hand over power to the NLD or to any other genuinely popular government. The SLORC would have had much easier time in controlling the country after 1990 had they not held an election at all or modifying the existing constitutions by interim government before holding the election. The military government is intention was more than reestablishing law and order. The obvious signs were; changing the names not only for the country but the name of cities, street and names of everything that were given in the colonial period. The reasons to legitimate continued military rule might be to change the military leaders' role to be in line with future politics, economic and social aspects. SLORC began to sweep the election results and tried re-democratizing the

country. SLORC tried to call for new constitution negotiation with NLD, but the processes were failed because of the system intent was to prevent or delay to handover of power to the NLD. In 1997 SLORC was placed its name by SPDC (State Peace and Development Council) without any change in leadership, intending to continue the military rule to and secure their position.

On 15 November 1997, SLORC was abolished and reconstituted as the State Peace and Development Council (SPDC). Most but not all members of the abolished SLORC were in the SPDC military government.

The SPDC consisted of eleven senior military officers. The members of the Government wielded a great deal more power than the cabinet ministers, who are more junior military officers, or civilians. (The exception is the Defence Ministry portfolio, which was in the hands of Government leader Than Shwe himself.)

In 2003, SPDC announced the seven-point plan for changing to democracy. SPDC also dealt with changing its way to some extent in order to join ASEAN and some countries like China and India, and to invite foreign direct investment. Foreign companies raced for access to the new Burmese economy at first, but because of the boycotts, many companies withdrew one after another. The policies and actions of the Myanmar government constitute an unusual relationship in political issues with western countries and sanctions were imposed a Myanmar in order push Myanmar to undertake democratic processes. Because of the relationship with the western countries, SPDC developed its link with ASEAN and two most powerful neighbors China and India. China had been playing in automatically significant role significantly in Myanmar's politics for a long time. India sought to offset the increasing Chinese influence in the country. These two countries, especially China involved military linkages and established the strongest economy. Russia dealt with the nuclear power just to solve the crisis in power supply. The SPDC had to face with the ethnic insurgencies more dangerous than under the past governments in respect of the democracy movements of those groups. SPDC tried to stop the civil war with the ceasefire agreements, and there was more government control over the Myanmar territory than the previous government since independence. Ethnic minority insurgents were told that under ceasefire agreements, they could keep their arms until the new constitution was in place. After the chance in the leadership for a peace agreement, SPDC demanded that demobilization take place before the constitutional process reached fruition and some insurgents are considering recommencing their armed conflict with the government. The Army had also intensified its attacks on the KNU, which had never ever signed any ceasefire agreement.

The government sited its capital in the centre of Myanmar as a permanent solution to the security problem and to be more manageable. The shift of the capital also indicated that the military was centralizing authority over the country, and also to enable to the new government to control civilian unrest smoothly without disrupting the government's day-to-day administration.

As there were only promises and continual preparations with no clear end in sight regarding the economy, the transfer of power, and other matters appeared to be no more than delaying tactics, frustration among the Myanmar people simmered for years. Falling the economy was also the critical issue as well as the democracy. International sanctions and other efforts to isolate the government had heart the general Myanmar population, pushing than further into poverty and in creating the number of unemployed female textile workers. In contrast, the Myanmar elite military families had shown incredible resourcefulness in maintaining and expanding their personal wealth. From late 2006, prices of daily necessities began to increase by up to 40%, pushing family economies almost to a breaking point. The Myanmar tolerance of hardship, built up from experience of other long-term hardships that have plagued the country since the early 1960s, proved resilient. While the government remained confident of its ability to suppress the resistance of ordinary citizens, it faced a different kind of opponent in 2007 known as the Saffron Revolution. As the same time, the NLD, once the focus of so many hopes and dreams among the population increased and forced SPDC to move towards establishing a democratic government to some extent.

Myanmar experienced two-decades of post BSPP military rule backed by diplomatic and material help from powerful neighbors, China and India, competing each other for privileged access to Myanmar's natural resources. SPDC continued the constitutional referendum as one of the steps to democratization as they had announced the road map to Democracy and the constitution was adopted in 2008 through a nation-wide referendum. The SPDC was officially dissolved on 30 March 2011, with the inauguration of the newly elected government, led by its former member and Prime Minister, President Thein Sein.

6.2 Administrative System

The immediate goal of the Council was to establish law and order, and in this period, the SLORC and SPDC established law and orders for the purpose of restoration of sovereignty. The administrative system in this period can be viewed as military administration as well as civil administration. The SLORC regime was one of military administration rather than civil administration; and the second was State Peace and development efforts by SPDC, focusing an civil as well as military administration. The administrative structure was shaped and reshaped again and again to be consistent with political situations. There was no constitution and all the sovereign powers were in the hands of senior military officers, especially in the hand of Senior General Than Shwe.

The State structure under the Military Administration is the same as in BSPP as follows:
[\[162\]](#)

- (1) Villages are organized as village-tracts;
- (2) Wards are organized as towns;

(3) Village-tracts and towns are organized as townships;

(4) Townships are organized as states or division and

(5) States and Divisions are organized as the State.

States and Divisions:

(a) Kachin State

(b) Kayah State

(c) Karen State

(d) Chin State

(e) Sagaing Division

(f) Tenasserim Division

(g) Pegu Division

(h) Magwe Division

(i) Mandalay Division

(j) Mon State

(k) Arakan State

(l) Rangoon (Yangon) Division

(m) Shan State and

(n) Irrawaddy Division.

In 1988, general discontent of the people had arisen on the declining economic situation and it led to the countrywide civil disturbance, anarchistic incidents took place and peace and tranquility did not prevail and the people had to live in anxiety. Since the prevalence of law and order, peace and tranquility of the State were in danger, the State Law and Order Restoration Council has made necessary reforms to ensure and to restore the rule of law strenuously.

SLORC was formed when the Burmese Armed Forces, commanded by General Saw Maung (later self-promoted to 'Senior General' Saw Maung, seized power on 18 September 1988 crushing the 'Four Eights Uprising'. On the day it seized power SLORC issued Order No.1/1988 stating that the Armed Forces had taken over power and announced the formation of the SLORC. With Order No. 2/1988, the SLORC abolished all 'Organs of State Power' that were formed under the 1974 Burmese constitution. The Pyithu Hluttaw (the

legislature under the 1974 Constitution), the Council of Ministers (the Cabinet), the Council of People's Justices (the Judiciary) the Council of People's Attorneys (the 'Attorney-General Office'), the Council of People's Inspectors (the 'Auditor-General Office'), as well as the State/Region, Township, Ward/Village People's Councils were abolished.

The Chairman of the State Law and Order Restoration Council has promulgated laws to pave the way for establishing a state based on multi-party democracy. On 15th November 1997, the State Peace and Development Council was instituted. It passes laws, rules, regulations, orders and notifications.

In place of the Socialist Economic System, Market Oriented Economic System and Liberalized Trade Policy have been introduced. It is certain that Myanmar would no longer be a Member of the Socialist Law Family. By this way, State Law and Order Restoration Council (SLORC) and State Peace and Development Council (SPDC) in other words the Defense Government held the leadership of the State until the emergence of the new Constitution.

At the same time, the State Law and Order Restoration Council passed the Attorney General Law, 1988 to scrutinize, draft, translate and amend the laws for ensuring the judicial works, administration of justice and the works to provide legal protection to the public. In building a peaceful and development society, all citizens must respect and abide the law and order which were binding in force all over the country.

The SPDC consisted of eleven senior military officers. The members of the Government^l wielded a great deal more power than the cabinet ministries, who are more junior military officers, or civilians. The State Peace and Development Council pass laws, rules, regulations, orders and notifications; from these Laws, the basic principles for the new Constitution are to be adopted. The Methods of drafting and enacting laws that were formerly applied by the State Law and Order Restoration Council continue to be applicable.

Since there were changes in the administrative, political, and economic systems, the laws which should not be affected and exercised any more were repealed and those which should be amended, substituted and inserted were amended. Those Laws which were not suited for the current situation, were repealed. In performing the duties of the Central Law Scrutiny Body, 137 Laws were repealed.

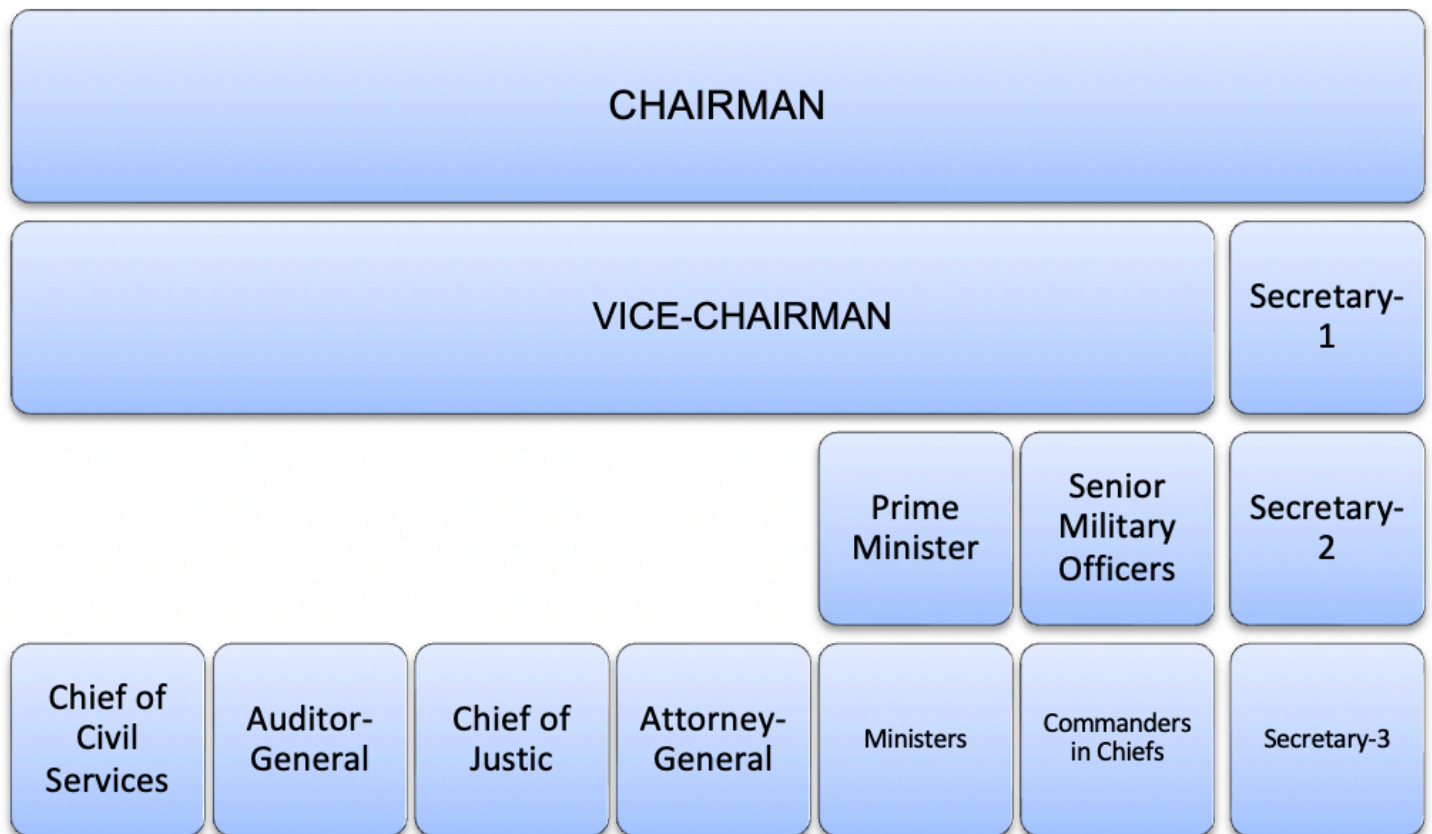
The words "Burma, Burman or Burmese" were substituted by "Myanmar" under the Adaption of Expressions Law (No.15/89). Since then, instead of the name of Burma, Burman or Burmese the name "Myanmar" must be used.[\[163\]](#)

A total of 139 laws were enacted during the said period. Among of them 9 laws were repealed, thus 130 laws: 88 main laws and 42 amendment laws are remained as status of July, 2009.

The State Constitution of the Republic of the Union of Myanmar and promulgated by the National Referendum under Announcement No. 7/2008 on 29th May 2008 was issued by the SPDC. This constitution was adopted through a Nation-wide referendum on the said date.[\[164\]](#)

Under section 11 of this 2008 Constitution, three branches of sovereign power namely, Legislation, Executive and Judiciary powers will be separated to the extent reciprocal control, check and balance among themselves, and these powers will be shared among the Union, Regions, States (Providence) and Self-Administered Areas.[\[165\]](#)

Figure 6.1 Administrative Structure in SLORC and SPDC Periods (1997-2010)



Source: <http://www.dica.gov.mm/tax.htm>

6.3 Relations of the Administrative System

6.3.1 Political and Social

(i) China-Myanmar Relations

Myanmar attained its independence as the Union of Burma in 1948, and the People's Republic of China was founded in October 1949. Diplomatic relations were established between the two countries early in 1950, and the Chinese Prime Minister, Zhou Enlai, visited Myanmar in 1954. In 1960, their international boundaries were defined, making it China's first official boundary with a neighboring country. The mutual boundary spanned approximately 2,200 km.

After a 1988 student-led uprising for democracy was crushed by a military coup, the United States imposed economic sanctions against Myanmar. China, however, did not recognize the sanctions and began taking over almost every profitable sector of Myanmar's natural resource-based economy, including jade, gold, mining, minerals, natural gas, hydroelectric, and timber. China also developed close relations with the Myanmar military government, which they have fought to protect. In January 2007, at the United Nations Security Council, China vetoed a resolution to impose greater sanctions on Myanmar. China also protected the brutal government from harsh international condemnation after it crushed the Saffron Revolution in 2007.

In 1988, through a coup, the military government acquired power and clamped down on prodemocracy movements in the country; this act received severe criticism from developed countries. However, China immediately initiated a strong bilateral relationship with Myanmar's new military government. In October 1989, the Vice Chairman Than Shwe and the First Secretary Khin Nyunt visited China and succeeded in gaining military and economic assistance for Myanmar from the host country. In reality, this meant that Myanmar and China literally entered into a "Paukphaw" (Burmese for "blood brother"; a term used by Myanmar people when referring to the Chinese in a friendly manner) relationship.

The Myanmar generals view China as an 'excellent neighbor,' whose huge investments helped keep their government alive. The Myanmar people, however, have suffered under China's staunch support of the brutal government. Consequently, anti-Chinese sentiment has spread widely among the public. Whenever there is a serious discussion about Myanmar at the UN, the Myanmar public knows that China (and perhaps Russia) will block any resolution that could aid their position.

Over the years, China has expended considerable effort to improve its neighborhood relations, with the goal of maintaining stable borders and a viable trading environment. In so doing, it has undertaken significant diplomatic efforts in maintaining networks among governments and governing elites.

China's Myanmar policy that is based on support to the military Government in exchange for strategic and economic concessions will provide China with a number of challenges in the medium to long term. Political repression and economic distress make Myanmar a potential source of humanitarian refugees. China may end up hosting millions of refugees in case the domestic situation in Myanmar deteriorates dramatically. In fact,

Myanmar's neighbours like Bangladesh and Thailand are already hosting a large number of Rohingya Muslim and Christian tribal refugees and occasionally even China faces influx of refugees from bordering regions of Myanmar like Kokang. In any case, China is already grappling with a growing number of illegal migrant workers and drug trafficking from Myanmar.

Almost two-thirds of Chinese territory is populated by ethnic minorities. In many cases, these ethnic minorities have not been completely overwhelmed by Han settlers and tension continues to simmer. In this context, ethnic conflict engendered by political repression in Myanmar's lawless tribal belt that borders ethnic minority regions of China could infect the latter and probably encourage independence movements.

China will find its investment in Myanmar growing beyond reasonable limits and that much more difficult to give up. China's support makes the military Government largely impervious to potential international sanctions, which in turn discourages domestic opposition to the current government in Myanmar. Muted domestic opposition further limits the options available to the international community, which gives a negative feedback to domestic opposition, ultimately, forcing Myanmar into a low-level political equilibrium.

Between Myanmar and Yunnan Province, the Chinese government has established four first-class (national class) border gates (including air and sea routes), through which goods and persons from the two partner countries and other countries can pass, and twelve second-class (provincial class) border gates through which only goods and persons from the two partner countries can pass.

Over the past two decades there has been increasing international attention to the interactions between Myanmar and China. While China has significant influence in relation to other international actors, there is also significant calculation by the government in Myanmar in an effort to ensure that no single external actor calls the policy shots. Instead, the policy choices of the government illustrate that they are calculated on a case-by-case basis to respond to emerging security threats and challenges. However, this represents only a partial truth because there are myriad actors competing for legitimacy in Myanmar which also have various relationships with external actors. Indeed, to fully understand the relationship between Myanmar and China a multifocal lens is required to appreciate the nuances and tensions within Myanmar and their effects on its overarching relationship with China. Furthermore, this lens must also be applied to China, as it too has multiple levels of engagement with Myanmar at both formal and informal levels to varying degrees.

(ii) India- Myanmar Relations

India and Myanmar have a historical connection that goes back to the fifth century and since then have enjoyed mutual contact in the realm of trade, commerce, religion, law, political philosophy and culture. Both countries came under British colonial rule, and Burmese leaders were associated with Indian leaders during the struggle for national independence. Nehru and U Nu built up a personal friendship that formed the basis of

cordial Indo-Burmese relations, which with ups and downs have lasted 50 years. The two countries have not once reached a point of diplomatic standoff or conflict since independence.

India's influence has been felt in Myanmar since ancient times. Hinduism and Buddhism came to Myanmar from India by the seventh century. Myanmar received the foundation of its legal system from India: the earliest law book in Myanmar was "the Wagaru Dhammathat" of India, which in Burmese knows as "Manusara Shwemin". Linguistically, Pali, which originated from India, was the source of many Burmese words.

Trade relationships between the two countries were also established from ancient times and Indian traders established permanent settlement along the coast of Myanmar. Politically too, the connection between India and Myanmar began well before the British conquest. The Arakanese Kings had close contact with India in the 14th century.

After the British occupation, the two countries became a part of the British Empire. Myanmar was ruled by the British as a part of British India till 1937. The British brought large numbers of Indians to Myanmar during its rule.

The association of the two countries under British rule created a common understanding and they cooperated in their common understanding and in their common struggle for independence. [\[166\]](#)

The lowest point came after the 1988 people's uprising when India was the first neighboring country to criticize the Burmese military government. The India Embassy in Rangoon actively supported the pro-democracy student activists and many entered India for shelter after the military coup in 1988.

From 1988 to 1990, India followed a policy committed to open support of the forces of democracy and "complete disengagement" with the ruling military Government in Myanmar.

However, in the 1990s, relations between India and Myanmar thawed again. India and Myanmar are cooperating in many fields, including countering insurgency on the border, checking narcotics smuggling across the border, sharing intelligence on a real-time basis, promoting trade and investment. India has also extended economic aid to Myanmar.

India's points of view, three major factors are involved in relations with Myanmar. These are: 1) the security aspect of India North East insurgency and Chinese influence in Myanmar, 2) the economic aspect of promoting trade and economic relations with the neighboring country and 3) the presence of people of India origin in Myanmar. Since the independence of both countries in 1947-48, these were serious issues in the relationship between the two countries.

The SPDC's point of view, it is important to have a good relationship with India as it enhances its own political image both inside and outside the country. Moreover, it is

important for trade purposes and gives it some degree of dependence on China. Over the years, India has emerged as the largest export market for Myanmar, accounting for one-fourth of Myanmar's total exports.

India is keen to strengthen linkages between India and the Mekong basin countries, which include Myanmar. Cooperation among these countries in the transport and infrastructure sectors includes railways, roads and air travel as well as greater cooperation in science, technology and human resources.

Burmese leaders invited more Indian investment in Myanmar in areas including agriculture, fisheries, pearl, cultivation, infrastructure oil and gas, and mining and tourism.

India investment in Myanmar accounted for about 1.1 % only, amounting to US \$ 4.5 million, while ASEAN countries investment in Myanmar accounted for 50 per cent of Myanmar's US \$ 7.3 billion foreign investment. And the balance of trade between the two countries is hugely in Myanmar's favour.

Indian businessmen in Myanmar have also been pushing the two governments for increased economic relationship. They obviously want to exploit the opportunities offered by the ruling government in Myanmar for Indian business and investments although many of them were victims of Ne Win's rigid nationalization measures in the late 1960s. [\[167\]](#)

(iii) US- MYANMAR RELATIONS

For the past two decades, U.S. policy toward Myanmar has tended to focus more on efforts to sanction and exclude the Burmese government-especially its military leaders. The greatest impetus for U.S. sanctions policy, however, has been the military government itself, whose brutal assaults on its domestic opposition have only invited further international outrage. It could even be argued that the military leadership has so demonized the idea of Western influence on Burmese society as to suggest that it may, perversely, welcome Western sanctions and isolation, so long as its Asian neighbours remain engaged.

