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## The Constitution of the Union of Burma

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# FAR EASTERN SECTION

## THE CONSTITUTION OF THE UNION OF BURMA

SIR BENEGAL NARSING RAU\*

The Constitution of Burma, which came into force on January 4, 1948, has many features of great interest to the constitution-maker. In form and content, in magnanimous treatment of special regions and racial groups, and in speed of enactment, it provides an example well worth our attention at the present time.

The writer of this article had the honour of being associated closely with the framers of the Constitution at almost every stage. The Constitutional Adviser of Burma came to Delhi in April, 1947, for discussion and collection of materials; a first draft of the new Constitution was then prepared and he took it back with him to Rangoon in May. There it underwent certain modifications and its provisions as so modified were accepted in substance by the Constituent Assembly of Burma. A Drafting Committee was then appointed to give it final shape. The Committee sat for about a fortnight in August and September and completed its work in time for the final draft to be brought before the Constituent Assembly about the middle of September. The Constituent Assembly passed it on September 24, 1947, with a provision that it would come into operation on such date as the Provisional President might announce by proclamation. On December 10, 1947, the Parliament of the United Kingdom passed the Burma Independence Act recognising Burma as an independent country with effect from January 4, 1948. Accordingly, this date was proclaimed for the commencement of the new Constitution. Thus the whole process from start to finish, including the enactment of the Constitution and of auxiliary legislation (such as the Burma Judiciary Act) by the Constituent Assembly and of the Independence statute by the British Parliament occupied no more than about eight months, in spite of the interruption caused by the assassinations of July, 1947.

The Constitution is bilingual in form as required by section 217, that is to say, two copies of it have been made, one in Burmese and

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\* Constitutional adviser to the Constituent Assembly of India. This article appeared in the May, 1948 issue of the *India Quarterly*, which has kindly consented to its reproduction in the *Washington Law Review*.

the other in English, both of them signed by the President of the Constituent Assembly and kept for record in the office of the Registrar of the Supreme Court. Both are said to be "conclusive evidence" of the provisions of the Constitution, so that neither by itself is the authoritative version and each will have to be interpreted in the light of the other.

Let us proceed to glance briefly at the contents of the new Constitution. The preamble runs:

WE, THE PEOPLE OF BURMA including the Frontier Areas and the Karenni States, Determined to establish in strength and unity a SOVEREIGN INDEPENDENT STATE, To maintain social order on the basis of the eternal principles of JUSTICE, LIBERTY AND EQUALITY and To guarantee and secure to all citizens JUSTICE social, economic and political, LIBERTY of thought, expression, belief, faith, worship, vocation, association and action, EQUALITY of status, of opportunity and before the law, IN OUR CONSTITUENT ASSEMBLY this Tenth day of Thadingyut waxing, 1309 B.E. (Twenty-fourth day of September, 1947 A.D.), DO HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

The phrasing is taken from the Objectives Resolution of the Indian Constituent Assembly passed in January, 1947, while the final words are borrowed from the preamble to the Constitution of Ireland.

Chapter I relates to the form of the new Constitution. Burma is described as a sovereign independent republic to be known as the Union of Burma, with sovereignty residing in the people. Symbolic of this Union is the national flag described in section 215 a rectangle of red with a canton of dark blue displaying a five-pointed large white star with five smaller similar stars between the points. Each of the small stars represents a special region of the Union: there are five such regions, namely, the Shan State, the Kachin State, the Karenni State, the Chin Division, and the rest of Burma which forms the central region. The large star stands for the entire Union. The Constitution contains special provisions for the administration of each of the peripheral regions as well as of the entire Union.

Chapter II deals with citizenship and fundamental rights. The citizenship provision is somewhat complicated, Burmese blood rather than birth on Burmese soil being the main test. As regards persons of non-Burmese blood, the conditions for citizenship are:

- (1) They must have been born in territory which at the date of their birth was British,

- (2) They must have resided in Union territory for a period of at least eight years in the ten years immediately preceding the commencement of the Constitution or immediately preceding January 1, 1942, this latter alternative being for the benefit of those who had to leave Burma during the Japanese occupation,
- (3) They must intend to make Burma their permanent abode;
- (4) They must signify their election of Burma citizenship in the manner and within the time prescribed by law