Beginning with a ban on providing aid and the withdrawal of USAID from Myanmar after the events of 1988, U.S. sanctions were extended in the 1990s to private investment, military exchanges and military assistance, travel visas, high-level official meetings, and educational exchanges, and during the next decade to trade with the United States, gems, and financial services. Nonetheless, a large volume of U.S. dollars finds its way into Myanmar through tourism, humanitarian assistance programs, and remittances from overseas Burmese, notwithstanding U.S. financial sanctions on the Burmese banking system, the government, and the generals and their business cronies.

Even as sanctions were being tightened over the past two decades, the U.S. foreign-assistance budget continued to carry a line item earmarked for Myanmar. During the 1990s, this assistance was directed almost exclusively to the support of Burmese exile groups, in order to promote the return of democratic governance in Myanmar and to address the

severe needs of displaced minority nationalities. The U.S. government began to channel assistance increasingly through UN agencies and international NGOs to humanitarian programmes inside Myanmar, with the proviso that none of this aid was to go to the Burmese government itself. With the development of reliable mechanisms for delivering assistance inside the country and under increasing pressure from U.S. advocates of humanitarian assistance, the budget earmarked for Myanmar has more than double in recent years, to more than US\$17 million in 2009. An additional US\$18 million was added to this in two 2009 budget supplemental, for a total of US\$35 million. In response to Cyclone Nargis, the United States pumped another US\$75 million into the emergency and recovery effort in the Irrawaddy Delta and, in October 2009, announced an additional US\$10 million contribution to post-Nargis assistance.

United States would be open to more constructive discussions with ASEAN and other Asian governments on the question of what to do about Myanmar. A wide-ranging review of Myanmar policy was initiated which slowly gained momentum during the next six months, engaging policymakers at all levels and including all major elements of the US. Government involved with enforcing the sanctions. It was perhaps the most thorough and far-reaching policy review of U.S. relations with Myanmar.

The administration expected the policy of "pragmatic engagement" to be a "long, slow, and step-by step process" and that progress would be measured by the willingness of the Burmese government to address fundamental U.S. concerns with democracy and human rights. In particular, the United States intended to use engagement to press the government for the unconditional release of Pro-Democracy leader Aung San Suu Kyi and other political prisoners, for an end to conflict with ethnic-minority groups, and for genuine dialogue among the Burmese government, the democratic opposition, and the non-Myanmar nationalities to develop a shared vision of the country's future. The administration also intended to address U.S. non-proliferation concerns over Myanmar's growing relationship with North Korea.

If the country is more open to the outside world, it can hope to influence that transition and encourage Myanmar's leader to take a more positive, constructive and inclusive path".

The administration's decision to modify its sanctions policy with "pragmatic engagement" with Burmese leadership and to work coordination with Myanmar's Asian neighbours has not materially changed U.S. relations with Myanmar in the absence of positive responses from the SPDC itself. Unfortunately, the government is not likely to respond positively to the most fundamental U.S. concerns about democracy and human rights before the 2010 elections. [\[168\]](#)

(iv) E U Myanmar Relations

In spite of a few successes since the first sanctions decided by Brussels in the early 1990s, EU policies towards Myanmar have failed, both in encouraging a political breakthrough and in fostering economic growth, let alone socio-economic development.

Even progress on the EU's bottom-line humanitarian agenda has been limited. See from Naypyitaw, Europeans are considered by the Burmese government more as a potential threat than as a source of much-needed financial or humanitarian assistance, diplomatic and political configuration, both internally within the individual twenty-seven EU member states and the European Union as a whole, has neither facilitated in the past nor augurs well in the near future for any concrete policy change towards Myanmar. This is despite the fact that a change of approach to the Burmese conundrum undertaken by the Obama Administration may have a direct impact on other Western countries. Unfortunately, there are too many diplomatic obstacles, political constraints and internal EU divisions to revise the current EU Common Position significantly, including in post-2010 elections context. Foreign policy is an extension of (domestic) politics by other means. "Civilian power" "tranquil power" "normative power" overseas membership 1988 marked the turning point in EU-Myanmar relations, European countries swiftly opted for strong diplomatic condemnations of the new ruling military government. The role of the democratic opposition had indeed been gradually - and passionately symbolized in European media through the figure of Aung San Suu Kyi, daughter of Myanmar's national independence hero, Aung San. Since 1988, the EU with the United States, has been the most vocal in condemnation of the Burmese authoritarian government and in support of the democratic opposition.

In the late 1980s, Western perceptions of Myanmar changed dramatically in the context of "People Power" in Asia (exemplified in the Philippines in 1986, South Korea in 1987, and Pakistan in 1988). Myanmar in early 1988 seemed to be yet another case of an Asian democratization process fostered by the ostensible success of Western liberal and democratic values. As with Cory Aquino in Manila or Benazire Bhutto in Karachi, the appearance of another charismatic female leader, Aung San Suu Kyi, fascinate the West. In response to her first appeals for international isolation of the SLORC in 1988-89, European countries collectively decided on tougher sanctions against the new Burmese Government after its refusal to recognize the results of the parliamentary elections it had organized on 27th May 1990.

In 1995, the first release of Aung San Suu Kyi and U Tin Oo enabled the then fifteen-member EU-with France, the U.K. and Germany leading the debates on Myanmar - to propose a few political incentives to the Burmese government, which had deftly consolidated its political and economic basis in the previous seven years. Besides the British, who were well connected to Aung San Suu Kyi's party (the NLD), the French government had in 1992 encouraged its largest oil company, Total, to negotiate a joint-venture with the SLORC to explore the Yadana offshore Natural Gas fields. They were both perceived, rightly or wrongly, as non-regional states able to influence the investment-needy Burmese Government, while the Germans' too benefited from older connections with the Burmese authorities dating from the time of Ne Win. Both Paris and Berlin sought then to build up a "constructive dialogue" among the three main partners: the European

Commission, ASEAN and the SLORC, to promote the idea of a serious democratic transition in Myanmar.

But, gradually faced with the Government's refusal to negotiate and seeing the NLD becoming even more marginalized by the top Burmese leadership, strengthening the first EU sanctions was reaffirmed as the major European objective.

At the multilateral level, the growing friction between Brussels and ASEAN members became more pronounced over Burmese membership of the Association. Myanmar's official admission to ASEAN in July 1997 initiated a long round of diplomatic EU-ASEAN frictions. For several years, the annual EU-ASEAN Foreign Ministers Meetings were cancelled because of Rangoon's presence. In September 2005, an EU-ASEAN meeting of trade ministers in Rotterdam was boycotted by ASEAN because the Burmese delegation had been subject to the visa ban imposed throughout the EU. When the Government agreed to pass over its turn at the ASEAN presidency in 2006, European diplomats publicly expressed their satisfaction. The desire to isolate the Burmese government further increased since the imposition of a third house arrest on Aung San Suu Kyi in 2003 and became more obvious in the context of the month-long Burmese *Sangha* demonstrations in 2007.

The EU Common Position is structured around three main constituent elements: military, economic and political. It first includes the ban on any defence cooperation with Myanmar and the exclusion of Burmese military personnel from the territory of EU members. Secondly, in the economic domain it proposes largely implicit limitations on cooperation, including suspension of bilateral/multilateral investment/partnerships and any involvement in development or non-humanitarian programs, restrictions on any imports/exports of Burmese-made products, as well as the freezing of the Burmese leaders' financial assets anywhere within the EU. Yet even the notable exception of the "strictly" humanitarian aid remains a cause of contention between European member-states and within their societies, for what is humanitarian aid, how is it to be defined, and to what extent is cooperation with foreign authorities. Thirdly, the EU common Position involves a wide range of political and diplomatic constraints, such as a visa ban for high level Burmese officials the systematic marginalization of Burmese representatives in international meetings and a series of public condemnations and critical official statements. Myanmar is also the only country with Belarus to have been sanctioned by the EU for its non-respect of core labour standards within the ILO.

In November 2007, immediately after the abortive Saffron Revolution, the EU reviewed its arsenal once more, strengthening a nominative list of 1,207 Burmese companies that were considered as "blacklisted"; that is, with whom there is a prohibition on any business contact. Furthermore, about 400 Burmese leaders or prominent people and their families were banned from travelling in Europe and their financial assets were to be frozen. Consequently, with this three-fold arsenal-extended for one more year in April 2008 and then again in April 2009, the EU has a broad legal base on which its approach to Myanmar is built. Though ostensibly aimed at encouraging the Burmese Government to engage in a

"meaningful dialogue" with the democratic opposition, implicitly, the main objective is to suffocate it, so as to force it to open up and hand over power to Aung San Suu Kyi's leadership, and relinquish its authoritarian grip on Burmese society in order to comply with EU principles of human rights, liberty and democratic values.

There are a number of other factors, such as the tremendous disparity among the ASEAN economies and their negotiating capacities; the failure of negotiations for an EU-ASEAN Free Trade Agreement (FTA) has been linked to the Burmese problem.[\[169\]](#)

(v) Asean-Myanmar Relations

Myanmar's purposes in joining ASEAN, after years of refusing to join, included the economic, social and cultural benefits it could achieve thereby, finding an effective and reassuring way out of its previous policies of isolation, and the mutual support and collective solidarity it would enjoy when facing up to the outside world. One of the SPDC's main interests was the economic benefits it saw accruing from ASEAN membership.

ASEAN's long-stated underlying operating principles revolve around "expanding collective efforts", "enhancing mutual assistance," "closer cohesion and economic integration", and developing "harmonized" systems and procedures to achieve world-class conformity. They focus also on transparency and non-discrimination between members, coalescing into what became known as the "ASEAN Way", now the "national anthem" of ASEAN.

Compliance with the requirements of the ASEAN Free Trade Area (AFTA) has been a strong motivation for Myanmar's efforts, evident in the creation of a special National AFTA Unit within the Ministry of National Planning but with an unusual degree of independence. However, there are often suggestions that Myanmar has not benefited as much as might have been hoped.

It has not changed some of its economic policies, such as the high level of non-tariff barriers and its widespread use of state-owned enterprises. Despite its public espousal of "market-oriented" economic policies, the SPDC draws comfort from the retention of socialist policies by other ASEAN members such as Laos and (sometimes) Vietnam.

Other areas affecting economic interests more relevant for conformance and compliance are the many sectors where ASEAN endeavors to establish governance for mutual recognition of products, standards, and the harmonization of procedures.

Public health is one area where it was in the interests of all ASEAN members, and especially Myanmar's immediate neighbours, to achieve real progress towards a known set of standards. After the difficult experiences of SARS (in 2003-04) and avian influenza (in 2005), the authorities in all ASEAN countries recognized how quickly they would be called to account for any failings or successes in dealing with such transnational public emergencies.

The first ASEAN ministerial meeting that Myanmar hosted was the ASEAN Ministers of Labour meeting in May 1999. The communiqué issued at the end of the meeting shows the positive and negative aspects of such direct involvement by Myanmar. While it resembles other ASEAN ministerial communiqués, it is silent on some issues that were problematic for Myanmar at the time, such as Myanmar's dispute with the ILO over forced labour, the lack of trade-union rights, and the use of child soldiers. These features of this meeting were consistent with the pattern of ASEAN efforts to advance its agenda of regional integration and conformity without focusing on known divisive problems, and illustrate the strengths and weaknesses of the mandatory and non-mandatory approaches it pursued, sometimes in parallel.

Some specific changes have been observed in Myanmar as a result of its ASEAN membership.

- Myanmar is included in regional consultations and its regular attendance at, and hosting of, ASEAN meetings certainly suggests that the cost and effort associated with this is worthwhile from the government's point of view.
- In areas such as trade, customs and tourism, Myanmar is reasonably successful in meeting its ASEAN obligations. This makes it a much more open country than in the past, but it is not always able to meet timetables, or certain goals such as providing tourist visas on arrival, and it has probably been disappointed with the commercial gains made.
- In areas such as public health and quarantine, Myanmar is prepared to disclose details of emerging problems much more openly and honestly than in the recent past, but this does not necessarily mean it will greatly increase its expenditure on health.
- In certain areas such as science and technology, e-commerce, or working conditions, ASEAN membership means Myanmar gives attention to difficult issues or long-term opportunities earlier than it might otherwise have done.
- Publishing ASEAN "score sheets" on various activities means the SPDC cannot deny Myanmar's backwardness on many matters, and over time this may result in increased government spending in some areas than might have been the case otherwise.
- Generally, the Myanmar authorities are ready to commit themselves openly to goals and aspirations set by ASEAN, and are not evidently reluctant to take on suggestions or proposals from elsewhere for policy shifts.

There is a set of areas; however, where the Myanmar military government has deliberately stood apart from ASEAN attempts to achieve closer regional collaboration. These relate almost entirely to measure which the government deems to fall within the

realm of its national defence and internal-security policies, which are areas of paramount concern and, indeed, fear on the part of the government.

Because of its obsession with "threats" to its internal security, Myanmar did not join ASEAN efforts in 2008 to conclude an ASEAN visa-free travel arrangement. This would have interfered with the government's determination to decide who is allowed to visit Myanmar. Nor was Myanmar always a ready participant in educational-exchange arrangements such as promotion of international students and academic exchanges at universities, which the authorities frequently closed on security grounds. So there are no regular foreign students at Myanmar universities; and while foreign academics can be invited as visitors to give seminars or lectures, they cannot be appointed to positions in Myanmar's national universities.

There are few hard-edged incentives to encourage member-countries to lift their performance, and the tendency to have agreements containing "best endeavors" clauses perpetuates this mode of operation. The lack of any sanction that ASEAN can take against a defaulting member underlines one of the ongoing deficiencies of ASEAN as an organization.

[\[170\]](#)

(vi) Relation with International Labour Organization (ILO)

Myanmar ratified ILO core conventions, including No.29 on forced labour, in 1955, but did not take specific action to implement the conventions. Since trade unions were not permitted under the SPDC, it was surprise that in 1995 the International Confederation of Free Trade Unions (ICFTU) used a standard ILO mechanism, the Commission of Inquiry, to force the SPDC to take action to uphold its ILO obligations, particularly in relation to forced labour.

Confrontational approach, with the overt threat of sanctions by trade unions the SPDC's refusal to cooperate with the Commission or allow it access was neither surprising nor unprecedented.

Pressure on the SPDC over forced labour built up in the international community after the ILO established the Commission of Inquiry in 1996. The Commission's report was delivered in November 1998, but even before then the European Parliament had, in February 1998, passed a resolution calling for economic sanctions against the SPDC, both for its human-rights abuses and for its practice of forced labour. During 1998 and 1999 there was a constant barrage of press reports and press statements suggesting that sanctions were about to be imposed by the ILO. This widespread media speculation would have contributed to the SPDC's alarm over the prospects of sanctions even though the ILO's powers to do so were constrained.

From 1999 the ILO had begun imposing limited sanctions on Myanmar in accordance with its own processes and procedures, starting with ceasing technical cooperation with Myanmar, and suspending Myanmar from attending regular ILO meetings. Although the

exact scope and impact of any such sanctions was still open to question, it would have been the first time any UN agency had imposed specific sanctions on Myanmar.

From 2000, the ILO had been able to persuade the SPDC to accept "technical cooperation missions" from the ILO, which always held out the promise of technical assistance to Myanmar in meeting ILO requirements. These missions, have continued on a more or less regular basis, but have not been able to elicit full cooperation with the ILO from the SPDC. In order to get the attention of the top military leadership, the ILO on two occasions felt obliged to dispatch high-level teams to Myanmar in 2002 and 2005.

Intermittently, despite long periods of obstructionism and noncooperation, the SPDC at times took significant steps towards working with the ILO in the direction of reducing forced labour.

- In 2002, it agreed to an ILO Representative Office being established in Yangon, in 2003 it agreed to a work programme to demonstrate how labouring projects would be implemented without using forced labour (this project was never implemented, although never abandoned either).
- In early 2005, some local officials were prosecuted by the authorities for using forced labour, but those who helped bring prosecutions were jailed or arrested.
- In 2007 the SPDC agreed to the establishment of a complaints mechanism allowing its citizens to lodge complaints over forced labour and enabling the ILO to investigate these complaints.

The establishment of a permanent ILO presence in Myanmar marked a quantitative strengthening in its attempts to drive a reform agenda in Myanmar. It significantly enhanced the effectiveness of the ILO and its ability to identify and respond to emerging developments, reinforced its ability to interact with stakeholders, including the SPDC, and was a powerful symbol of the ILO's determination to find creative and meaningful solutions to the difficult issues coming under its mandate. Once it had established a few modest in-country programs, the ILO joined other UN agencies working on the ground to effect change in cooperation with the authorities, rather than operating at a distance.

SPDC representatives claim that their position against forced labour is actually strengthening. They cite the provision in the 2008 Constitution which explicitly bans forced labour, while still allowing it as part of jail sentences, although any such qualification may still leave Myanmar in breach of its ILO obligations. At the signing of the extension of the complaints mechanism on 26 February 2009, Labour Minister Aung Kyi maintained that extending the complaints mechanism reflected the SPDC's "high-level commitment". And at the ILO Governing Body meeting in June 2009 he amplified this by describing the SPDC's "political will" to eliminate forced labour. A large gap still appears to exist between this SPDC rhetoric and reality, but perhaps it is starting to be narrowed. But achieving change in

the behavior of the army seems to be another matter; in May 2010, the ILO reported that it had detected no change in military behavior on forced labour.[\[171\]](#)

(vii) Sovereignty in the States

From independence onwards, scores of armed militias have operated in the Shan States. Indeed, the sheer number of groups during the height of the Cold War makes it difficult to summarize, but for purposes of clarity, these can be condensed into five major categories:

1. soldiers of the Burmese military, the Tatmadaw, ostensibly bankrolled by the Burmese state
2. the Kuomintang, or the soldiers of the insurrection against the Maoist government in China, supported by the Taiwanese government and the CIA, as well as the profits from their trade networks
3. the soldiers of the Communist Party of Burmars (CPB)
4. state separatists or ethnic militias seeking autonomy from the Burmese state, such as many of the Shan armies, which were supported by taxes, trafficking, or alliances with other groups
5. the *Ka Kwe Yay*, or home-guard militias, which were organized privately but allowed concessions (and sometimes even given arms) by the Burmese government provided that they acted as a counter insurgent force against the other groups considered hostile to the Burmese government.

Those of the Kuomintang, during the 1950s, the Burmese military instituted the *Ka Kwe Yay*, the home-guard militias. These groups served as counter-insurgents for the Burmese government, and in exchange for their services, were allowed trafficking concessions, which included one of the most lucrative commodities: opium/heroin. Because these groups were not bankrolled by the Burmese state (though sometimes supplied with arms), this strategy proved very cost-effective from the government accountant's point of view. The profits reaped by the militias, however, started to tell another story. On average, a Ka Kway Yay militia would make two annual trips to trade depots. The percentage of commercial value that the Ka Kway Yay could exact ranged from 10 to 50 per cent. [\[172\]](#)

Because these mercenary soldiers were able to tap into the transnational capitalistic shadow economies, their power posed a significantly greater threat than could have been anticipated previously. At the time, few could have predicted the extent to which Cold War agendas would interlock with transnational crime networks and collude to make heroin #4 one of the most lucrative trades on the planet.

The United Wa State Army was born out of the coinciding collapse of the Burmese Communist Party and the spate of cease fire agreements instigated by the changing Yangon government in 1989. With the 1989 ceasefire agreement, the Burmese central government

had given the Wa not only the right to maintain their territory and their army, but also promises of development assistance. [\[173\]](#)

At the time of the initial ceasefire agreement between the Kokang, Wa and the SPDC, it was the Mong Tai Army (MTA), the umbrella organization representing the merger of the armies of Kon Jerng and Khun Sa, which was the most powerful force in the Shan State. The MTA marketed itself as the army of the Shan (Hkun Loi Laeng 1991, P.166) and commanded approximately 15,000 troops over vast insurgent territories from the Salween River east to the Thai border. As a ceasefire group in collusion with the SPDC, the UWSA made use of former Communist Party of Myanmar artillery to fight the Mong Tai Army. The presence of the Wa Proxy armies was undoubtedly instrumental in pressuring Khun Sa to surrender;

It was during the early part of that decade that the UWSA, at the behest of the SPDC, moved approximately 126,000 Wa people from the Chinese-border area down to the Thai-border area, to settle in the areas of Mongton, Mong Hsat and Tachileik (SHAN 2009), former (and current) strategic areas of the Shan insurgency. The presence of such large numbers of Wa in these areas would present a potential electoral challenge for the SPDC.

The UWSA, boasting an army of over 20,000 troops, is the largest and most powerful of the armed ethnic groups in Myanmar. Part of its strength has to do with the profits reaped through its methamphetamine and trafficking. The UWSA is able to sustain itself quite well without assistance from the SPDC, but its leadership crucially depends on amicable relations with China, particularly for the maintenance of its supply of firearms.

The most pressing development in 2009 was the SPDC push to make the UWSA a proxy security force, or a Border Guard Force (BGF), for the Tatmadaw in the Wa areas, Wa commanders must increasingly report to SPDC authorities when they travel, or when they procure troops or supplies. Conversely, within some of the Wa ceasefire territories, people who are "Myanmar" (according to the ethnicity shown on their government ID cards) have purportedly not been allowed to enter, although this has only been an official proclamation on the part of the Wa leadership (Hseng Khio Fah 2009).[\[174\]](#)

Karen-populated areas of Myanmar have been affected by armed conflicts since 1949, the year after independence. For much of this period, the Karen National Union (KNU) was controlling large swathes of territory across Karen State, and adjacent areas of Mon State, and Pegu and Tenasserim Divisions. Although not recognized internationally, the KNU administration aspired to reproduce in areas under its control the (Webewrian)" modern/rational-bureaucratic" state, fielding departments for health, education, and civil administration, and making claims to a legitimate monopolization of violence, and rights to extract taxes from the population and from logging deals. The decline of the KNU was exacerbated by the defection in late 1994 of several hundred battle-hardened soldiers, who established the government-allied Democratic Karen Buddhist Army (DKBA), in protest against the Christian domination of the KNU, and the failure of its long-term leader, the

charismatic General Bo Mya (who died in 2006), to discipline adequately field commanders operating under his authority.