Most of the Indians now in Burma were either born in prepartition India or in Burma and their position needs attention. If the place where they were born was at the time of their birth British territory, *e.g.*, Chittagong or Madras, but not Travancore or Mysore, the first of the above four conditions is satisfied, if they satisfy the other three conditions as well, one of them being that they must elect Burma citizenship within a prescribed time, then, and not otherwise, they become Burma citizens. If they do not elect to become Burma citizens, their nationality remains what it was. But if they do become Burma citizens, the position will be different. They will cease to be British subjects by virtue of section 13 of the British Nationality and Status of Aliens Act. And we may anticipate that they will not be eligible for initial citizenship of the new Indian Union either. For, under the draft Indian Constitution, a person who, before the date of commencement of the new Constitution of India, acquires the citizenship of a foreign state is not an Indian citizen, it follows that if he has elected Burma citizenship, he cannot be an Indian citizen at the inception of the Indian Union, although it may be possible for him to become one later by naturalization. There is a demand among Indians in Burma that even if, for the time being, they elect to be Burma citizens, India should provide a specially easy mode of naturalization for them, if owing to changed circumstances they find it necessary later to migrate back to India. This is a matter which the framers of the naturalization law of India will have to bear in mind. Another matter worth notice concerns persons who, though born, say, in Chittagong (of parents and grandparents also born in the same place) and having their permanent abode in Burma at present, do not elect to become Burma citizens. What is their nationality? They will retain their status as British subjects; but, assuming that India and Pakistan remain within the British Commonwealth, will such persons, besides being British subjects, be citizens of India or of Pakistan, their birthplace being now in Pakistan?

Under the draft Indian Constitution, they can become citizens of India, provided they acquire a domicile in India before the commencement of the new Constitution, the principle adopted being that in order to qualify for citizenship of the Indian Union at its inception a person must have some kind of territorial connection with the Union, whether by birth or descent or domicile. In the case put above, there is no such connection by birth or descent—the birthplace of the persons concerned and their parents and grandparents being in Pakistan territory—and therefore at least domicile in Indian territory must be established. For this purpose, the draft Indian Constitution provides special facilities in view of the existing difficulties. If the place of birth in the above case was, say, Madras instead of Chittagong and the persons concerned did not elect to become Burma citizens, they would, besides remaining British subjects, be citizens of India by birth.

The fundamental rights in the Burma Constitution follow closely, both in form and content, those recommended by the Advisory Committee of the Indian Constituent Assembly: rights of equality, rights of freedom, rights relating to religion, cultural and educational rights, economic rights, and rights to constitutional remedies. Occasionally the phrasing is more cautious than that of the corresponding recommendation of the Advisory Committee: for example, the right to personal liberty is put in the form “No citizen shall be deprived of his personal liberty *save in accordance with law*.” This follows the provision in the Irish Constitution. It is open to the criticism that it leaves the legislature free to make any law to curtail personal liberty. But we have to remember that Burma has a very difficult law-and-order situation to face and that conditions in the country, as evidenced by the assassinations of July, 1947, are far from normal, they may have to be dealt with by exceptional measures; to fetter the discretion of the legislature in these circumstances may well have seemed to the framers of the Constitution to be unwise.

Freedom of religion is circumscribed by the salutary warning, “The abuse of religion for political purposes is forbidden, and any act which is intended or is likely to promote feelings of hatred, enmity or discord between racial or religious communities or sects is contrary to this Constitution and may be made punishable by law ”

Among the economic rights guaranteed is that of private property, but it is subject to the following important limitations:

No person shall be permitted to use the right of private property to the detriment of the general public.

Private monopolist organizations, such as cartels, syndicates and trusts formed for the purpose of dictating prices or for monopolizing the market or otherwise calculated to injure the interests of the national economy, are forbidden.

Private property may be limited or expropriated if the public interest so requires but only in accordance with law which shall prescribe in which cases and to what extent the owner shall be compensated.

The right to move the Supreme Court by appropriate proceedings for the enforcement of any of the fundamental rights guaranteed by the Constitution is also guaranteed except in times of war or insurrection.