Since the 1990s, the majority of the people in Karen state and adjacent areas live under the direct control and administration of the military government, or in areas where control is contested, comes under the authority of more than one armed group (for example, Burmese Army and DKBA, and/or KPF). For civilians in such "mixed administration" areas, the situation is particularly difficult, as they generally have to pay taxes (and other forms of tribute) to "multiple masters".

Among Myanmar's many and diverse armed ethnic groups, the KNU has received by far the most support from international sympathizers. Unlike most other insurgent groups in Myanmar, the KNU has not agreed to a ceasefire with the military government. It may be that, during the 1990s, foreign support-particularly for the refugee camps in Thailand; insulated the organization from the reality of its declining authority in southeast Myanmar, allowing its leaders to remain at war, during a period when most of their counterparts (for example, in the Kachin armed nationalist movement) agreed to ceasefires with the Myanmar Army.

(viii) Peace-building and Engagement with Ethnic and Ceasefire Groups

This area is critical to successful progress in Myanmar, and while including only a short paragraph on this is inadequate, omitting it completely seems even worse. The ceasefires have allowed considerable progress in ethnic areas to encounter any community that wishes to return to armed conflict. However, many groups fell attention to their specific needs. The ceasefire groups need help to be able to deal with the participatory community processes likely to be needed for a peaceful future (Kramer 2009)

Many of these communities in border areas, their current livelihoods and economy are integrated with activities that are often based on unsustainable utilization of natural resources, with inadequate health, education and agricultural opportunity, and poor market access. Transition work for these communities needs considerable scaling up and needs to be integrated.

Two of Myanmar's current objective is stability of the state, community peace and tranquility, prevalence of law and order; and national reconsolidation. Clearly these objectives provide "connector" opportunity. A number of groups in Myanmar have specialized in furthering work in peace building and dialogue processes in various forms. This work deserves far more support and encouragement than it currently receives, and epitomizes positive engagement opportunities.[\[175\]](#)

6.3.2 Economy and Socio-Economic

(i) National Sustainable Development Strategy

Myanmar has been working for a number of years on a National Sustainable Development Strategy (NSDS). While still in draft form, this document offers opportunities for the country's development. The unique features of this strategy result from it having been developed by multi-sectoral panels of national experts and ministry representatives. As this work progresses through further drafting and approval processes, it should be recognized as a Myanmar-led, multi-sectoral plan that is the result of a significant process of learning, in a time of transition.

The NSDS endorse the establishment of a National Council for Sustainable Development and the opportunity to move forward with legislation and enforcement mechanisms to fill some of the current legal gaps. Planning issues surrounding sustainable land-use are an important part of this work, and will need continued engagement on the part of the many affected groups to move coordinated plans forward, recognizing the rights of individuals under national and international law.

Other issues resulting from the NSDS drafting include:

- The Myanmar government has initiated this work, and for it to continue logical development, assistance and cooperation will be needed in many areas.
- Much crosscutting work is needed in the education, health and agricultural sectors, and a great deal of independent effort is going into these.
- Foreign groups will need to be more accountable - as a minimum, to the standards required in their home countries- and greater acknowledgement of the negative external factors affecting many projects is necessary.
- Environmental-impact assessments (EIAs) and social-impact assessments (SIAs) will need to be part of the approval process for any new project.[\[176\]](#)

(ii) Money Laundering and the Financial Action Task Force (FATE)

The Financial Action Task Force (FATF) has been the lead agency in promoting conformity among economies in their anti-money-laundering efforts and in implementing national legislation as an effective means of achieving compliance with norms laid down in the relevant international conventions. The FATF was set up in 1989 to help enforce the various international treaties that were being negotiated to deal with all forms of transnational crime that required some kind of financial action in response and derives its authority from these international treaties and arrangements. The FATF targets money laundering, illegal financial transfers (including in support of terrorism), and the proceeds of crime. The Myanmar Government acknowledged at quite an early point that the FATF's role was important for them because of the authority it carried (and almost certainly the capacity it had to impose measures against countries whether or not they were members).

The FATF operated on a basis of universality and objective criteria, which on the face of it did not presuppose either Western democratic values or capitalist market-oriented

economic systems. It adopted a technical, rather than a political, approach, insisting on transparency and impartiality.

Non-cooperating countries were named, and certain escalating sanctions could be imposed against them within the international financial system until they conformed. This "name and shame" strategy was particularly effective in inducing a change in behavior in targeted countries.

Myanmar was only named as a non-cooperating country in 2001, and only then were financial transactions with Myanmar subjected to scrutiny than normal. However, the FATF was able to express its satisfaction with a number of specific actions taken by the Myanmar authorities to comply with FATF standards.

The standard method adopted by the FATF and its sister organization the Asia-Pacific Group (APG) was to set up a financial investigations unit in the relevant central agency, provide detailed guidelines and training on its operations, and to then call for a detailed implementation plan to be submitted for endorsement by the FATF. The steps were followed in the case of Myanmar. Myanmar was removed from the list of non-cooperating countries and welcomed as a member of the FATF.

In June 2002, Myanmar enacted The Control of Money Laundering Law (CMLL SPDC Law No. 6/2002). In December 2003 it issued implementing rules for the CMLL (Notification 1/2003) and in January 2004 it issued three orders with reporting requirements for financial institutions and property-record offices. In April 2004, Myanmar adopted the Mutual Assistance in Criminal Matters Law (SPDC Law No. 4/2004) and in October that year it adopted the Mutual Assistance in criminal Matters Rules.

One measure of the Myanmar authorities' seriousness in dealing with money laundering is whether they have brought successful prosecutions against money launderers. In 2005, the SPDC took decisive action against certain breaches of money-laundering laws. In March 2005, the Central Bank of Myanmar revoked the operating licences of Myanmar Mayflower Bank and Asia Wealth Bank for money laundering. In August 2005, the Government of Myanmar also revoked the licence of Myanmar Universal Bank (MUB), and the Chairman of the MUB was sentenced to a long prison sentence, in what is still the only significant prosecution under Myanmar's money-laundering laws. The law and the subsequent enactment of the related measures listed were indeed sufficient to prompt the FATF to lift its sanctions against Myanmar. But the Bush Administration was not prepared to engage in a battle with the Congress to revoke the antimoney-laundering sanctions imposed under US law.

FATF measures against Myanmar were lifted in 2004 after it introduced mutual assistance legislation. The FATF saw this mechanism, which involved a mix of sanctions and incentives, as highly successful. In October 2006, the FATF removed Myanmar entirely from its list of non-cooperative countries but, to ensure continued effective implementation of reforms, it continues to monitor developments there through the APG. The United States

did not follow the FATF in lifting sanctions. In its 2009 annual report on international narcotics and crime, the US State Department draws attention to the limited progress made by the SPDC. Obtaining congressional agreement to lift US sanctions is not easy at the best of times, especially as US bureaucratic assessments of compliance tended to present far less tolerant judgments about countries such as Myanmar.

(iii) Agricultural-sector Performance, Food Security and Livelihoods

The MoAI/FAO national medium-term priority framework (NMTPF) for livelihoods and agriculture is due for public release. This is likely to advocate for close cooperative work with the Ministry of Agriculture in areas such as:

- improvements in the availability of rural credit and capital
- improvements in security of land tenure for farmers
- increased assistance from agricultural extensions workers
- further market liberalization, market studies and secondary processing
- improvements in rural infrastructure for access to markets and irrigation.

A 2009 agricultural assessment by the FAO/WFP made some pointed observations on policy, referring to the "use of distorted macroeconomic, trade and sectoral policies", which resulted in "huge losses to the tax payer and corruption, and may have negative long-term impacts on Myanmar's agriculture sector". It called for the implementation of "market-oriented agricultural trade" with "strong policies that allow domestic prices to reflect world prices; redirect government intervention programs toward tackling market failures and providing sufficient public goods/services; create appropriate institution that complement the market; remove regional (state/division) protectionism on agricultural produce" (FAO/WFP 2009).

To initiate these changes will take some considerable time and a massive coordinated effort. Much work is needed to help the agricultural sector flourish as the mainstay of the economy as the Myanmar government desires. In the meantime, the suffering of the people has to be alleviated to help improve the situation, build more resilience and improve national stability.[\[177\]](#)

The LIFT fund and others like it should be important mechanisms for new funding. While funds directed towards improving livelihoods were much discussed prior to Nargis, it seems a mixed blessing that much of the early support from the LIFT fund may be channeled into cyclone recovery work.

Myanmar's aid assistance is the lowest in the region. Last available comparable figures were for 2005. "Myanmar received \$3 per person compared with \$9 per capita in Bangladesh, \$38 in Cambodia, \$49 in Laos. The lack of development assistance compounds

chronic weaknesses in social service provision caused by the limited investment made by the Government in health, education and other socio-economic programs.[\[178\]](#)

That it is possible to work in many fields in Myanmar with excellent results if there are sufficient resources, connectors and a willingness to engage with multiple parties to do the work.

Myanmar tried to progress to an open mechanism for development using something like a National Poverty Reduction Plan (NPRP). With input provided by a much broader group of stakeholders, the range of areas in which input might be given can be even more diverse.

At present, only a fraction of the opportunities for possible development and capacity-building work are being taken up, and more often than not opportunities simply are not realized, for a number of cumulative reasons:

- Myanmar is a complex country, and this can lead to international frustration in not knowing how to work successfully and to the "politicization of everything".
- It is often not considered possible to achieve positive results as past experiences reported and discussed internationally are frequently negative. These negative perceptions and understanding of operating difficulties create feedback processes which result in further isolation and exclusion than may be intended.
- ODA is too small in proportion to the work needed.

The priority areas for future international involvement, and the approaches:

- a clearer focus on economic reform
- mechanisms to ensure transparency in natural-resource revenue
- particular care with gas revenues, and more channeling of revenues into the social sector
- developing CSR practices in business
- stimulating agriculture and related economic reforms
- greater focus on developing small business
- significantly increasing ODA
- greater focus on peace-building and dialogue activities for unification
- broadening the overall areas of activity to ensure that planning cover all areas.

Myanmar is a country rich in natural resources, including its people. Current foreign policy often unwittingly helps maintain "grave hardship" as the reality for the many poor in Myanmar. Further development of local policy can do much more to develop people, along with their living environment, and alleviate suffering effectively as a result.

(iv) Progress towards a National Disability Strategy

The Nargis disaster presented an opportunity for more comprehensive work on plans of action for people in Myanmar with disabilities. Work among a variety of agencies, through the Ministry of Social Welfare, the overall goal of which is the: "Persons with disability have increased mobility, access and opportunity to be able to participate in society as equal members, and contribute to the economic and social goals of the State as active and responsible citizens."

The plan of action uses a twin-track approach of advocacy for the needs and rights of persons with disability, leading to changes in attitude, capacity and action of stakeholders. The aim is that these, in turn, will result in the development of necessary programs and support frameworks to enable rehabilitation of persons with disability in their community.

The specific objectives of the three-year strategic plan of action are clear and comprehensive. Comprehensive survey work has accompanied the process, representing major progress and providing the information necessary for implementing the plan. Quite simply, in the Myanmar context this is a remarkable achievement.[\[179\]](#)

(v) Agricultural Education Programs and Food Security

While national objective for Myanmar support the development of agriculture as the base of the economy, it is widely recognized that the mechanisms for doing so need to be greatly improved. MoAI and its operational arm the Myanmar Agricultural Services (MAS) have supported agencies seeking to work for development in the field among the various agencies.[\[180\]](#)

(vi) Reforms in Forestry Policy

Important opportunity for multi-stakeholder engagement came from a February 2009 workshop focused on experience and practice in community forestry. In attendance were representative from the forestry community, academics, NGOs, donor organizations and various departments of the Ministry of Forestry (MoF).

While this may seem small in the overall scheme of things, the initiative has enormous potential. The outcomes specifically paved the way for further dialogue and progress on.

- land-use reform
- commitment of multi-stakeholder, multi-sectoral legislative review processes

- focusing on indigenous people's needs, rights and entitlements
- extending tenure beyond the current 30-year limit
- teak ownership by communities, rather than the current ownership by the government
- recognition of widening agriculture as a viable land-use component in community forest
- recognition that multi-sectoral and multi-agency approaches are necessary
- to resolve land-use conflicts that are increasingly arising from agro- forestry and agribusiness land allocations made at the state level.

Many specific issues are covered in this list. Arguably more important has been progress by communities in learning to practice conflict resolution on these issues, where communities have retained access rights to land, allocated under sometimes confusing circumstances.[\[181\]](#)

(vii) Developing National Strategies for HIV, Malaria and TB

The last five years (2006-2010) has seen major changes in the response to HIV, malaria and TB in Myanmar. Integral and critical to this improvement has been the development of national strategic plans for each of these diseases. These plans are considered best practice, and each has been tuned for a further ongoing period. Each faces difficulties of funding availability and a relatively low level of resourcing available to the Ministry of Health, upon whom all groups operating in the health sector rely to some extent.

The complexity of the ethnic situation, the long-running civil war, the massive social changes under way, the struggles of one of the world's poorest countries and a country with rapidly evolving relationships with extremely influential neighbours. The situation is clearly very compels.

These areas of progress perhaps help rationalize the differences between external impressions and diversity of experience. Taking a more holistic perspective, particular care is needed with the rights of indigenous peoples, the disadvantaged poor, and many issues associated with land tenure, property rights and multi-sectoral land-use planning approaches.[\[182\]](#)

6.4 Conclusion

The State Law and Order Restoration Council, SLORC, declared its intention of creating a multi-party democratic State and towards that end, held fair and free elections on 27 May 1990 and convened a National Convention on 6 January 1993 to draw up the guide line for

constitution. SLORC took initiatives to end the insurgency, which had troubled the country since independence and concluded cease-fire agreements with most of the armed ethnic groups. With peace restored in the border areas, SLORC extended and intensified its development and drug eradication programs in the border areas and established a separated Ministry for the development of the border areas.

In the country as a whole SLORC embarked on a construction program, which included the building of bridges, roads and railway lines to improve communications, the building of dams and reservoirs to expand cultivation, and the building of satellite towns and better housing to improve living conditions.

Under SLORC, Myanmar, adhering to an active and independent non-aligned foreign policy, participated in the activities of the United Nations and its agencies, cultivated friendly relations with all countries, especially its neighbours, and took an active part in regional affairs, joining the Association of South-East Asian Nations on 23rd July 1997.

Myanmar's already dismal human rights record worsened following the devastation of cyclone Nargis in early May 2008. The ruling State Peace and Development Council (SPDC) blocked international assistance while pushing through a constitutional referendum in which basic freedoms were denied.

The ruling Government systematically denies citizens basic freedoms, including freedom of expression, association, and assembly. It regularly imprisons political activists and human rights defenders; in 2008, the number of political prisoners nearly doubled to more than 2,150. The Burmese military continues to violate the rights of civilians in ethnic conflict areas, and extrajudicial killings, forced labor, land confiscation without due process and other violations continued in 2008.

In October and November, more than 70 political activists, monks, nuns, labor activists, and journalists tried in secret proceedings in prison or closed sessions in court. Many received harsh sentences for offenses related to the 2007 demonstrations; 14 of them were sentenced to 65 years each. Members of the 88 Generation Students faced 22 charges, including contact with exiled political groups and unlawfully publishing documents, and faced sentences of 150 years. Four lawyers representing activists were also jailed for contempt of court after they attempted to withdraw from legal representation to protest the unfair proceedings. Journalists continued to be harassed and arrested in 2008. Human rights abuses, recruitment of child soldiers, forced relocations and forced labor are the critical issues in this period.

Cyclone Nargis struck the Irrawaddy Delta and Myanmar's largest city Rangoon on the night of May 2-3, 2008. The storm rendered 2.4 million people across 37 townships homeless or in need of food or medical assistance with an estimated 84,000 dead and 53,000 missing. The SPDC tightly controlled emergency international assistance and in some cases blocked aid in the crucial early stages following the cyclone. The government denied visas to

disaster relief experts and aid workers and prevented them from travel inside Myanmar. More than 2 million people waited for weeks for relief operations to reach them.

United Nations Secretary-General Ban Ki-moon visited Myanmar in late May, and the UN, the Association of Southeast Asian Nations (ASEAN), and the SPDC created a Tripartite Core Group (TCG) as a multilateral mechanism to coordinate delivery and distribution of emergency relief aid. The SPDC subsequently relaxed restrictions on some agencies and enabled helicopters and boats to operate more freely.

Constitutional Referendum: The SPDC announced in February 2008 that its long awaited constitutional referendum would take place on May 10. The constitution itself was publicly released only in April, and then under limited distribution. A new law made any “disruption” of the referendum process potentially punishable by three years’ imprisonment.

The new constitution entrenches military rule and limits the role of independent political parties. It empowers the commander-in-chief to appoint military officers to a quarter of all seats in both houses of parliament, and gives the military even broader representation in the selection of the president and two vice-presidents.

Despite the devastation of the cyclone, the referendum took place throughout Myanmar on May 10, with a delayed vote on May 24, for 47 townships affected by the storm. The referendum was carried out in an environment of severe restrictions on access to information, repressive media laws, an almost total ban on freedom of expression, assembly, and association, and the continuing widespread detention of political activists. There were no independent international observers and Burmese and foreign media could only clandestinely cover it. The referendum was marred by voter registration irregularities, coercion and intimidation in communities and at polling stations, and widespread government corruption including ballot stuffing. In late May, the SPDC announced a national voter turnout of 98.12 percent, of which 92.48 voted in favor of the constitution. The referendum completed the fourth step of the SPDC’s Seven Step Road Map to Democracy, with the SPDC announcing multi-party elections for 2010.

CHAPTER 7

ADMINISTRATION UNDER 2008 CONSTITUTION

7.1 Historical Background

On 15th November, 1997 the State Law and Order Restoration Council was abolished and the State Peace and Development Council took over the state power continuously. Since

then, the State Peace and Development Council has promulgated Laws and aiming for the drafting of new Constitution.

Despite many difficulties and disturbances encountered in the National Convention, it was unwaveringly reconvened in 2004 in accord with the seven-step Roadmap adopted in 2003. As the National Convention was able to adopt the Basic Principles and Detailed Basic Principles for formulating a Constitution, it successfully concluded on 3rd September 2007.

The State Peace and Development Council issued a notification No. 4/2008 dated 9th April 2008, mentioning that People's Referendum shall be held on 10-5-2008 throughout the country, relating to the draft Constitution. In that said Notification, it is mentioned "92.48 percent recommended the draft Constitution".

The Army sought a means of transferring power to a nominally civilian government, while simultaneously rejecting the 1990 election results. The USDA was originally established by the SLORC in 1993. Although it is always used for the domestic political purposes of the government, it remains officially a non-governmental social organization. Guiding the organization is a Central Executive Committee made up of high ranking government officials, including ministers, who are also high-ranking generals as well. USDA dealt with popular support for the government through the sponsorship and organization of mass rallies and the participation of Association members in rural development projects in order to gain the general population's trust and support. And USDA also involved in violent confrontation with the political opposition. Today, the USDA appeared as political party as the Army intended to replace the military when it steps down from power after the implementation of the new constitution.

The military has dominated Burmese politics since 1962. After the opposition National League for Democracy won a large majority in the 1990 legislative elections, the Government redoubled its efforts to crack down on dissent. The United Nations estimates that the violent government response to pro-democracy demonstrations in September 2007 resulted in over 30 fatalities. Elections were held on November 7, 2010, but the NLD refused to participate, and the election drew sharp criticism from the United Nations.

General Thein Sein, who had resigned from the military to run as a civilian, became president under the new constitution, and has implemented some reforms. NLD leader and Nobel Peace Prize winner Aung San Suu Kyi was released from jail on November 13, 2010, and in what appear to be the first truly credible elections in decades.

7.2 The Values and the Basic Principles of the 2008 Constitution

The essence of the new Constitution, 2008 may be regarded as a federal Constitution. The Head of State is the President and Multi-Party will be formed and parties are allowed to

participate in the general election. In the Constitution separation of power are also well defined.

The Chapters of the Constitution are focused on; Basic Principles of the Union, State Structure, Head of the State, Legislature, Executive, Judiciary, Defense Services, Citizen, Fundamental Rights and Duties of the Citizens, Election, Political Parties, Provisions on State of Emergency, Amendment of the Constitution, State Flag, State Seal, National Anthem and the Capital, Transitory Provisions, and General Provisions.

In the 2008 constitution, the policy based on the values of unity and onenesses are mentioned to get the objectives of non-disintegration of the Union, non disintegration of National solidarity, and perpetuation of sovereignty.

The eternal principles namely justice, liberty, equality and perpetuation of peace and prosperity of the National people are concentrated as social values, and the Union Spirit of true patriotism is mentioned as the national value. The policy as world peace and friendly relations among nations is focused to uphold the principles of peaceful co-existence among nations.

According to the constitution, "Union" means person or body exercising the legislative or executive authority of the Union under this Constitution according as the context may require. And The Basic Principles of the Union shall be the guidance in enacting laws by the legislature and in interpreting the provisions of this Constitution and other laws. Basic principles are aligned to be consistent with the values of the Union system with multi-party democratic system and market economy system. In addition, Defence Services have the right to participate in the National leadership role of the State.

The equal status for the existing seven States and Divisions are designated, and changing the name of a Region and State shall be done with the enactment of a law, and after ascertaining the desire of citizens residing in the Region or State concerned. Regions, States, Union Territories and Self-Administered Areas of the Union are prohibited from seceding.

According to the principles of separation of powers, the sovereign power is separated and shared among the Union, Regions, States and Self-Administered Areas. Among the three branches, reciprocal control and check and balance policy are exerted. The legislative power of the Union is shared among the Pyidaungsu Hluttaw, Region Hluttaws and State Hluttaws. The Legislative power stipulated by this Constitution shall be shared to the Self-Administered Areas. The highest Hluttaw is The Pyidaungsu Hluttaw consisting of two Hluttaws, one Hluttaw elected on the basis of township as well as population, and the other on an equal number of representatives elected from Regions and States.

There are Region Hluttaws in each of the seven Regions, and a State Hluttaw in each of the seven States. In every Hluttaw: The Pyidaungsu Hluttaw, the Region Hluttaws and the State Hluttaws include the Defence Services personnel as Hluttaw representatives

nominated by the Commander-in-Chief of the Defence Services in numbers stipulated by this Constitution. Representatives of national races with suitable populations are entitled to participate in the legislature of Regions or States and Self-Administered Areas concerned.

The President is the Head of both the Union and the Executive of the Union. The executive power is shared among the Pyidaungsu, Regions and States; Self-Administrative power is shared between Self-Administered Areas. Defence Services personnel nominated by the Commander-in-Chief of the Defence Services are responsible for the defence, security, border administration and so forth. The representatives of the National races are permitted to participate in legislation in their National affairs of Regions, States or Self-Administered Areas in accord with

The Supreme Court of the Union is the highest Court of the Republic, and shares its power to the High Courts of the Regions, High Courts of the States, and Courts of different levels including Courts of Self-Administered Areas. Judicial principles are mentioned as: to administer justice independently according to law; to dispense justice in open court unless otherwise prohibited by law; and to guarantee in all cases the right of defence and the right of appeal under law are prescribed in the constitution as values of the rights of the citizens.

The Defence Services has the rights to independently administer and adjudicate all affairs of the armed forces and right to administer for participation of the entire people in Union security and defence. And, The Defence Services is mainly responsible for safeguarding the non disintegration of the Union, the non-disintegration of National solidarity and the perpetuation of sovereignty, and The Defence Services is also mainly responsible for safeguarding the Constitution.

The Union is responsible to assist to develop language, literature, fine arts and culture of the National races, and promote solidarity, mutual amity, respect, and mutual assistance among the National races, and to promote socio-economic development including education, health, economy, transport and communication, so forth, of less-developed National races.

The Civil Services personnel are prohibited from party politics and the Union enacts necessary laws for Civil Services personnel to have security and sufficiency of food, clothing and shelter, to get maternity benefits for married women in service, and to ease livelihood for welfare of retired Service personnel.

The Union shall deal with the free and compulsory education system and modern education for promoting all-around correct thinking and a good moral character contributing towards the building of the Nation. In addition, the Union shall deal with the improvement of education and health of the people

The Union focuses to provide inputs for technology, investments, machinery, raw materials, so forth, to the extent possible for changeover from manual to mechanized agriculture, and technology, investments, machinery, rawmaterials, so forth, to the extent

possible, for development of industries; and the Union shall assist to reduce unemployment among the people.

The Union shall care for mothers and children, orphans, fallen Defence Services personnel's children, the aged and the disabled and disabled ex-Defence Services personnel. And it is critical for the youth have strong and dynamic patriotic spirit, the correct way of thinking and to develop the five noble strengths. Every citizen is equally entitled to freedom of conscience and the right to freely profess and practice religion.

The market economy system is used as the Union economic system, and monopolizing and manipulation of prices by an individual or group with intent to endanger shall be prohibited and prevent fair competition in economic activities. Moreover, commitments as to not nationalizing economic enterprises and not demonetizing the currency in circulation.

In accord with Provision 40 of the Constitution, the President is empowered to exercise executive power in that Region, State or Self-Administered Area and, if necessary in doing so, the President is empowered to exercise legislative powers concerning that Region, State or Self-Administered Area, if there arises a state of emergency characterized by inability to perform executive functions in accord with the provisions of the Constitution in a Region or a State or a Self-Administered Area.

If there arises or there is sufficient reason to believe that a state of emergency endangering life and property of the people in a Region, State or Self-Administered Area, has the Defence Services has the right, in accord with the provisions of this Constitution, to prevent that danger and provide protection. And the Commander-in-Chief of the Defence Services has the right to take over and exercise State sovereign power in accord with the provisions of this Constitution, if there arises a state of emergency that could cause disintegration of the Union, disintegration of national solidarity and loss of sovereign power or attempts therefore by wrongful forcible means such as insurgency or violence.

Active and non-aligned foreign policy is practiced as in successive eras of post independent Myanmar, aimed at world peace and friendly relations with nations and a upholding the principles of peaceful coexistence among nations.

And the constitution provides for the setting up of the Constitutional Tribunal to interpret the provisions of the Constitution to scrutinize whether or not laws enacted by the Pyidaungsu Hluttaw, the Region Hluttaws and the State Hluttaws and functions of executive authorities of Pyidaungsu, Regions, States and Self-Administered Areas are in conformity with the Constitution, to decide on disputes relating to the Constitution between Pyidaungsu and Regions, between Pyidaungsu and States, among Regions, among States, and between Regions or States and Self-Administered Areas and among Self-Administered Areas themselves, and to perform other duties prescribed in this Constitution.

7.3 System of the Administration

The Union is constituted as follows:

- (a) villages are organized as village-tract;**
- (b) wards are organized as town or township;**
- (c) village-tracts and wards or towns are organized as township;**
- (d) townships are organized as district;**
- (e) Districts are organized as Region or State;**
- (f) Townships in a Self-Administered Zone are organized as Self-Administered Zone;**
- (g) Townships in a Self-Administered Division are organized as District and such Districts are organized as Self-Administered Division;**
- (h) If there are Self-Administrated Zone or Self-Administered Division in a Region or a State, those Self-Administered Divisions, Self-Administered Zones and Districts are organized as Region or State;**
- (i) Regions, States and Union territories are organized as the Republic.**

Self-Administered Zones and Self-Administered Divisions:

- (1) 'Wa' Self- Administered Division,**
- (2) Kokang Self-Administered Zone,**
- (3) Danu Self- Administered Zone,**
- (4) Naga Self Administered Zone,**
- (5) Palaung Self- Administered Zone and**
- (6) Pa-O Self-Administered Zone are also parts of the Union.**

Self-Administered Zones and Self-Administered Divisions are administered by a Leading Body. The Leading Body consists of at least ten members and includes State or Regional Hluttaw members elected from the Zones or Divisions and other members nominated by the Armed Forces. The Leading Body has both executive and legislative powers. A Chairperson is head of each Leading Body.

Within the Sagain Region, Naga (Leshi, Lahe and Namyun townships) is situated.

Within the Shan State :

- (1) Palaung (Namshan and Manton townships);**

(2) Kokang (Konkyan and Laukkai townships);

(3) Pao (Hopong, Hshih seng and Pinlaung townships);

(4) Danu (Ywangan and Pindaya townships); and

(5) Wa Self-administered division (Hopang, Mongmao, Panwai, Pangsang, Naphan and Metman townships) are situated.

(i) States and Regions

Each state or region has a Regional Government or a State Government consisting of a Chief Minister, other Ministers and an Advocate General. Legislative authority would reside with the State Hluttaw or Regional Hluttaw made up of elected civilian members and representatives of the Armed Forces.

The Union is delineated and constituted by seven Regions, seven States and the Union territories as follows:

(a) Kachin State;

(b) Kayah State;

(c) Kayin State;

(d) Chin State;

(e) Sagaing Region;

(f) Taninthayi Region;

(g) Bago Region;

(h) Magway Region;

(i) Mandalay Region;

(j) Mon State;

(k) Rakhine State;

(l) Yangon Region;

(m) Shan State;

(n) Ayeyawady Region; and

(o) Union territories.

Naypyidaw Union Territory: The constitution states that Naypyidaw shall be a Union Territory under the direct administration of the President. Day-to-day functions would be carried out on the President's behalf by the Naypyidaw Council led by a Chairperson. The Chairperson and members of the Naypyidaw Council are appointed by the President and shall include civilians and representatives of the Armed Forces.

The President and Vice-Presidents: The president and Vice-Presidents take precedence over all other persons throughout the Republic of the Union of Myanmar. According to the Chapter III, section 59, the qualifications of the President and Vice-Presidents are mentioned, and electoral procedures of the President and Vice-Presidents are mentioned as follows :

- (a) shall be loyal to the Union and its citizens;
- (b) shall be a citizen of Myanmar who was born of both parents who were born in the territory under the jurisdiction of the Union and being Myanmar Nationals;
- (c) shall be an elected person who has attained at least the age of 45;
- (d) shall be well acquainted with the affairs of the Union such as political, administrative, economic and military;
- (e) shall be a person who has resided continuously in the Union for at least 20 years up to the time of his election as President; Provision An official period of stay in a foreign country with the permission of the Union shall be counted as a residing period in the Union;
- (f) shall he himself, one of the parents, the spouse, one of the legitimate children or their spouses not owe allegiance to a foreign power, not be subject of a foreign power or citizen of a foreign country. They shall not be persons entitled to enjoy the rights and privileges of a subject of a foreign government or citizen of a foreign country;
- (g) shall possess prescribed qualifications of the President, in addition to qualifications prescribed to stand for election to the Hluttaw.

And The President shall be elected by the Presidential Electoral College. The Presidential Electoral College comprising all the Pyidaungsu Hluttaw Representatives shall elect by vote one of the three Vice-Presidents who are Presidential candidates elect as the President.

7.4 Legislature

7.4.1 Formation of Pyidaungsu Hluttaw

The Pyidaungsu Hluttaw consists of the following two Hluttaws:-

- in accordance with the provisions of Section 109, the Pyithu Hluttaw formed with Hluttaw representatives elected on the basis of township and population and Hluttaw representatives who are members of the Tatmadaw nominated by the Commander-in-Chief of the Defense Services;[\[183\]](#)
- in accordance with the provisions of Section 141, the Amyotha Hluttaw formed with Hluttaw representatives elected in equal numbers from Regions and States and Hluttaw representatives who are members of the Tatmadaw nominated by the Commander-in-Chief of the Defense Services.[\[184\]](#)

On the day of commencement of the first Hluttaw session for each tenure of the Hluttaw concerned, the person who is to lead and supervise the Hluttaw session held for the taking of oath of office by Hluttaw representatives and for electing the Hluttaw Chairperson and Deputy Chairperson shall be called the *Thabapati* (Chairperson); the leader and deputy leader of Pyidaungsu Hluttaw shall be called the *Nayaka* (Speaker) and the Deputy *Nayaka* (Deputy Speaker); the leader and the deputy leader of the Pyithu Hluttaw, the Amyotha Hluttaw, the Region Hluttaw or the State Hluttaw shall be called *Okkahta* (Chairperson) and Deputy *Okkahta* (Deputy Chairperson).[\[185\]](#)

Duties by the Speaker and Deputy Speaker of Pyidaungsu Hluttaw: The Chairperson and the Deputy Chairperson of the Amyotha Hluttaw shall also serve as the Speaker and the Deputy Speaker of the Pyidaungsu Hluttaw from the date the tenure of the Pyithu Hluttaw commences up to the end of 30 months and the Chairperson and the Deputy Chairperson of the Pyithu Hluttaw shall also serve as the Speaker and the Deputy Speaker for the remaining term. When the Speaker of the Pyidaungsu Hluttaw is unable to perform the duties of the Speaker, the Deputy Speaker shall temporarily perform the duties of the Speaker.[\[186\]](#)

Functions of the Speaker of the Pyidaungsu Hluttaw: The Speaker of the Pyidaungsu Hluttaw shall: supervise the Pyidaungsu Hluttaw sessions;[\[187\]](#) invite the President of the State, if the President of the State informs him of his wish to address the Pyidaungsu Hluttaw;[\[188\]](#) have the authority to invite organizations and persons representing any Union level organization formed under the Constitution to attend and give clarifications on matters relating to ongoing discussions of the Pyidaungsu Hluttaw session, if necessary;[\[189\]](#) perform other duties and exercise powers prescribed by the Constitution or any law.[\[190\]](#)

7.4.2 Formation of Pyithu Hluttaw

The Pyithu Hluttaw shall be formed with a maximum of 440 Hluttaw representatives as follows:-

- not more than 330 Pyithu Hluttaw representatives elected prescribing electorate in accordance with law on the basis of township and population or

combining with a suitable township which is contiguous to the newly-formed township if it is more than 330 townships;[\[191\]](#)

- not more than 110 Hluttaw representatives who are members of the Tatmadaw nominated by the Commander-in-Chief of the Defence Services in accordance with law.[\[192\]](#)

- A Pyithu Hluttaw representative shall be elected as the *Thabapati* of the Pyithu Hluttaw at the commencement of the first session of the Pyithu Hluttaw for a term of the Pyithu Hluttaw;[\[193\]](#) The *Thabapati* shall take oath of office before the Pyithu Hluttaw;[\[194\]](#) The *Thabapati* shall supervise the Pyithu Hluttaw session up to the completion of the election of the Chairperson and the Deputy Chairperson of the Pyithu Hluttaw.[\[195\]](#)

- The Pyithu Hluttaw representatives shall elect a Chairperson and a Deputy Chairperson from among the Pyithu Hluttaw representatives;[\[196\]](#)

The law relating to procedures to elect the Chairperson and the Deputy Chairperson of the Pyithu Hluttaw shall be enacted.[\[197\]](#)

The Chairperson and the Deputy Chairperson of the Pyithu Hluttaw shall perform their duties until the first session of the next term of the Pyithu Hluttaw is held.[\[198\]](#) The duties, powers and rights of the Chairperson and the Deputy Chairperson of the Pyithu Hluttaw shall be prescribed by law.[\[199\]](#)

The Pyithu Hluttaw shall form Bill Committee, Public Accounts Committee, Hluttaw Rights Committee, and Government's Guarantees, Pledges and Undertakings Scrutiny Committee with the Pyithu Hluttaw representatives.[\[200\]](#)

When the occasion arises to have studies made and submitted on defence and security matters or Tatmadaw affairs, the Pyithu Hluttaw shall form prescribing for time limit the Defence and Security Committee with the Pyithu Hluttaw representatives who are members of the Tatmadaw. The Defence and Security Committee so formed may, if necessary, include appropriate Pyithu Hluttaw representatives who are not members of the Tatmadaw in accordance with the volume of work.[\[201\]](#)

If there arises the need to study and submit on other affairs, in addition to legislation, executive, national races affairs, economics, finance, social and foreign affairs, Hluttaw Committees may be formed prescribing for time limit with Pyithu Hluttaw representatives.[\[202\]](#)

The Pyithu Hluttaw shall determine the number of members, duties, powers rights, and tenures of Pyithu Hluttaw Committees.[\[203\]](#)

If there arise certain matters to consult with the Amyotha Hluttaw, the Pyithu Hluttaw may elect and assign Pyithu Hluttaw representatives who will serve with Joint Committee

comprising an equal number of representatives from the Pyithu Hluttaw and the Amyotha Hluttaw to form that Committee. The term of the Joint Committee shall be the time until they have already submitted the report to the Hluttaw concerned.[\[204\]](#)

When both the Pyithu Hluttaw and the Amyotha Hluttaw have certain matters to study, the Chairperson of these Hluttaws may consult with them and form a Joint Committee comprising an equal number of representatives from the Pyithu Hluttaw and the Amyotha Hluttaw. The Pyithu Hluttaw may elect and assign Pyithu Hluttaw representatives included in that Committee. The term of the Joint Committee shall be the time until they have already submitted the report to the Hluttaw concerned.[\[205\]](#)

If there arises the need to study the remaining matters other than those studied by the Pyithu Hluttaw Committees, the Pyithu Hluttaw may form Commissions and Bodies with the Pyithu Hluttaw representatives or including suitable citizens.[\[206\]](#)

In forming the above Commissions and Bodies, the Pyithu Hluttaw shall determine the number of members, duties, powers, rights, and the terms of the said Commissions and Bodies.[\[207\]](#)

The term of the Pyithu Hluttaw is five years from the date of its first session.[\[208\]](#)

Qualification of the Pyithu Hluttaw Representatives: Persons who possess the following qualifications shall be entitled to be elected as the Pyithu Hluttaw representatives:-

- person who has attained the age of 25 years;[\[209\]](#)
- citizen who was born by both citizen parents;[\[210\]](#)
- person who has resided in the Union of Myanmar for at least ten consecutive years up to the time of his election as Pyithu Hluttaw representatives;[\[211\]](#) and
- Person who possesses qualifications prescribed by the Election Law.[\[212\]](#)

The members of Tatmadaw, nominated by the Commander-in-Chief of the Defence Services as the Pyithu Hluttaw representatives who are members of the Tatmadaw in accordance with the law, shall possess the prescribed qualifications for the Pyithu Hluttaw representatives.[\[213\]](#)

7.4.3 Formation of the Amyotha Hluttaw

The Amyotha Hluttaw shall be formed with a maximum of 224 Hluttaw representatives as follows:-

- 168 Amyotha Hluttaw representatives elected in equal number of 12 from each Region or State inclusive of relevant Union territories and including one

representative from each Self-administered Division or Self-administered Zone;
[\[214\]](#)

- 56 Amyotha Hluttaw representatives who are members of the Tatmadaw nominated by the Commander-in-Chief of the Defence Services in accordance with law four representatives from each Region or State inclusive of Union territories;[\[215\]](#)

- in forming the Amyotha Hluttaw as mentioned in Sub-Sections (a) and (b), the relevant Union Territory means the Union Territories, prescribed under the Constitution, or prescribed and defined by law of the Pyidaungsu Hluttaw, which are inclusive in State or Division, Region or State for the purpose of electing the Amyotha Hluttaw representative.[\[216\]](#)

Election of *Thabapati* of the Amyotha Hluttaw shall be carried out subject to the provisions relating to the election of *Thabapati* of the Pyithu Hluttaw under Section 110.

Election of the Chairperson and the Deputy Chairperson shall be carried out subject to the provisions relating to the election of the Chairperson and the Deputy Chairperson of the Pyithu Hluttaw under Section 111.

The duties of the Chairperson of the Amyotha Hluttaw shall be subject to the provisions relating to the duties of the Chairperson of the Pyithu Hluttaw under Section 112.

Performance and termination of duties of the Chairperson and the Deputy Chairperson of the Amyotha Hluttaw shall be subject to the provisions relating to the performance and termination of duties of the Chairperson and the Deputy Chairperson of the Pyithu Hluttaw under Section 113.

The duties, powers and rights of the Chairperson and the Deputy Chairperson of the Amyotha Hluttaw shall be prescribed by law.[\[217\]](#)

The Amyotha Hluttaw shall form Bill Committee, Public Accounts Committee, Hluttaw Rights Committee, and Government's Guarantees, Pledges and Undertakings Scrutiny Committee with the Amyotha Hluttaw representatives.[\[218\]](#)

When the occasion arises to have studies made and submitted on defence and security matters or Tatmadaw affairs, the Amyotha Hluttaw shall form prescribing for time limit the Defence and Security Committee with the Amyotha Hluttaw representatives who are members of the Tatmadaw. The Defence and Security Committee so formed may, if necessary, be included appropriate Amyotha Hluttaw representatives who are not members of the Tatmadaw in accordance with the volume of work.[\[219\]](#)

If there arises the need to study and submit on other affairs, in addition to legislation, executive, national races affairs, economics, finance, social and foreign affairs, Hluttaw

Committees may be formed prescribing for time limit with the Amyotha Hluttaw representatives.[\[220\]](#)

The Amyotha Hluttaw shall determine the number of members, duties, powers rights, and tenures of the Amyotha Hluttaw Committees.[\[221\]](#)

If there arise certain matters to consult with the Pyithu Hluttaw, the Amyotha Hluttaw may elect and assign the Amyotha Hluttaw representatives who will serve with Joint Committee comprising an equal number of representatives from the Amyotha Hluttaw and the Pyithu Hluttaw to form that Committee. The term of the Joint Committee shall be the time until they have already submitted the report to the Hluttaw concerned.[\[222\]](#)

When both the Amyotha Hluttaw and the Pyithu Hluttaw have certain matters to study, apart from matters to be performed by Committees as defined in Sub-Sections (a) and (b) of Section 147, the Chairperson of these Hluttaws may consult with them and form a Joint Committee comprising an equal number of representatives from the Amyotha Hluttaw and the Pyithu Hluttaw. The Amyotha Hluttaw may elect and assign Amyotha Hluttaw representatives included in that Committee. The term of the Joint Committee shall be the time until they have already submitted the report to the Hluttaw concerned.[\[223\]](#)

Formation of Amyotha Hluttaw Commissions and Bodies of the Amyotha Hluttaw shall be carried out subject to the provisions relating to the formation of Commission and Bodies of the Pyithu Hluttaw under Section 118.[\[224\]](#)

The term of the Amyotha Hluttaw is the same as the term of the Pyithu Hluttaw. The term of the Amyotha Hluttaw expires on the day of the expiry of the Pyithu Hluttaw.[\[225\]](#)

Qualification of the Amyotha Hluttaw Representatives: The Amyotha Hluttaw representatives shall be:-

- persons who have attained the age of 30 years;[\[226\]](#)
- persons who have qualifications, except the age limit, entitled to be elected as Pyithu Hluttaw representatives prescribed under Section 120;[\[227\]](#)
- persons who shall be the subject to the provisions of Section 121 which provide the disqualifications to be elected as the Pyithu Hluttaw representatives.[\[228\]](#)

Qualifications of the Amyotha Hluttaw Tatmadaw Representatives: The members of Tatmadaw, nominated by the Commander-in-Chief of the Defence Services as the Amyotha Hluttaw representatives who are members of the Tatmadaw in accordance with the law, shall possess the prescribed qualifications for the Amyotha Hluttaw representatives.[\[229\]](#)

7.4.4 Formation of the Region Hluttaw or the State Hluttaw

The Region or the State Hluttaw shall be formed with following persons:-

- representatives of the Region or the State Hluttaw, two of each are elected from each township in the Regions or the States;[\[230\]](#)
- representatives of the Region Hluttaw, each is elected from each national race determined by the authorities concerned as having a population which constitutes 0.1 percent and above of the population of the State, of the remaining national races other than those who have already obtained the respective Region or a Self-administered Area in that Region;[\[231\]](#)
- representatives of the State Hluttaw, each is elected from each national race determined by the authorities concerned as having a population which constitutes 0.1 percent and above of the population of the State, of the remaining national races other than those who have already obtained respective State or a Self-administered Area in that State;[\[232\]](#)
- representatives of the Region or the State Hluttaw who are members of the Tatmadaw nominated by the Commander-in-Chief of the Defence Services in accordance with the law.[\[233\]](#)

Election of the *Thabapati*, Chairperson and the Deputy Chairperson of the Region or the State Hluttaw: Election of *Thabapati* of the Region Hluttaw or the State Hluttaw shall be carried out subject to the provisions relating to the election of *Thabapati* of the Pyithu Hluttaw under Section 110. Election of the Chairperson and the Deputy Chairperson of the Region Hluttaw or the State Hluttaw shall be carried out subject to the provisions relating to the election of the Chairperson and the Deputy Chairperson of the Pyithu Hluttaw under Section 111.

The Chairperson of the Region Hluttaw or the State Hluttaw shall:

- supervise the Region Hluttaw or the State Hluttaw sessions;[\[234\]](#)
- invite the President of the State, if the President of the State informs him of his wish to address the Region Hluttaw or the State Hluttaw;[\[235\]](#)
- make necessary arrangement if the Chief Minister of the Region or the State informs his wish to address;[\[236\]](#)
- have the authority to invite organization and persons representing any Union level organization formed under the Constitution to attend and give clarifications on matters relating to ongoing discussions at the session of the Region Hluttaw or the State Hluttaw, if necessary;[\[237\]](#)
- perform other duties and exercise powers prescribed by the Constitution or any law.[\[238\]](#)

Performance and termination of duties of the Chairperson and the Deputy Chairperson of the Region Hluttaw or the State Hluttaw shall be subject to the provisions relating to the performance and termination of duties of the Chairperson and the Deputy Chairperson of the Pyithu Hluttaw under Section 113.

The duties, powers and rights of the Chairperson and the Deputy Chairperson of the Region Hluttaw or the State Hluttaw shall be prescribed by law.[\[239\]](#)

Formation of the Region Hluttaw or the State Hluttaw Committee and Bodies: The Region Hluttaw or the State Hluttaw may, if necessary, form Committee and bodies with the Region or State Hluttaw representatives concerned to study and submit legislation, national races affairs vested by the Constitution.[\[240\]](#)

The Region Hluttaw or the State Hluttaw may form the above Committees and Bodies including appropriate citizens.[\[241\]](#)

The Region Hluttaw or the State Hluttaw shall determine the number of members, duties, powers, rights and tenure of the Committees or Bodies in forming those Committees and Bodies.[\[242\]](#)

The term of the Region or the State Hluttaw is the same as the term of the Pyithu Hluttaw. The term of the Region or the State Hluttaw expires on the day of the expiry of the Pyithu Hluttaw.[\[243\]](#)

The Region or the State Hluttaw representatives shall:-

- have qualifications entitled to be elected as the Pyithu Hluttaw representatives under Section 120;[\[244\]](#)
- be the subject to the provisions of Section 121 which provide the disqualifications to be elected as the Pyithu Hluttaw representatives. [\[245\]](#)

The members of the Tatmadaw, nominated by the Commander-in-Chief of the Defence Services as the Region or the State Hluttaw representatives who are members of the Tatmadaw in accordance with the law, shall possess the prescribed qualifications for the Region or the State Hluttaw representatives.[\[246\]](#)

7.5 Executive

7.5.1 Formation of the Union Government

The Executive Head of the Union is the President and the executive power of the Union is distributed among the Union, Regions and States. Self-Administered power is distributed among Self-Administered Areas as prescribed by the Constitution.

The Union Government comprises the following persons :

- (a) The President;**
- (b) Vice-Presidents;**
- (c) Ministers of the Union;**
- (d) The Attorney General of the Union.**

7.5.2 Formation of the National Defence and Security Council

The National Defence and Security Council led by the President, to enable it to discharge the duties assigned by the Constitution or any law, shall be formed with the following 11 persons:

- (a) The President;**
- (b) Vice-President;**
- (c) Vice-President;**
- (d) Speaker of the Pyithu Hluttaw;**
- (e) Speaker of the Amyotha Hluttaw;**
- (f) Commander-in-Chief of the Defence Services;**
- (g) Deputy Commander-in-Chief of the Defence Services;**
- (h) Minister for Defence;**
- (i) Minister for Foreign Affairs;**
- (j) Minister for Home Affairs;**
- (k) Minister for Border Affairs.[\[247\]](#)**

7.5.3 Powers and Functions of the President

The President, with the approval of the Pyidaungsu Hluttaw, have authority to designate the Ministries of the Union Government as necessary, and may make changes and additions to the ministries; and may designate the number of the Union Ministers as necessary, and may increase or decrease the number.

The President is responsible to the Pyidaungsu Hluttaw. The Vice-Presidents is responsible to the President and also to the Pyidaungsu Hluttaw through the President. The President has the power to grant a pardon; and the power to grant amnesty in accord with the recommendation of the National Defence and Security Council. The President may, in accord with the law, have the power to confer honorary titles and awards; and the power to revoke conferred honorary titles and awards. The President may establish or sever diplomatic relations with foreign countries with the approval of the Pyidaungsu Hluttaw. However, in situation which requires immediate action, the President may sever diplomatic relations with any foreign country after coordination with the National Defence and Security Council. The President shall submit that action to the Pyidaungsu Hluttaw for its approval.

The President, in accord with the law, may appoint and recall the diplomats of its country; may agree on the appointment of foreign diplomats and send information on the recall of diplomats; and may accept the letters of accreditation presented by foreign diplomats.

The President, in accord with the law, may appoint and dismiss Heads of the Bodies of Civil Services. The President, in accord with the law: shall enter into, ratify or annul international, regional or bilateral treaties that require the approval of the Pyidaungsu Hluttaw, or revoke from such treaties; may enter into, ratify or annul international, regional or bilateral treaties which do not require the approval of the Pyidaungsu Hluttaw, or revoke from such treaties.

The President shall have the right to occasionally deliver an address or send a message to the session of the Pyidaungsu Hluttaw or the Amyotha Hluttaw, or to the entire country relating to the policies and general situation of the Union. The President may intimate the Speaker of the Pyidaungsu Hluttaw to summon an emergency or special session of the Pyidaungsu Hluttaw, if necessary.

Except Union budget matters, the President shall have the right to promulgate an ordinance for administrative matters that need immediate action during the interval between sessions of the Pyidaungsu Hluttaw. If the President has not revoked the ordinance promulgated under Sub-Section , he shall submit the ordinance for approval to the nearest session of the Pyidaungsu Hluttaw within 60 days after the promulgation of the ordinance. If the Pyidaungsu Hluttaw is not in session, the President shall, within 60 days after the promulgation of such ordinance, summon a special session of the Pyidaungsu Hluttaw for approval. The ordinance shall cease to have effect from the day on which it is not approved by the Pyidaungsu Hluttaw. The ordinance promulgated by the President, with the approval of the Pyidaungsu Hluttaw, will continue to be in operation for the required period. Notwithstanding that an ordinance has been already revoked within 60 days after its promulgation, it shall be submitted to the nearest session of the Pyidaungsu Hluttaw. If an ordinance contains the provision to which the Pyidaungsu Hluttaw has no right to make a resolution in accord with the Constitution, the said provision shall cease to have effect.

The President : shall have the right to take appropriate military action, in co-ordination with the National Defence and Security Council formed in accord with the Constitution, in case of aggression against the Union; shall submit the action so taken to the Pyidaungsu Hluttaw for approval if it is in session, or to summon an emergency session to submit that matter for approval if the Pyidaungsu Hluttaw is not in session; may declare war or make peace only with the assent of the Pyidaungsu Hluttaw.

The President shall take action in accord with the provisions of the Constitution and sign the laws passed and enacted by the Pyidaungsu Hluttaw. The said signed laws shall be promulgated in the official gazette.

The President shall not be answerable to either any Hluttaw or to any Court for the exercise of the powers and functions of his office or for any act done or purported to be done by him in the exercise of these powers and functions in accord with the Constitution or any law. However, the exemption does not deal with the provisions relating to impeachment of the President under the Constitution.[\[248\]](#)

7.5.4 The Executive Power of the Union Government

According to the provisions of the Constitution, the executive power of the Union extends to administrative matters over which the Pyidaungsu Hluttaw has power to make laws.

The executive power of the Union shall be vested in the President. Nothing in this Section shall prevent the Pyidaungsu Hluttaw from conferring functions and powers upon any authoritative body or person, or be deemed to transfer to the President functions and powers vested in any administrative body or person concerned under the existing laws.

All executive actions of the Union Government shall be taken as action in the name of the President. The President shall, except in matters conferred on him by the Constitution to perform in his own discretion, have the right to issue necessary rules on matters to be performed by the Union Government, on allocation of the said matters to the Ministries of the Union Government, and on allocation to the person responsible to act under any law.

Orders and instruments executed in the name of the President shall be in accord with the manners of the prescribed rules issued by the President. Moreover, the validity of such order or instruments shall not be called in question on the ground that it was not done by the President.

The President may, without prejudice to the generality of the provisions, allocate his duties regionally or according to the functions of the Government department.

The Union Government preserves stability of the Union, community peace and tranquility and prevalence of law and order. The Union Government shall promulgate its

policies in accord with the provisions of the Constitution. The necessary projects have to be drawn in accord with the said policies and shall be implemented with the approval of the Pyidaungsu Hluttaw.

The Union Government shall draft the Union Budget Bill based on the annual Union budget, after coordinating with the Financial Commission, and submit it for approval to the Pyidaungsu Hluttaw in accord with the provisions of the Constitution.

The Union Government shall, if the Pyidaungsu Hluttaw is unable to promulgate the Union Budget Bill before the end of the Budget Year, expend within the framework of the general expenditure included in the last-enacted Budget Law of the Pyidaungsu Hluttaw.

The Union Government may, relating to the matters which may be enacted into law by the Pyidaungsu Hluttaw in accord with the provisions of the Constitution, submit the Bill to the Pyidaungsu Hluttaw.

The Ministries of the Union Government shall, in carrying out the functions of their subordinate governmental departments and organizations, manage, guide, supervise and inspect in accord with the provisions of the Constitution and the existing laws.

In carrying out functions of the Region Government, the State Government, and the Leading Bodies of Self-Administered Division and Self-Administered Zone, the Union Government co-operates and co-ordinates with them to be effective and successful.

The Union Government, with the exception of Constitutional disputes and the disputes over territorial re-delineation shall : mediate and if necessary, decide, on disputes over administration between the Region and State, among Regions, among States, between Region or State and Self-Administered Area, among Self-Administered Areas; and mediate and if necessary, decide, on disputes over administration between the Region or State and Union territory, between Self-Administered Area and Union territory.

The Union Government, in accord with the law: may form Civil Services organizations relating to the Union as necessary. In so forming, the functions and powers shall be prescribed; may appoint the required civil service personnel.

The Union Government shall: implement the administrative resolutions passed occasionally by the Pyidaungsu Hluttaw and report back the actions which have been taken to the Pyidaungsu Hluttaw; submit occasionally, matters relating to the general situation of the Union to the Pyidaungsu Hluttaw^[249]

7.5.5 Formation of the Financial Commission: The Financial Commission shall be formed with the persons including the President as the Chairperson and others.

(i) The President Chairperson

- (ii) Vice-Presidents Vice-Chairpersons**
- (iii) The Attorney-General of the Union Member**
- (iv) The Auditor-General of the Union Member**
- (v) Chief Ministers of the Regions and States Members**
- (vi) The Nay Pyi Taw Council Chairperson Member**
- (vii) The Minister of Finance of the Union Secretary**

Duties and Functions of the Financial Commission: The budgets of the Union Ministries and Union level organizations are to be vetted by a Vice-President assigned by the President, and the estimated budgets of the Union level organizations including the Union Ministries are to be submitted to the Financial Commission.

The budgets of the Region or State are to be vetted by the other Vice-President assigned by the President, and the estimated budgets of the Region or State are to be submitted to the Financial Commission.

The Financial Commission shall: submit to the Pyidaungsu Hluttaw with recommendation for the Union Budget which includes the expenditure of the Union territory, a supplementary finance as suitable to the Regions or States from the Union Fund, giving grants as a special matter and permitting loans; to advise financial matters that should be undertaken; carry out the duties assigned by the Pyidaungsu Hluttaw through the promulgation of law for the emergence of a substantial financial system.

The Financial Commission shall submit with recommendation to the President, the Bill of Union Budget, which includes Union Budget, the distribution of suitable funds from Union Fund accounts to Regions or States, the provisions or funds as a special case and disbursing of necessary loans for submission them to the Pyidaungsu Hluttaw. The Financial Commission may, if necessary, seek advice from financial experts.[\[250\]](#)

7.5.6 Appointment of the Union Ministers, Attorney General of the Union, and Auditor-General of the Union: The President shall appoint the Union Ministers and the Deputy Ministers according to the section 232 of the constitution. And The appointment of the Attorney General of the Union, and Auditor-General of the Union need the approval of the Pyidaungsu Hluttaw[\[251\]](#).

7.5.7 Formation of the Union Civil Services Board: According to the section 246, The President shall form the Union Civil Services Board to enable to perform the duties of

selecting, training the Civil services personnel and prescribing of Civil Service regulations. [\[252\]](#)

7.5.8 The Region Government or the State Government: The Head of the Region or State shall be called the Chief Minister of the Region or State. The Member of the Region or State Government shall be called the Minister of the Region or State.

The Region Government is formed in the Region and State Government is formed in the State respectively. The Region or State Government is formed with the following persons:

- (i) the Chief Minister of the Region or State;**
- (ii) the Ministers of the Region or State;**
- (iii) the Advocate General of the Region or State.**

The President, with the approval of the Region or State Hluttaw concerned, may:

- (i) specify the Region or State Ministries as may be necessary. Moreover, he may make changes and additions to the specified Ministries;**
- (ii) specify the number of the Ministers of the Region or State as may be necessary. Moreover, the specified number may be increased or decreased.**

Executive Powers of the Region or State Government

Subject to the provisions of the Constitution, the executive power of the Region or State Government extends to the administrative matters which the Region or State Hluttaw has power to make laws. Moreover, it also extends to the matters which the Region or State Government is permitted to perform in accord with any Union Law.

The Region or State Government shall have the responsibility to assist the Union Government in the preservation of the stability of the Union, community peace and tranquility and prevalence of law and order.

The Region or State Government shall, subject to the policies adopted by the Union Government and Union Laws, implement projects that are to be undertaken in the Region or State with the approval of the Region or State Hluttaw concerned.

The Region or State Government shall, in accord with the provisions of the Constitution, submit the Region or State Budget Bill based on the annual Union Budget to the Region or State Hluttaw concerned.

The Region or State Government shall, if the Region or State Budget Bill is unable to promulgate before the end of the Budget year, expend within the framework of the general expenditure included in the last-enacted Budget Law of the Region or State Hluttaw.

Office of the Region or State Government

The Head of the General Administration Department of the Region or State is the ex-officio Secretary of the Region or State Government concerned. Moreover, the General Administration Department of the Region or State is the Office of the Region or State Government concerned.[\[253\]](#)

In the Office of the Region or State Government, Ministers of the Region or Ministers of the State, the Advocate-General of the Region or State, and the Auditor-General of the Region or State shall be appointed according to the provisions of the constitution.[\[254\]](#)

7.5.9 Administrative Body of the Self-Administered Division or Self-Administered Zone

The Administrative Body of Self-Administered Division or Self-Administered Zone shall be called the leading body of the Self-Administered Division or leading body of the Self-Administered Zone.

Formation of Leading Bodies of the Self-Administered Division and the Self-Administered Zone: Being Self-Administered Areas, the Self-Administered Division and the Self-Administered Zones are of equal status. Leading Bodies of the Self-Administered Divisions and the Self-Administered Zones are formed respectively in each and every Self-Administered Division and the Self-Administered Zone. Such Leading Bodies exercise legislative power vested under Schedule three of the Constitution. Leading Bodies of the Self-Administered Division or the Self-Administered Zone shall consist of at least 10 members.

Leading Bodies of the Self-Administered Division or the Self-Administered Zone shall be formed with the following persons: Region or State Hluttaw representatives elected from townships in the Self-Administered Division or Self-Administered Zone concerned; the Defence Services personnel representatives nominated by the Commander-in-Chief of the Defence Services to assign duties relating to Security or Border Affairs; and additional selected representatives.

Members of the Leading Bodies of the Self-Administered Division or the Self-Administered Zone shall, after coordinating among themselves, select suitable people as the Chairperson of the Self-Administered Division or the Self-Administered Zone from the Region or State Hluttaw representatives elected from the townships in the Self-Administered Division or the Self-Administered Zone. The name of the person so elected shall be submitted to the President through the Chief Minister of the Region or State concerned.

The President shall appoint the person who is nominated as the Chairperson of the Self-Administered Division or the Self-Administered Zone concerned. The Chairperson of the Self-Administered Division or the Self-Administered Zone is the ex-officio Minister in the Region or State concerned. Except for the method of the appointment of the Minister of the Region or State, the other provisions of the Constitution shall be applied to the Chairperson of the Self-Administered Division or Self-Administered Zone.

The Chairperson of the Self-Administered Division or Self-Administered Zone and members of the Leading Body concerned shall: except the National races who have already obtained the Self-Administered Division or Self Administered Zone concerned residing in the Self-Administered Division or Self-Administered Zone concerned, if they are National races that are deemed by the authority concerned to have a population of over 10,000, from the remaining National races, each representative of the said National races shall be elected and appointed as a member of the Leading Body. The elected member of the Leading Body shall have the prescribed qualifications of Hluttaw representatives of the Region or State under Section 169; if the number of members of the Leading Body of the Self-Administered Division or Self-Administered Zone is less than 10 members, the required number of members from those residing in the Self-Administered Division or Self-Administered Zone concerned and who have qualifications prescribed for the Region or State Hluttaw representatives shall be elected and appointed to fill up 10 members as they desire.

The Commander-in-Chief of the Defence Services shall assign the duties to the one-fourth of the total number of members with the Defence Services personnels in the Leading Bodies of the Self-Administered Division or Self Administered Zone, as necessary. The Defence Services personnel, nominated in accord with the law by the Commander-in-Chief of the Defence Services, to be assigned as the members of the Leading Bodies of the Self-Administered Division Self-Administered Zone shall have qualifications of the Region or State Hluttaw representatives.

The Chairperson of the Leading Bodies of the Self-Administered Division or Self-Administered Zone concerned shall declare the name of the members of the Leading Bodies of the Self-Administered Division or Self- Administered Zone. The Chairperson of the Leading Bodies of the Self-Administered Division or Self- Administered Zone shall be responsible to the Region or State Chief Minister concerned, and to the President through the Chief Minister concerned.

Members of the Leading Bodies of the Self-Administered Division or Self-Administered Zone shall be responsible to their Chairperson. The term of office, taking action, resignation, termination of duty and filling the vacancy of the Chairperson of the Leading Bodies of the Self-Administered Division or Self-Administered Zone shall be prescribed by law.

Duties, powers and rights of the Chairperson and members of the Leading Bodies of the Self-Administered Division or Self-Administered Zone shall be prescribed by law.

Executive Powers of the Leading Bodies of the Self-Administered Division or Self-Administered Zone: Subject to provisions of the Constitution, the Self-executive power of the Leading Bodies of the Self-Administered Division or Self-Administered Zone shall be extend to the following matters:

(a) has power to make laws under Schedule Three;

(b) has power to implement in accord with any law enacted by the Pyidaungsu Hluttaw;

(d) has power to implement in accord with any law enacted by the Region or State Hluttaw concerned.

The Leading Bodies of the Self-Administered Division or Self-Administered Zone shall be responsible to assist the Union Government in preserving the stability of the Union, community peace and tranquillity and prevalence of law and order.

The Leading Bodies of the Self-Administered Division or Self- Administered Zone shall:

(a) subject to the policies of the Union Government draw work programs for the development of their territory and shall co-ordinate with the Region or State Government concerned;

(b) draw annual budgets and co-ordinate for approval with the Region or State Government concerned in accord with the provisions of the Constitutions;

(c) have the right to expend the allotted fund included in the Budget Law of the Region or State Government concerned in accord with the rules;

(d) have the right to expend within the permitted framework to the general expenditure included in the last-enacted Budget Law of the Region or State Hluttaw if the Region or State Hluttaw is unable to pass the Region or State Budget Bill submitted by the Region or State Government.

The Leading Bodies of the Self-Administered Division or Self-Administered Zone may, in accord with the law, supervise, co-operate and co-ordinate the functions of the Civil Services organizations which are performing the duties within their territory.

The Leading Bodies of the Self-Administered Division or Self-Administered Zone shall submit reports of the general situations of their territory to the Union Government and the Region or State Government concerned.

The Leading Bodies of the Self-Administered Division or Self-Administered Zone shall perform the functions which are occasionally assigned by the Union Government and the Region or State Government concerned.

Office of the Leading Bodies of the Self-Administered Division or Self-Administered Zone: The Head of the General Administration Department of the Leading Bodies of the Self-Administered Division or Self-Administered Zone, shall serve as the Secretary of the Leading Bodies of the Self-Administered Division or Self-Administered Zone. Moreover, the General Administration Department of the Self-Administered Division or Self-Administered Zone is also the Office of the Leading Bodies of the Self-Administered Division or Self-Administered Zone.[\[255\]](#)

Administration of Nay Pyi Taw, the Union Territory:

Nay Pyi Taw which is the Union Territory, shall consist of all districts and townships that are Nay Pyi Taw development territory, on the day the Constitution come into operation. The President may change, if necessary, the demarcation of districts and townships in Nay Pyi Taw which is the Union Territory.

Formation of the Nay Pyi Taw Council: The Chairperson and members of the Nay Pyi Taw Council shall form the Nay Pyi Taw Council according to the section 285. And The Head of General Administration Department of Nay Pyi Taw is the secretary of the Nay Pyi Taw Council. General Administration Department of Nay Pyi Taw is the office of the Nay Pyi Taw Council.[\[256\]](#)

7.5.10 Administration of districts and townships:

Administration of district and township level shall be assigned to the Civil Services personnel.

Administration of ward or village-tract shall be assigned in accord with the law to a person whose integrity is respected by the community.

7.5.11 Civil Services Personnel

Matters relating to the appointment, promotion, retirement, enforcement of rules and regulations and taking action on the Civil services personnel shall be exercised in accord with the law. With respect to the Defence Services personnel who are also Civil Services personnel whose nature of work, is of special significant, they shall be governed by the relevant Military laws. With respect to members of Myanmar Police Force who are also Civil Services personnel whose nature of work, is of special significant, they shall be governed by the specified law which shall be enacted.[\[257\]](#)

7.6 Judiciary

7.6.1 Formation of Courts

Courts of the Union are formed as follows:

- (a) Supreme Court of the Union, High Courts of the Region, High Courts of the State, Courts of the Self-Administered Division, Courts of the Self-Administered Zone, District Courts, Township Courts and the other Courts Constituted by law;**
- (b) Courts-Martial;**
- (c) Constitutional Tribunal of the Union.**

Constitution of the Supreme Court of the Union: In the Union, there shall be a Supreme Court of the Union. Without affecting the powers of the Constitutional Tribunal and the Courts-Martial, the Supreme Court of the Union is the highest Court of the Union.

Original Jurisdiction of the Supreme Court of the Union: Only the Supreme Court of the Union has the following original jurisdiction:

- (i) in matters arising out of bilateral treaties concluded by the Union;**
- (ii) in other disputes, except the Constitutional problems, between the Union Government and the Region or State Governments;**
- (iii) in other disputes, except the Constitutional problems, among the Regions, among the States, between the Region and the State and between the Union Territory and the Region or the State;**
- (iv) other matters as prescribed by any law.**

As the Supreme Court of the Union is the highest court of the Union, it is the court of final appeal. The judgments of the Supreme Court of the Union are final and conclusive and have no right of appeal. The Supreme Court of the Union, subject to any provision of the Constitution or any provision of other laws, has the appellate jurisdiction to decide judgment passed by the High Courts of the Regions or the States. Moreover, the Supreme Court of the Union also has the appellate jurisdiction to decide judgments passed by the other courts in accord with the law. The Supreme Court of the Union has the revisional jurisdiction in accord with the law.

The Supreme Court of the Union:

- (a) has the power to issue the following writs :**
 - (i) Writ of Habeas Corpus;**
 - (ii) Writ of Mandamus;**
 - (iii) Writ of Prohibition;**

(iv) Writ of Quo Warranto;

(v) Writ of Certiorari.

(b) The applications to issue writs shall be suspended in the areas where the state of emergency is declared.[\[258\]](#)

Submission of the Judiciary Situation: The Chief Justice of the Union may submit important judiciary situations concerning the Union or the public, either to the session of the Pyidaungsu Hluttaw or the Pyithu Hluttaw or the Amyotha Hluttaw from time to time.

Appointment of the Chief Justice of the Union and the Judges of the Supreme Court of the Union: The Head of the Supreme Court of the Union shall be called the Chief Justice of the Union. Judges of the Supreme Court of the Union including the Chief Justice of the Union may be appointed in the Supreme Court from a minimum of seven and a maximum of 11 in number.

The President shall submit the nomination of the person suitable to be appointed as the Chief Justice of the Union to the Pyidaungsu Hluttaw and seek its approval.

The Pyidaungsu Hluttaw shall have no right to refuse the person nominated by the President for the appointment of Chief Justice of the Union and Judges of the Supreme Court of the Union unless it can clearly be proved that the persons do not meet the qualifications for the post prescribed in Section 301.

The President has the right to submit again the list furnished with a new name replacing the one who has not been approved by the Pyidaungsu Hluttaw for the appointment of the Chief Justice of the Union.

7.6.2 High Courts of the Region or High Courts of the State

Formation of High Courts of the Region or High Courts of the State: There is the High Court of the Region in the Region and the High Court of the State in the State.

Jurisdictions of High Courts of the Region or High Courts of the State: High Courts of the Region or State shall have the following jurisdictions in accord with the law:

(a) adjudicating on original case;

(b) adjudicating on appeal case;

(c) adjudicating on revision case;

(d) adjudicating on matters prescribed by any law.

For the purpose of judicial administration, the High Court of Mandalay Region is the High Court of the Courts situated in Nay Pyi Taw. For the purpose of judicial administration, where any area located in the Region or State is designated as a Union Territory, the High Court of the Region or State concerned is the High Court of the Courts situated in the said Union Territory.

Appointment of the Chief Justice and Judges of the High Court of the Region or the High Court of the State: The Head of the High Court of the Region or the High Court of the State shall be called the Chief Justice of the High Court of the Region or the Chief Justice of the High Court of the State.

In the High Court of the Region or the High Court of the State, judges of the High Court of the Region or Judges of the High Court of the State including the Chief Justice of the High Court of the Region or the Chief Justice of the High Court of the State may be appointed from a minimum of three and a maximum of seven in number.

The President, in co-ordination with the Chief Justice of the Union and the Chief Minister of the Region or State concerned, shall prepare the nomination for the appointment of the Chief Justice of the High Court of the Region or State concerned and the Chief Minister of the Region or State concerned, in co-ordination with the Chief Justice of the Union, shall prepare the nomination for the appointment of the Judges of the High Court of the Region or State concerned, and the said nomination shall be sent to the Region or State Hluttaw concerned.

Courts under the Supervision of the High Court of the Region or the High Court of the State: The following levels of Courts are under the supervision of the High Court of the Region or State:

(a) if there is no Self-Administered Areas in the Region or State :

(i) District Courts;

(ii) Township Courts.

(b) if there is Self-Administered Areas in the Region or State :

(i) In the Self-Administered Division: (aa) Court of the Self-Administered Division; (bb) Township Courts.

(ii) In the Self-Administered Zone :(aa) Court of the Self-Administered Zone; (bb) Township Courts.

(iii) In the remaining areas :(aa) District Courts; (bb) Township Courts.

(c) In the Union Territory:

(i) District Courts;

(ii) Township Courts.

(d) Other Courts constituted by law.

Jurisdiction of the District Courts and Township Courts: District Courts, Courts of the Self-Administered Division, and Courts of the Self-Administered Zone, in accord with the law, have the jurisdiction relating to original criminal cases, original civil cases, appeal cases, revision cases or matters prescribed by any law.

Township Courts, in accord with the law, have the jurisdiction relating to original criminal cases, original civil cases or matters prescribed by any law.

The Judges appointed in accord with the law at the Courts formed by the Constitution or any other law shall administer all judicial affairs in the entire Union. Appointment of Judges at various levels of Courts under the supervision of the High Court of the Region or State, conferring judicial powers, prescribing the duties, powers and rights shall be in accord with the law.

Formation of staff organizations, comprising of officers and other ranks at the Supreme Court of the Union, the High Courts of the Region or State and other Courts, and prescribing duties, powers and rights shall be in accord with the law.

Courts-Martial

According to Sub-Section (b) of Section 293, the Courts-Martial shall be constituted in accord with the Constitution and the other law and shall adjudicate Defence Services personnel.

7.6.3 The Constitutional Tribunal of the Union

The Constitutional Tribunal of the Union shall be formed with nine members including the Chairperson.

The President shall submit the candidature list of total nine persons, three members chosen by him, three members chosen by the Speaker of the Pyithu Hluttaw and three members chosen by the Speaker of the Amyotha Hluttaw, and one member from among nine members to be assigned as the Chairperson of the Constitutional Tribunal of the Union, to the Pyidaungsu Hluttaw for its approval.

Functions and Duties of the Constitutional Tribunal of the Union: The functions and the duties of the Constitutional Tribunal of the Union are as follows:

- (a) interpreting the provisions under the Constitution;**

(b) vetting whether the laws promulgated by the Pyidaungsu Hluttaw, the Region Hluttaw, the State Hluttaw or the Self-Administered Division Leading Body and the Self-Administered Zone Leading Body are in conformity with the Constitution or not;

(c) vetting whether the measures of the executive authorities of the Union, the Regions, the States, and the Self-Administered Areas are in conformity with the Constitution or not;

(d) Deciding Constitutional disputes between the Union and a Region, between the Union and a State, between a Region and a State, among the Regions, among the States, between a Region or a State and a Self-Administered Area and among the Self-Administered Areas;

(e) Deciding disputes arising out of the rights and duties of the Union and a Region, a State or a Self-Administered Area in implementing the Union Law by a Region, State or Self-Administered Area;

(f) Vetting and deciding matters intimated by the President relating to the Union Territory;

(g) functions and duties conferred by laws enacted by the Pyidaungsu Hluttaw.

Effect of the Resolution of the Constitutional Tribunal of the Union: In hearing a case by a Court, if there arises a dispute whether the provisions contained in any law contradict or conform to the Constitution, and if no resolution has been made by the Constitutional Tribunal of the Union on the said dispute, the said Court shall stay the trial and submit its opinion to the Constitutional Tribunal of the Union in accord with the prescribed procedures and shall obtain a resolution. In respect of the said dispute, the resolution of the Constitutional Tribunal of the Union shall be applied to all cases.

The resolution of the Constitutional Tribunal of the Union shall be final and conclusive.

Tribunal of the Union: The following persons and organizations shall have the right to submit matters directly to obtain the interpretation, resolution and opinion of the Constitutional Tribunal of the Union:

(a) the President;

(b) the Speaker of the Pyidaungsu Hluttaw;

(c) the Speaker of the Pyithu Hluttaw;

(d) the Speaker of the Amyotha Hluttaw;

(e) the Chief Justice of the Union;

(f) the Chairperson of the Union Election Commission.

The following persons and organizations shall have the right to submit matters to obtain the interpretation, resolution and opinion of the Constitutional Tribunal of the Union in accord with the prescribed procedures:

(a) the Chief Minister of the Region or State;

(b) the Speaker of the Region or State Hluttaw;

(c) the Chairperson of the Self-Administered Division Leading Body or the Self-Administered Zone Leading Body;

(d) Representatives numbering at least ten percent of all the representatives of the Pyithu Hluttaw or the Amyotha Hluttaw.

Appointment of the Chairperson and members of the Constitutional Tribunal of the Union: The President shall appoint the Chairperson and members of the Constitutional Tribunal of the Union approved by the Pyidaungsu Hluttaw.

The Pyidaungsu Hluttaw shall have no right to refuse the persons nominated for members of the Constitutional Tribunal of the Union by the President unless it can clearly be proved that they are disqualified. The President has the right to submit again, in accord with the provisions of the Constitution, the new nomination list to replace the person who has not been approved by the Pyidaungsu Hluttaw for appointment as member of the Constitutional Tribunal of the Union.[\[259\]](#)

7.6.4 Study on the 2008 Constitution

The constitution was drafted by the Constitutional Commission after fundamental principles had been laid by 702 representatives from various fields from 1993 to 1996 and 1080 representatives from 2004 to 2007.

The nationwide referendum on 10 and 24 May 2008 saw the 98.12 percent turnout of 26,776,675 voters out of 27,288,827 eligible voters. It was approved on 29-5-2008 with majority vote of 24,764,124 which translates in to 92.48 percent of the votes. It was drafted by a 54-member drafting commission as per fundamental principles laid by National Convention Delegates as stated in Para (1). The constitution was designed by genuine and discipline-flourishing democracy which puts the national interest in the fore and practices national politics. The Union shall enact the necessary laws to systematically from political parties for flourishing of genuine, disciplined multi-party democratic system.

Section 11(a) states, “The three branches of sovereign power namely, legislative power, executive power and judicial power, are separated, to the extent possible, and exert reciprocal control, check and balance among themselves.”

According to Section 16 which says that the head of the Union and the head of the Executive of the Union is the President, the President shall be responsible for the executive.

The Pyidaungsu H l u t t a w is responsible for the legislation. The Supreme Court of the Union is responsible for the judiciary. There are horizontal separation of powers and vertical division of powers and among three branches of powers. The President, the Hluttaw and the supreme court of the Union exert Check and Counter check or check and balance among themselves.

The Union is delineated and constituted by seven Regions: Sagaing, Taninthayi, Bago, Magway, Mandalay, Yangon and Ayeyawady; and seven States: Kachin, Kayah, Kayin, Chin, Mon, Rakhine, Shan and the Union territories.

(1) 'Wa' Self- Administered Division,

(2) Kokang Self-Administered Zone,

(3) Danu Self- Administered Zone,

(4) Naga Self Administered Zone,

(5) Palaung Self- Administered Zone and

(6) Pa-O Self-Administered Zone are also parts of the Union.

Section 10 of Chapter I in the Constitution States that “no part of the territory constituted in the Union Such as Regions, States, Union Territories and Self- Administered Zones shall ever secede from the Union”

According to the Sub-section (a) of section 199 in the Constitution, the Executive Head of the Union is the President; the President takes precedence over all the persons as well as Head of State.

According to the basic principles adopted by the National Convention “Sub-Section (a) of Section 12 States that the legislative power of the Union is shared among the PyidaungsuHluttaw, Region Hluttaws and State Hluttaws, Legislative power stipulated by this Constitution shall be shared to the Self-Administered Areas.” Legislative power will be practiced in line with the authority shared by Amyotha Hluttaw, PyithuHluttaw and PyidaungsuHluttaw and Hluttaws from seven regions and states.

According to the provision of the Section 109 of the Constitution, as the PyithuHluttaw must be formed with a maximum of 440 Hluttaw representatives, it shall comprise 330 representative elects and 110 Defense Services Personnel nominated by the Commander-in-Chief of the Defense Services.

According to the provision of Section 141 of the Constitution, as the AmyothaHluttaw must be formed with a maximum of 224 Hluttaw Representatives, it shall comprise 168

AmyothaHluttaw representatives elect in an equal number of 12 representatives from each Region and 56 Defense Services Personnel nominated by the Commander-in-Chief of the Defense Services. According to Sub-Section of Section 161 of the Constitution, the Region or state Hluttaw shall be formed with two representatives of each township. According to section (161) (b) of the Constitution, the Region or State Hluttaw shall be formed with the representatives of the Region Hluttaw, each of whom is elected from national race determined by the authorities concerned as having population which constitutes 0.1 percent and above of the population of the Union, of the remaining national races other than those who have already obtained the respective Region or a Self-Administered Area in that Region.

With regard to the basic principles of the Union in Chapter I-(a) Section 35 states that the economic system of the Union is market economic system, Section 36 states that the Union shall permit all economic forces such as the State, regional organizations, cooperatives, joint-ventures, private individuals, so forth to take part in the economic activities for the development of the national economy; the Union shall protect and prevent acts that injure public interests though monopolization or manipulation of prices by an individual or group with intent to endanger fair competition in economic activities; the Union shall strive to improve the living standards of the people and development of investments; the Union shall not nationalize economic enterprises; and the Union shall not demonetize the currency legally in circulation.

A total of 23 detailed basic principles for provisions on state of emergency from Sections 410 to 432 have been laid down. The President may promulgate an ordinance and declare a state of emergency after coordinating with the National Defense and Security Council. In doing so, the President shall specify in the said ordinance the areas and the duration that the state of emergency is in operation. And the President may, if necessary, restrict or suspend as required, One or more fundamental rights of the citizens residing in the areas where the state of emergency is in operation. It needs to seek the approval from the PyidaungsuHluttaw within 60 days after the promulgation of such ordinance.

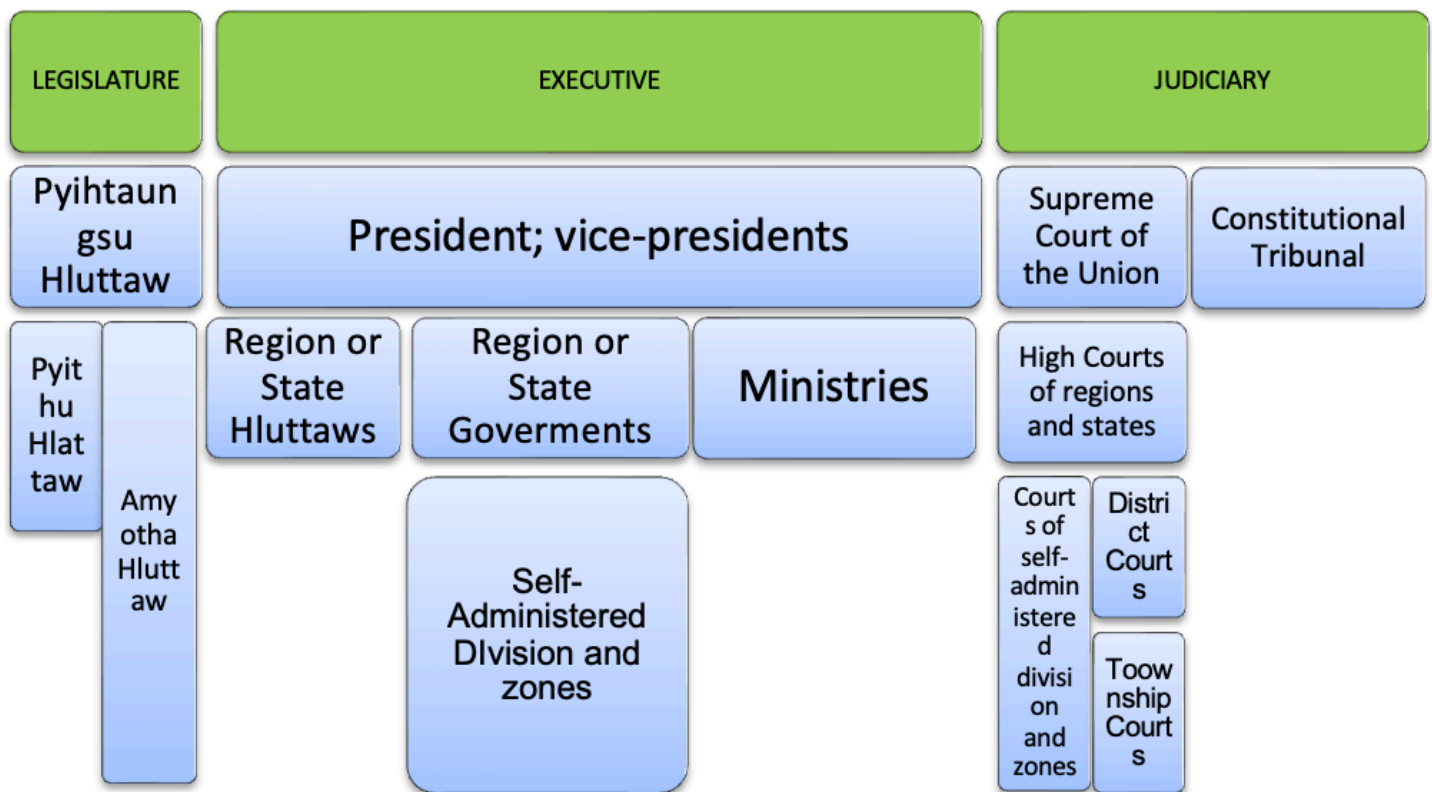
If there arises or if there is sufficient reason for a state of emergency to arise that may disintegrate the Union or disintegrate national solidarity or that may cause the loss of sovereignty, due to acts or attempts to take over the sovereignty of the Union by insurgency violence and wrongful forcible means, the President may, after co-coordination with the National Defense and security Council, promulgate an ordinance and declare a state of emergency. In the said ordinance, it shall be stated that the area where the state of emergency is in operation in the entire nation and the specified duration is one year from the day of promulgation. The President shall declare the transferring of legislative, executive and judicial powers of the Union to the Commander-in-chief of the Defense Services to enable him to carry out necessary measures to speedily restore its original situation in the Union. The Commander-in-Chief of the Defense Services shall hand over power to the President after serving his duties. The President shall take over power from the Tatmadaw after the state of emergency.

With regard to foreign policy, the following are the basic principles Section 41 states that the Union practices independent active and non-aligned foreign policy aimed at world peace and friendly relations with nations and upholds the Principles of peaceful co-existence among nations; the Union shall not commence aggression against any nation; no foreign troops shall be permitted to be deployed in the territory of the Union.

Altogether 46 sections from section 345 to section 390 are included in the chapter of citizens and citizens' fundamental right and duties as detailed basic principles.

Under the provisions included in the Section 436, the state basic principles, the state set-up, the state head, formation of legislation, administration and judiciary, provisions on state of emergency and provisions on constitution amendment can be amended only with the approval of 75 percent of MPs and with more than half of the votes from a referendum. Under the provisions of Sub-Section (a) of section 436, other provisions with the exception of provisions included in Sub-section (a) can be amended only with the approval of 75 percent of all MPs of the Pyidaungsu Hluttaw. [\[260\]](#)

Figure 7.1 Administrative System under 2008 Constitution



Source: 2008 Constitution

7.7 Relations of the Administrative System

7.7.1 Political and Social

The new Myanmar government continued the Independent and Active Foreign Policy as it has been practiced through successive governments after independence with the following principles: respect of and adherence to the principle of equality among peoples and among nations and the Five Principles of Peaceful Co-existence; taking a non-aligned, independent and just stand in international issues; maintaining friendly relations with all nations, and good-neighborly relations with neighboring countries; continued support of, and active participation in, the United Nations and its affiliated organisations; pursuance of mutually beneficial bilateral and multilateral cooperation programmes; regional consultation and beneficial cooperation in regional economic and social affairs; active participation in the maintenance of international peace and security and the creation of an equitable economic order and opposition to imperialism, colonialism, intervention, aggression and hegemonism; acceptance of foreign assistance which is beneficial to national development, provided there are no strings attached.[\[261\]](#)

Myanmar is now dealing with 30 countries in Asia and Africa; 29 in Europe; and 7 in the Americas; in officially through the embassies in Myanmar. Some countries are up coming for dealing with the Myanmar. In India-Myanmar relations, there are no significant changes as in China-Myanmar relations. Thailand is trying to deal with the business opportunity in Tawae

port project in Taninthayee Region, strategic area comparing business with port of Singapore. Many Japanese companies also entered for assessment for investment in Myanmar. Most of the countries deal with Myanmar for the improvement relationship, to seek economic opportunities mutually. However, the paradigm of the foreign relation has changed a lot, it can be seen in Myanmar-China relations as a good example.

Myanmar attained its independence as the Union of Myanmar in 1948, and the People's Republic of China was founded in October 1949. Diplomatic relations were established between the two countries early in 1950. In 1960, their international boundaries were defined, making it China's first official boundary with a neighboring country. The mutual boundary spanned approximately 2,200 km.

During the period from its independence until the early 1960s, Myanmar's government engaged in fierce battles with ethnic minorities and the Communist Party of Myanmar (CPB). Ever since the 1967 anti-Chinese riots in Myanmar, the Chinese Communist Party has actively supported the CPB, which was then relegated to the border areas of Myanmar. The CPB attempted to seize power along the border in 1968, and took control of the trade centers along the China-Myanmar border in the early 1970s. Although the bilateral relationship was normalized in 1971, China pursued a form of dual diplomacy with the government of Myanmar on one hand and with political parties in Myanmar on the other, and continued its support of the CPB. Then Chinese Deputy Prime Minister Deng Xiaoping visited Myanmar in 1978, when China withdrew substantial support for the CPB.

From 1986 to 1987, the Myanmar Armed Forces (MAF) went on the offensive against the CPB and recaptured the trade route along the border. In 1988, the military government acquired power and clamped down on prodemocracy movements in the country; this act received severe criticism from developed countries. However, China immediately initiated a strong bilateral relationship with Myanmar's new military government. In October 1989, the Vice Chairman Than Shwe and the First Secretary Khin Nyunt visited China and succeeded in gaining military and economic assistance for Myanmar from the host country.

However, in March 2011, the China-Myanmar relationship began to show subtle changes when the transition from military rule to civilian rule was realized in Myanmar for the first time in 23 years, and Thein Sein's administration came to the fore. In order to eventually detach itself from its excessive dependence on China, Myanmar's government began to seek out ways to improve its relations with Western countries. Under these circumstances, Japan reinitiated its full-fledged assistance to Myanmar, and a large number of Japanese private companies began to visit the country. The United States also began to develop its business relationship with Myanmar, for example, by easing restrictions on American companies investing in Myanmar. Thus, entering the age of democratization, the presence of China in Myanmar is becoming relatively weaker.

7.7.2 Economy and Socio-Economic

With support from the previous military government, the Union of Myanmar Economic Holdings Limited (UMEH) collaborated with a Chinese mining company to extract massive amounts of copper to sell to China. Former Generals from SPDC are grateful for China for its continuously staunch support while they were isolated from the international community. The demonstrations broke out. Latpadaung copper mine demonstrators near Monywa were brutally attacked and arrested by police. Following the release of Aung San Suu Kyi's report on the copper mine investigation, many locals were hesitant and otherwise enraged by the commission's recommendations to support the military-backed Chinese project. And, not surprisingly, many of those locals continue to protest against the project.

China also backed the construction of the Myitsone hydroelectric dam in the Kachin region. Due to public anger, the project was suspended in 2011. After the project was suspended, Thein Sein was hailed as the "great President" by the Myanmar local press. The Myanmar press rarely praises China for its huge investments and the job opportunities that Chinese officials claim to generate through economic engagement with Myanmar.

For the Myanmar public, Western nations are believed as great partners and bring sustainable development to the country. Despite the economic sanctions, the West has assisted the Myanmar people through various NGOs and UN agencies. Chinese assistance, on the other hand, has mostly been channeled through the military government. Though China agreed to give the Myanmar government a 30 billion Yuan (US\$4.2 billion) interest-free loan in September 2010, it is still difficult to find any Chinese-sponsored NGOs working inside Myanmar, whereas western-based NGOs have been - and still are - working at the grassroots level. It is not surprising that the Myanmar people passionately welcomed President Obama when he visited last November. No Chinese leader has ever received a similar welcome from the people, despite extensive Chinese investments in the country.

Many have speculated that China attempted to influence the talks while claiming it believed in a policy of "non-interference in internal affairs," or what is popularly known as the 'Beijing doctrine.' China influenced in round of peace talks between the Kachin Independence Army and the government. The round of peace talks was moved to Myikyina, the capital city of Kachin State inside Myanmar. This move was partially to restrict China's excessive involvement. Many Myanmar ethnic groups want to limit Chinese involvement in both the peace process and in Myanmar's domestic politics. It is important to point out that all ethnic communities and their political factions, even those living near the border with China, supported the suspension of the Myit sone dam project.

Perhaps the biggest lesson potential foreign investors in Myanmar can learn is from the Chinese investment experience in Myanmar. There is an equally valuable lesson for the new administration too, since the previous iron fisted Governments ignored the public's pulse and consequently rose up against it. Today, the voice of the people is hard to ignore. The recent removal of draconian censorship has allowed the daily press to become a considerable force in demanding that people have a role in decision-making.

Myanmar is a country with a large land area rich in natural and human resources. Cognizant of the fact that the agricultural sector can contribute to overall economic growth of the country, the government has accorded top priority to agricultural development as the base for all round development of the economy as well. Following the adoption of market-oriented economy from a centralized economy, the government has carried out liberal economic reforms to ensure participation of the private sector in every sphere of economic activity. The country comes into the new era for building a modern and developed democratic nation and the nation is on the threshold of a new system and a new era. Priority is to be given to progress of the agriculture sector for sufficiency of people in food and clothing sectors. The Agriculture sector is to be modernized to establish agricultural production syndicates with the shares through manual production. Utmost efforts are to be made for boosting production of agricultural produce with the use of modern machinery and technology. With expanding job opportunities in the market economy system and every citizen being able to work, increasing individual income will contribute to the growth of GDP.

In 2011, the new government came to power, the major policy reforms were made including anti-corruption, currency exchange rate, foreign investment laws and taxation. Foreign investment increased by 667% from US\$ 300 million to US\$ 20 billion from 2009-10 to 2010-11. A Large inflow of capital resulted in a stronger Burmese currency the kyat, by about 25%. In response, the government relaxed import restrictions and abolished export taxes.

Myanmar's economic freedom score is 39.2, making its economy the 172nd freest in the 2013 Index. Its score is 0.5 point better than last year due to improvements in freedom from corruption and monetary freedom. Myanmar is ranked 40th out of 41 countries in the Asia-Pacific region, and its overall score is much lower than the regional average.

A number of notable changes in Myanmar's economic environment have occurred since the second half of 2011. Economic sanctions against Myanmar have been eased or lifted. A new foreign investment law, which would permit foreign firms' full ownership and ease restrictions on land leases, was passed, although its implementation has been delayed.

In the last 40 years of planned socio-economic development, the country has progressed to some extent. The majority of the people of Myanmar reside in rural areas. Based on the survey, only 26 percent of populations are living in urban areas and 74% of the population are living in rural areas. After the new elected government has taken over the state power, the government has conducted the national level workshops for reviewing and renewing for better development and growth. Therefore fulfilling the needs of the rural people will surely contribute to the socio-economic progress of Myanmar. And the economic and human resource development will be much beneficial to raise technology and productivity for the socio-economic development of Myanmar

Myanmar reforms are in the sectors of Poverty alleviation, National Economic Development, Monetary sector, Trade sector, FDI law, Development Plan, Human Resource

Development. In the area of poverty alleviation, the integrated household living conditions Assessment survey (IHLCA) was conducted in 2005 and 2010 in Myanmar, it was estimated that the poverty head count index declined from 32 per cent to 26 percent. The eight most fundamental of the proposals submitted at the workshop were laid down in 2011, and aimed to reduce the poverty headcount rate from 26 %to 16% in 2015.

The Eight priorities were agreed upon to alleviate the poverty;

- (1) the development of agricultural productivity,**
- (2) the development of livestock breeding and fisheries,**
- (3) the development of rural small-scale productivity,**
- (4) the development of micro saving and credit associations**
- (5) the development of cooperative tasks**
- (6) the development of rural socio-economy,**
- (7) the development of rural energy, and**
- (8) environmental conservation.**

The responsibilities of those tasks were allocated to the three ministries: The Ministry of Agriculture for the development of agricultural productivity; The Ministry of Livestock And Fisheries for the development of livestock breeding fisheries; and The Ministry of Commerce for the development of rural small-scale productivity; and micro saving and credit associations were organized by the Ministry of Finance and Revenue.

For the National Economic Development, the government dealt with the fiscal reform, exchange rate unification, SME reform and privatization, trade openness and export promotion and banking sector liberalization. In order to develop the banking sector, the plan has targeted to develop electronic banking system, capital market, unification of exchange rate, and the procedure as well as regulations for microfinance.

The central bank allowed 6 private banks to undertake foreign currency trading and also issued foreign exchange dealer licenses to 11 private banks on 25th November2011, which allows them to provide foreign banking services, including opening LC and other means of payment for foreign trade. In consultation with the IMF and the World Bank, unifying the existing multiple exchange rate system is being carried out by the Ministry of Finance and Revenue and the CBM. The government lowered the bank interest rates which are relatively high by 2% each: from 12 percent to 10 percent for saving deposits and from 17 % to 15% for bank lending on 2nd September 2011. The government raised pensions and it provides a cash injection to the public at a time when people were struggling to meet their consumption needs.

FDI law: The new government issued the notification regarding land use for foreign investments, on 30th September 2012; land can now be rented to foreign investors with the prior agreement of the Union Government, initially for 30 years with the option to renew twice, each time for 15 years.

Development Plan: Recently, the Fifth Five Year Short Term Plan commencing from 2011-12 to 2015 has been revised to get realistic statistics due to the impact of natural disaster, exchange rate fluctuation and some statistics correction in some sectors. To have a growth rate of 6% in 2011-12, the government has adopted policies, objectives and process in each sector for effective implementation. More than 70 per cent of the population is engaged in agriculture, and it is the critical sector to be balanced and proportionate development to alleviate poverty.

In the agriculture sector, the Ministry of Agriculture and Irrigation has laid down the strategies for agricultural development as follows: Development of new agricultural land, provision of sufficient irrigation water, provision and support for agricultural mechanization, application of modern agro-technologies. Measure for the development and utilization of modern varieties measures are undertaken for 10 principal crops such as paddy, sugarcane, long staple cotton, maize, ground nut, sesame, sunflower, black gram, green gram and pigeon pea. There are applications of improved varieties which are appropriate for respective regions: Utilization of adequate fertilizers; Effective pest management; Application of efficient and appropriate technologies; and Utilization of appropriate cropping pattern which is suitable for the respective location. The government has provided rice seeds to farmers and doubled the loan for one acre to 40000 kyats. Apart from government's provision, specialized companies provide seeds, fertilizer and farm machinery for cultivation to farmers. Reducing cost of production is another important initiative that has to take place.

Regarding the livestock and fishery sector, the Ministry of Livestock and Fishery has emphasized to promote fish production and prevent depletion of fish stock, develop the livestock breeding and increase value added marine products. Moreover, integrated farming is also intended to increase for rural development. For preserving forest and environment, the Ministry of Environmental Conservation and Forestry has intended to increase protected area as well as ensure protection of wild plants and conservation of natural area. At the same time, it aims to increase plantation in the Dry Zones. The ministry has undertaken the objective to achieve the effective utilization of electric power. It plans to reduce transmission line and distribution line losses. Moreover, for rural sector electrification, the ministry plans to carry out the construction of mini hydro power plants, power generating by wind, solar and waste like husk, sawdust and animal waste. Moreover, for ICT development, government has targeted to improve the usage of broadband wireless and internet penetration. As the government has encouraged the private sector participation, the share of private sector recorded 90.6 percent in the share of GDP in 2010/2011. The high share of private sector is seen in agriculture, livestock and fishery, mining, processing and manufacturing, transportation, rentals and other services, and trade

sector. Government is carrying out the measures for social sector development in the area of health and education. Government has expanded the budget allocation for the development of education and health for the year 2011-2012 and 2012-13. It shows the improvement in social development. However, it needs to allocate more and effective utilization for these sectors. Human resource development is a basic foundation for human capital and long term development. It pushes the country from resource based economy to knowledge or innovated economy. Thus, human resource development plays a leading role in successful implementation of economic policies and reliable developments. The government has recognized the importance of human resource development as an essential for development of political, economic and social sectors. However, sustainable economic growth continues to remain a major challenge.

Until now, the economic growth is mainly financed by domestic resources. In addition, the other constraints are:

- (a) Inadequate infrastructure,
- (b) High production cost,
- (c) Difficult access to finance
- (d) Inconsistent policies
- (e) Lack of management skills
- (f) Shortage of professionals
- (g) Low productivity of Labour
- (h) Absence of R&D capability

It is recognized that unless these constraints are systematically removed, the capacity of the private sector as the engine of growth cannot be enhanced. In this context, it is aimed to create an enabling environment for investment.

Despite the challenges, the country does have some very clear competitive advantages, which needs to be harnessed. These are: Political stability, Peace and security, a vibrant and living culture, Natural and pristine environment, Geo-economic location and open access to the emerging economies of India and China, and Wide use of English language

As changing of the government, Myanmar has adopted its development policies with multi dimensional approach such as sectoral, regional, social, and human resource development approaches. Reform mechanism has also introduced for strong macro economy. However, it still needs to move gradually approach for unification of exchange rate and transformation of taxation system. Moreover, the government should have a comprehensive development master plan which is strongly linked with each and every sector from economic, social and environmental aspects. At the same time, regulatory

reform and institutional capacity is needed for effective implementation of development policies. Moreover, the degree of decentralization should be enhanced for better policy development. The state, regional organizations, co-operatives, private enterprises, NGOs and INGOs should make effort for poverty reduction and further development of the socio-economic conditions of the people and the country. Despite these reforms, Myanmar still performs very poorly in many areas. Long-standing problems include poor public finance management and underdeveloped legal and regulatory frameworks. Weak enforcement of property rights and fragile rule of law have driven many people into the informal sector. The inefficient public sector remains the largest source of employment.

The most recent UNDP Human Development Index places Myanmar as the 149th among 187 countries surveyed, putting it among the world's least developed countries, and the poorest countries in Asia. Myanmar's poverty rate according to official government's data is 26%, which is planned to be reduced to 16% by 2015. Unofficially however, the NGOs are reporting the poverty to be around 60%.[\[262\]](#) Life expectancy is 62 years of age, and the child mortality rate high at 71 per one thousand live births (though having decreased from 85 in 2000).[\[263\]](#) There is growing concern over rising inequality, disparities among regions and divisions, urban and rural areas, as well as a persistent low investment and lack of productive assets. The country is rich in natural resources and receives significant revenues from their extraction, but these reportedly do not appear in the national budget. Investment is low, and productive assets are lacking. Against this backdrop, IDPs in conflict areas of eastern Myanmar are particularly likely to be experiencing extreme poverty.

Myanmar is a disaster prone country, with floods, cyclones and earthquakes being the main risks for the population. In recent years, a significant loss of life and livelihoods were caused by disasters such as Cyclone Nargis (May 2008) which killed approximately 140,000 people, Cyclone Giri (October 2010) and the earthquake in Shan State (March 2011). These events cause severe losses for the population. Apart from the exposure to natural disasters, the persistent ethnic conflicts and internal displacement, as well as minority discriminations are the key factors of the country under-development.

Food Security and Livelihoods: WFP Hunger Map 2011 places Myanmar in the “Moderately low” hunger threshold (10-19%). However, as the situation differs a lot between the regions, several States and Divisions suffer from high levels of food insecurity, especially Northern Rakhine, Chin, Kachin and Shan states, as well as Magway Division. The national prevalence of acute malnutrition among children under 5 is nearly 9 percent, and in general 16% of Myanmar's population, or a total of 7.8 million individuals, suffer from undernourishment, according to FAO reports. The major agricultural product is rice which covers about 60% of the country's total cultivated land area. Rice accounts for 97% of total food grain production. In 2008, its production was estimated at 50 million tons.[\[264\]](#) For the moment, agriculture, fisheries and forestry sector accounts for 40% of Myanmar's GDP, one fourth of total exports and more than 50% of aggregate employment. The extensive natural resources export leads to country's environmental degradation. Myanmar is also the world's second largest producer of opium, accounting for 8% of entire world production.[\[265\]](#) Opium bans,

implemented since 2002 after international pressure, have left some of the ex-poppy farmers without sustainable sources of income. A serious threat to food security as many HHs are forced to divert incomes and / or undertake debt to meet health expenses; and prolonged illness limits agriculture production and income generating activities.

Education: The education system in Myanmar has long struggled under heavy restrictions, poor administration and lack of funding. Universities regularly closed down or moved campuses during the 1990s, and many crucial subjects were not taught. Although the Governments restrictions are gradually being released, the lack of teaching capacity remains one of the main problems in education. Disparities can be noticed especially between cities and the countryside. Still the number of schools in remote and rural areas is low, and where schools are present, transport is scarce; class sizes can range up to 70 students per teacher. Although the overall literacy and basic education statistics are relatively good, some regions (of ethnic minorities, high insecurity and displacement in difficult border areas) are reported to be critical since some of the ethnic minorities refuse to attend public schools, as they do not want their children to be taught in Burmese language. When it comes to secondary education, the statistics are very low for international standards. **Monastery and nunnery education:** as Buddhism is a prevalent religion in the country, there is a wide network of monastic and nunnery schools. The opening of private schools has also been initiated, however only a small percentage of the population can afford private school fees. 89% of basic education schools are in remote and rural areas, and most of the school buildings need improvement.

Health Services in Myanmar: The Ministry of Health is providing comprehensive health services covering promotive, preventive, curative and rehabilitative aspects to raise the health status and prolong the lives of the citizens. With the objective of achieving Health for All goals, successive National Health Plans have been developed and implemented in accordance with the guidelines of the National Health Policy. The basic health staffs down to the grass root level are providing promotive, preventive, curative and rehabilitative services through Primary Health Care approach. Infrastructure for service delivery is based upon sub-rural health centre and rural health centre where Midwives, Lady Health Visitor and Health Assistant are assigned to provide primary health care services to the rural community.

HIV/AIDS: HIV/AIDS prevention and care activities are being implemented in Myanmar as a national concern since 1989 with high political commitment. In accordance with Three ones principle: “One HIV/AIDS Action Framework, One National Coordinating Authority and One Monitoring and Evaluation System”, national response to HIV and AIDS is being implemented in the context of National Strategic Plan (2011-2015) developed with the participatory inputs from all stakeholders, under the guidelines given by the multi-sectoral National AIDS Committee which has been formed since 1989, and is monitored according to the National Monitoring and Evaluation Plan.

Malaria: Malaria is now a re-emerging public health problem due to climatic and ecological changes, population migration, development of multi-drug resistant *P.falciparum* parasite, development of insecticide resistant vectors and changes in behavior of malaria vectors. At present, National Malaria Control Programme is carrying out malaria control activities in line with the Global and National Malaria Control Strategies. Since the last decade, the malaria situation has shown some improvement as a result of scaling up of preventive and curative tools including distribution of Long Lasting Insecticidal Nets, impregnation of existing mosquito nets with insecticidal tablets and increased access of artemisininbased anti-malarial medicines to the communities through health facilities and volunteers in both public and private sectors. Although the long-term trend shows decreasing malaria morbidity and mortality in Myanmar, it still remains one of the leading causes of morbidity and mortality.

Tuberculosis: Tuberculosis (TB) is still a major health problem in Myanmar. Although Myanmar has achieved the global TB targets, case notification rates vary significantly between regions and states. Prevalence of HIV zero-positive among new TB patients was 9.7% according to the sentinel surveillance done at 25 sites in 2012. Prevalence of multi-drug resistant TB (MDR-TB) was 4.2% among new TB patients and 10% among previously treated patients based on the results of the second nationwide drug-resistant survey completed in 2008. The third nationwide drug-resistant survey was started in 2012, and it will be finished during 2013. The National Tuberculosis Program (NTP) was organized in 1966. NTP is currently running with 14 Regional & State TB centres with 101 TB teams at district and township levels. Since 2003, all townships in Myanmar could have been covered with DOTS strategy.

Access and Security: Some of the regions are still neglected in terms of humanitarian aid, due to high insecurity. This mainly refers to border areas. South-eastern regions still have high numbers of landmines and access by land is not possible. At the moment the most difficult regions are Tanintharyi Division, Kayin and Kayah States bordering with Thailand, Kachin State in the north of the country, where recent fighting between Government forces and Kachin Independence Army caused high displacement of the local population, and northern Rakhine State affected by ethnic conflicts. While Mon State, highly insecure until recently.

Social Development: Development of the social sector has kept pace with economic development. Expansion of schools and institutes of higher education has been considerable, especially in the Regions and States. Expenditures for health and education have increased considerably, equity and access to education and health and social services have been ensured all over the country. With prevalence of tranquility, law and order in the border regions, social sector development can be expanded throughout the country. Twenty four special development regions have been designated in the whole country where health and education facilities are developed or upgraded along with other development activities. Some towns or villages in these regions have also been upgraded to sub-township level with

development of infrastructure to ensure proper execution of administrative, economic and social functions.

7.8 Conclusion

The current political and economical changes bring new light to the country's perspective of development, after years of isolation and military dictatorship. The needs for humanitarian and development aid are very high. The Ministries seem to be more opening to cooperation although the bureaucracy the procedure may consume a great amount of time, the help is eventually reaching the neediest. Myanmar population is on its way to democratization and economic development with regard to Myanmar particular history, culture, social and political structures. After being out of touch with democracy for 48 years, the representatives of the people have again come to assemble at the Hluttaw, this time in Nay Pyi Taw. In the democratic system, the rights of the people must be presented and respected. The people must also know that with these rights come responsibilities and these are inextricably intentioned.

CHAPTER 8

CONCLUSION

Myanmar has changed a lot especially in politics and economic. Many things are needed to change in the administration mechanisms to be in line with the changing of the political, economic, and social and culture contexts. Although the country is endowed with natural resources as well as the young human capital for the nation building, Myanmar is still one of the worlds least developed country. The 70 per cent of the total population are extremely poor rural people whose livelihoods depend on agriculture. The daily-wages earners and common citizens in urban areas are the poorest people as they used to settle their debts at high interest regularly. Their earnings flow to the business owners and money-lenders. Political unrest is still a critical issue as it has been over 60 years. Government departments are main agents to covert the public policies into outputs for public benefits. It is necessary that the main administrative mechanisms of the government should be qualified to be in line with government policies and the changing of the conditions in the environment of

economic reforms along with the political ones to promote the socio-economic lives of the people of Myanmar.

The administrative systems can be viewed in three different paradigms:

(1) Myanmar Kings's period especially in three successive empires (1044-1885; 841 years);

(2) Colonial periods which includes British colonial period and Japanese Facist period (1886-1947; 61 years; lower Myanmar was under British rule for over a 100 years);

(3) And post independence period which include the parliamentary period (1947-1962); the era of the Burma Socialist Program Party (1962-1988); eras of military rulers SLORC (State Law and Order Restoration Council) and SPDC (State Peace and Development Council) (1989-2010); and the period of administration under the 2008 constitution.

Myanmar's long story of administration has been beginning from the first emperor in 1044 to now in 2013; many centuries have passed with so many histories. There have been many changes in the history of politics, economic and social cultural. However, the significant weakness is in policymaking, especially in trade. Monopolistic policies of the successive governments weaknesses affected the Myanmar economy.

The mercantilist philosophy made away to closer contact with the outside world. In the successive eras, Myanmar Kings exercised monopolies in trading largely. The trade policy impacted the country is economy as well as the socio-economic status of the people in Upper Myanmar ruled by Myanmar King, as compared with Lower Myanmar under British rulers. Although Myanmar king restricted the emigration in the successive eras, Emigration from Upper Myanmar to Lower Myanmar was significant in the period of King Thi Baw, the last king of Myanmar King dynasties.

The King was the head of the highly centralized administrative system. Mostly all the powers were vested in King and the royal families. The Hluttaw composed of civil, judicial and military functionaries were for supporting of the Monarch. The King was also Chief-Executive as well as final court of appeals. The king served as the patron of Buddhism, and monks were formally organized. These institutions participated in the sphere of politics in the civil aspects. Delegation done to some extent as the Hluttaw delegated its powers to the governors in every province.

The decline was not only due to foreign attack or due to internal rebellion, but rather it was merely a natural process of exhaustion and decay in a great empire. The dynasties themselves were able to produce only weaklings, who tried to hide their inadequacy by a show of arrogance. There has been considerable shift in the way the public administration was carried out in ancient and medieval times when the initiatives were nothing more than

sporadic administrative functions like maintaining law and order and collecting revenues with little or no welfare activities. The people who carried out those activities were selected by the monarchs and were no better than their personal servants. In the time of Myanmar kings, there was lack of public participation in the administration, and the people were apolitical. And the King and the royal families had little or no interest in the citizens' affairs.

The administrative system was totally changed under the British rulers and the bureaucratic system was replaced. Since January 2nd, 1923, the *Dyarchial* administrative system was implemented in Myanmar.[\[266\]](#) The aim of the system was to transform the administrative system from that of the administration of the officials to the administration of responsible persons to be practiced during the transitional period temporarily. The Dyarchial administrative became known as the dual system of government, since the elected ministers had administered it and selected member of the legislative council.[\[267\]](#) In this system, the jurisdiction of the government was divided into two jurisdictions-central subjects and provincial subjects. The Indian government was responsible for the central subjects while Myanmar government had taken the provincial subjects. The Federated Shan State would be free from interference of the new administrative system organized by the legislative council in Myanmar. It was an attempt of the British to administer the country through divide and rule policy. The Sawbwas were under the control of central authorities. Authority for rule of Law and Taxation were entrusted to the respective States.

The Bill for administration of Myanmar had been approved by the House of Lords of the British parliament in 1935. It became the 1935, Government of Burma Act. By this act, the new administrative System was enforced on 1st April 1937. It was well known as "91 Departments Administration" in Myanmar.[\[268\]](#)

The nature and characteristics of the governmental system during the colonial period had totally changed from those in the pre-colonial period. These changes became the major sources of political development and political culture in Myanmar. During the colonial period which could be divided into three phases: early colonial period (1886-1914) 28 years,, mid-colonial period (1914-1942 28 years), and late colonial period (1942-1948) 6 years; according to the nature and characteristics of different political systems and political development. The political system in the early colonial period was mixed system of colonial rule and indigenous administrative system. The political developments during this period could also be seen as revolutionary and resistant efforts on the one hand and pacification and law and order restoration process on the other. The political system in the mid-colonial period was pure colonial administration with the western administrative rules and regulations. The political development in this period seemed to be a bureaucratization on the one hand, and an anti-colonial movement on the other hand. The political system in the late colonial period was mostly martial law administration. Moreover, the political development in this period was restoration of law and order on one hand and independence struggle movements on the other hand. Colonial rule also introduced governance structures to effectively administer to the needs of the Myanmar economy. These resulted in the introduction of concepts of the modern economy and the bureaucracy.

The Young Men's Buddhist Association (Y.M.B.A), which was founded by western-educated Myanmar in 1906, brought about changes in people's attitudes, beliefs and expectations to politics. Under the leading role of the Y.M.B.A, most Myanmar had gained new trends of political approach by which they tried to gain more political power and to develop nationalism among Myanmar.

With the Japanese occupation, Myanmar had no choice but to act in conformity with the desire of the Japanese military authorities. Burma was not an independent and sovereign state at that period, actually it did not work because Japan had no legal status to make Burma free, and also Burma was not co-equal member of the community of sovereign states not only in the community of East Asia. Because of the nominal independence, authority legislative, executive and judicial process had to be followed especially to support the Japanese military action, and as a result, the people had no rights for their wellbeing. Because the military had stopped all trade, Myanmar came to be in the midst of a serious food dislocation. Rice and salt were the only foods generally available; other item being three to four times their former price.

After reoccupation of the British, the Panglong Agreement laid the foundation for the Union of Burma (Myanmar), and the Frontier Areas Committee which was soon afterwards set up in accordance with the Aung San-Attlee Agreement and which conducted investigations on the spot, could report favorably on the formation of a Federal Union in April 1947. Myanmar was finally granted independence on January 4, 1948, at 4:20am - a moment selected as being most auspicious by an astrologer. Since the gaining of independence, the multiparty system was introduced and the Anti-Fascist People's Freedom League (AFPFL), which obtained the majority support of the people in the Parliament, formed the government. U Nu's government faced many challenges from the outset-disgruntled communist factions and ethnic groups, who felt excluded from the deeply Buddhist U Nu's vision of the country, began insurgencies, and Kuomintang Chinese nationalist forces invaded Northern Myanmar.

A military coup on 2nd March 1962 resulted in the establishment of a Revolutionary Council which formed Security and Administrative Committees down to the ward and village levels and attempted to restore the security situation. BSPP government nationalized the economy and pursued a policy of the economic isolation of the country from the world. BSPP also took drastic steps regarding the currency to deter of hoarding by black-marketers and the funding of various insurgencies. Though limited compensation was offered, this wiped out people's savings overnight.

In 1987, United Nations declared "Myanmar as a Least Developed Country". BSPP lost the trust of its public as well as some of its members as to whether the system intend to reduce the financial lost of the country or not. Internal conflict between the military faction and the ex-Communist faction arose and there were fighting for power-struggle. As a result, thousands of leftists or communist sympathizers were purged from the party.

Despite the oppression, the students led protests eight times as in 1965, 1969, 1970, 1974, 1975, 1976, 1987, and 1988. In August and September 1988, these demonstrations turned into a nation-wide uprising against BSPP rule in what is now known as the 'Four Eights Uprisings'. The protests were often followed by the workers and the BSPP reacted by shooting.

Finally, BSPP decided to hold multi-party elections within 90 days, however massive demonstrations in Rangoon and the rest of the country continued. It showed the people's impatience for change these situations can be viewed as people's lack of political awareness because of the parochial culture in Myanmar for many years. This was the impact of the political ideologies of the BSPP. At the height of the Four Eights Uprising against the BSPP, U Nu resigned as party Chairman on 23rd July 1988.

The Army seized power and the leader, General Saw Mg and his officers called themselves the Organization for Building Law and Order in the State. The immediate goal of the Government was to establish law and order. After the coup, thousands of students fled to the border areas and to Thailand.

The NLD swept 16th June elections with over 7.9 million votes, winning 392 of the 447 seats contested in the 1990 election. Nevertheless, the SLORC did not want to hand over power to the NLD or to any other genuinely popular government. In 2003, SPDC announced the seven-point plan for changing to democracy.

The government sited its capital in the centre of Myanmar as a permanent solution to the security and easier management. The shift of the capital also indicated that the military was centralizing authority over the country, and also intended to enable the new government to control civilian unrests smoothly without affecting the government's day to day administration.

Myanmar experienced two-decades of post BSPP military rule backed by diplomatic and material help from powerful neighbors, China and India, competing with each other for privileged access to Myanmar's natural resources. China-Myanmar relations were more significant in the SPDC period. For the past two decades, U.S. policy toward Myanmar has tended to focus more on efforts to sanction and exclude the Burmese government—especially its military leaders. There were few successes since the first sanctions decided by Brussels in the early 1990s, the EU Common Position is structured around three main constituent elements: military, economic and political. It first includes the ban on any defence cooperation with Myanmar and the exclusion of Burmese military personnel from the territory of EU members. Secondly, limitations on cooperation, including suspension of bilateral/multilateral investment/partnerships and any involvement in development or non-humanitarian programs, restrictions on any imports/exports of Burmese-made products, as well as the freezing of the Burmese leaders' financial assets anywhere within the EU. Thirdly, the EU common Position involves a wide range of political and diplomatic constraints. Myanmar was only named as a non-cooperating country in 2001, and only then were

financial transactions with Myanmar subjected to closer scrutiny than normal. But the FATF (the Financial Action Task Force) was able to express its satisfaction with a number of specific actions taken by the Myanmar authorities to comply with FATF standards.

The ceasefires have allowed considerable progress in ethnic areas to encounter any community that wishes to return to armed conflict. However, many groups fell attention to their specific needs.

SPDC continued the constitutional referendum as one of the steps to democratization as they announced in 2003 of road map to Democracy, and the constitution was adopted in 2008 through a nation-wide referendum. The SPDC was officially dissolved on 30 March 2011, with the inauguration of the newly elected government, led by U Thein Sein, Prime Minister of SPDC, who had resigned from the military to run as a civilian, became president under the new constitution, and has implemented some reforms. NLD leader and Nobel Peace Prize winner Aung San Suu Kyi was released from jail on November 13th, 2010, and in what appears to be the first truly credible elections in decades.

There are four constitutions through successive eras in 1943, 1947, 1974, and 2008. Most of the constitution mentioned for the citizen rights and eternal values. This section in every constitution laws a vital role in nation building. But the criticism is whether the citizens get these values or not. Some points on the blueprint are as usual as mentioned in every constitution. The realistic is not realistic. The separation of the powers is critical, and follow-up is essential. Check and balance, and counter check mechanisms should be clear with their intents in the structure, to be in line with the principles of the constitution.

The Revolutionary Council emerged in 1962 as result of internal frictions and instabilities. It then drafted a constitution in 1974 with the decision to practice the socialist economy. Then the constitution ended with the 1988 uprising, and followed by the decision to practice multi-party democracy system. The National convention was convened in 1993 to lay down basic principles for drafting a new constitution. Consequently, the 2008 constitution could be adopted. The Following is the comparison between former two constitutions and the 2008 constitution in effect according to study. There have been calls for both amending and rewriting the 2008 constitution. The 1947 Constitution has weaknesses as it was urgently drafted. The 1974 and 2008 Constitutions were approved by the people in are referendum. In laying principles and drafting the constitution, the 2008 Constitution was drafted with more people's representatives, but some critical political groups were excluded. Three constitutions which have been in force in the country have different political aspects based on different political and economic contexts and systems.

Despite having no specific provision on the multi-party system in the 1947 Constitution, it allows party activities. There was no systematic party registration. The 1974 Constitution does not accept the multi-party system, but rather shaped the single-party system. The 2008 Constitution has provisions on legitimate, genuine and discipline-flourishing multi-party system.

Parties shall uphold our Three Main National Causes. Parties shall be loyal to the State. Parties shall abide by the Constitution and existing laws. Political parties shall register as per law. They have the right to freely campaign and run for elections. The 2008 constitution has rules for parties. If an only individual is responsible for all the branches of power, it could lead to the authoritarian rule or the dictatorship. There could be misappropriation of powers in order to cling to power. Although the one party system could effectively contribute to the welfare of the country if the party had capacity and goodwill, the weaknesses of the party and its members affected the country. It could also lead to dictatorship. The sharing of powers and the reciprocal control among the three branches of power leaves no room for dictatorship. It runs more smoothly and effectively.

According to the principles of secession from Chapter 10 of the 1947 Constitution, the Tatmadaw safeguarded the nation in secession from the federalism movement activity in March 1963. According to six objectives of the 2008 Constitution, the constitution of the state prohibits the secession, so it grants non-disintegration of the Union.

The 2008 Constitution shares three powers and practices check and balance system to ensure that President, PyidaungsuHluttaw and Supreme Court do not become three dictators or a single dictator. The Union government was led by the President at the Union level and the respective governments led by Chief Ministers of regions and states. In the 2008 Constitutions, not only the Pyi-daungsuHluttaw comprising AmyouthaHluttaw and PyithuHluttaw but also seven Hluttaw each of regions and states have legislative powers. As the Constitution also Shares legislative powers to the six self-administered Zones, national races have the greater opportunities to practice legislation. But there is need to set up an effective power sharing mechanism.

In the Union that is home to over 100 national races, the national races in respective regions have the right to practice this sovereignty on a wider scale under democracy. Legislative powers of the Union is shared not only to the central body but to that of regions and states. In the 2008 constitution, representatives of national races have the right to participate in practice of state power. In the 1947 and 1974 Constitutions, the ruling party (AFPFL and Burma Socialist Program Party) chose the candidates.

In the 2008 Constitution, as the Commander-in-chief of Defence Services nominated Defence Services Personnel representatives accounting for the one-fourth (25%) of the Hluttaw representatives in order to avoid recurrence of such incidents by taking part in the discussions, giving advices and pointing out the possible dangers to the country. The Defence Services Personnel who make up a quarter of the total number of parliamentarian cannot influence over three quarters of the total number of parliamentarian democratically. There are parliamentarians who were not elected by constituents in the legislative bodies of the Parliaments in same of the world's nations. In Britain, all members of House of Lords, numbering 659, are appointed by the Queen. All parliamentarians at the Upper House of Canada are appointed by the Governor-General and so on. But the participation of the defence personnel is needed for trust building with the people. And based on the changing

contexts, a country should decided the following issues; should the number of defence personal be reduced or should the amount of defence personnel should be reduced or no more participation; or should the system chosen be one of elected” or that of “selected system”.

As the 1947 Constitution laid down an economic system which is neither socialist economic system, most of the people suffered hardship, but foreign businessmen became richer. Although, the 1974 Constitution laid down a socialist economy, no progress was made due to the various reasons. The 2008 Constitution encourages free market economic system to be able to catch up with other countries, allow national race entrepreneurs to take part in the economic activities, Prevention acts that injure public interests and giving a guarantee that the Union shall not nationalize economic enterprises and not demonetize the currency legally in circulation. It is a national economic system focusing on the development of national economy by building trust between the government and local and foreign investors.

With regard to foreign policy, all constitutions drawn and practiced in the Union of Myanmar cover a non-aligned foreign policy and fostering of friendly relations with nations. The five Principles of peaceful co-existence have been included in the 1974 Constitution and the Constitution to be drawn. The 2008 Constitution states that the state shall not commence aggression against any nation and no foreign troops shall be permitted to be deployed in the territory of the Union.

The 2008 Constitution covers more fundamental rights of citizens. The Fundamental Principles of the 1947 Constitution can be amended easily, for it is stated that the amendment can be made with the approval of two thirds (67 per cent) of MPs. As the fundamental principles could be amended easily, the country was on the verge of disintegration. As the 1974 Constitution and the 2008 Constitution can be amended only with the approval of over 75 percent of MPs and with the holding of referendum, its principles can be firm and secure.[\[269\]](#)

The new democratic Government is dealing with the domestic political and economic changes. And Government has adopted the policies in multi sectorial approaches such as sectoral, regional, social, and human resources development; and dealing with peace building with insurgent groups, and trust building with the parties. The bureaucratic mechanisms are started to be changed to be in line with the political, economic and social contexts. But the needs of humanitarian aids are still high. It is needed to focus on the macro economy as strategically, and the micro economy for achieving sustainable development. But it is also needed to concentrate and the meso economy to narrow the gap between the poor and the rich. Research and development are critical for seeking solutions for development with the consultancy services of national as well as international experts. The professionalism is vital for Government as well as civil societies for improvement of the institutions. Laws concerning with social protection are essential for poverty reduction. Livelihoods improvements are needed to be balanced with disaster risk reduction for the

sustainability of development. In addition, it is needed to concentrate on the welfare of vast majority of non-armed members of ethnic minority communities to nurture the eternal values of the state constitution.

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