Chapter III deals with the relations of the state to peasants and workers and contains the interesting provision that the state is the ultimate owner of all land. There is nothing revolutionary in this doctrine, because even in England all land is ultimately held of the Crown. More striking is the provision. "There can be no large land holdings on any basis whatsoever. The maximum size of private land holding shall, as soon as circumstances permit, be determined by law"

Chapter IV contains certain directive principles of state policy which are recommended for the general guidance of the state, but are not enforceable in any court of law. They are in the nature of moral precepts for the state authorities and are open to the facile criticism that the Constitution is not the place for moral precepts. But they have an educative value and most modern constitutions do lay down general principles of this kind. They correspond to the Instrument of Instructions with which we are familiar in the Indian Constitution; only, instead of being addressed to the Governor General or the Governor, they are addressed to all state authorities, legislative or executive. The directive principles embodied in the Burma Constitution are on the lines indicated in one of the pamphlets prepared for the Indian Constituent Assembly with certain significant additions. Among the main additions are the following:

The State shall ensure disabled ex-Servicemen a decent living and free occupational training. The children of fallen soldiers and children orphaned by war shall be under the special care of the State.

The economic life of the Union shall be planned with the aim of increasing the public wealth, of improving the material conditions of the people and raising their cultural level, of consolidating the independence of the Union and strengthening its defensive capacity

The State shall direct its policy towards giving material assistance to economic organizations not working for private profit. Preference shall be given to co-operative and similar economic organizations.

The State shall direct its policy towards operation of all public utility undertakings by itself or local bodies or by people's co-operative organizations.

The State shall direct its policy towards exploitation of all natural resources in the Union by itself or local bodies or by peoples' co-operative organizations.

Chapter V deals with the President's office. The head of the Union is the President, elected by both Chambers of Parliament in joint session by secret ballot. He holds office for five years and is eligible for re-election, but no person may be President for more than two terms in all. He must be a citizen of the Union, who was, or both of whose parents were, born in Union territory. He may be impeached for high treason, violation of the Constitution, or gross misconduct. The charge is to be preferred by one of the two Chambers and investigated by the other; the resolution preferring the charge as well as the resolution declaring it proved requires a two-thirds majority; the latter resolution operates to remove the President from office.

The President is intended to be a constitutional head, acting for the most part on the advice of the Union Government, which consists of the Prime Minister and his colleagues. There are, however, certain exceptional matters in which the advice of the Government is not required or is not sufficient. Among these exceptional matters are the following:

- (1) The President has to appoint the Prime Minister on the nomination of the Chamber of Deputies.<sup>1</sup>
- (2) When the Prime Minister has ceased to retain the support of a majority in the Chamber of Deputies the President may refuse to prorogue or dissolve the Chamber on his advice; but in that event, he must forthwith call upon the Chamber to nominate a new Prime Minister and if the Chamber fails to do so within fifteen days, it must be dissolved.
- (3) The President cannot declare war except with the assent of the Parliament; but the Government may take preliminary steps for the protection of the Union, and the Parliament, if not sitting, must be summoned to meet at the earliest possible date.

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<sup>1</sup> This is, of course, previous to the formation of a new Government.

- (4) All the Judges of the Supreme Court and the High Court have to be appointed by the President with the approval of both Chambers of Parliament in joint sitting.

There is no Vice-President for the Union. Should the office of the President fall vacant, his functions are to be exercised by a Commission consisting of the Chief Justice of the Union, the Speaker of the Chamber of Nationalities, and the Speaker of the Chamber of Deputies.

The legislative power of the Union is vested in the Union Parliament which consists of the President, the Chamber of Deputies (the lower House), and the Chamber of Nationalities (the upper House) Parliament must meet at least once in every year and at intervals of less than twelve months. There is an enabling provision for payment of members. Any property qualification for membership of Parliament or for the parliamentary franchise is prohibited, so too any disqualification on the ground of sex, race, or religion, except that members of any religious order may be debarred by law from standing for election or voting. Every citizen who has completed the age of twenty-one years and who is not placed under any disability or incapacity by the Constitution or by law is eligible for membership of Parliament. Every citizen who has completed the age of eighteen years and who is not disqualified by law (*e.g.*, on the ground of insolvency or unsoundness of mind, or crime) has the right to vote at parliamentary elections. Voting is to be by secret ballot. Electoral districts are to be equal as far as possible; more precisely, "the ratio between the number of members to be elected at any time for a constituency and the population of that constituency as ascertained at the last preceding census shall, so far as practicable, be the same for all constituencies throughout the Union, except in the case of the constituencies of the special Division of the Chins and the Karenni State, in respect of which the ratio may be higher." Polling at every general election must be on the same day throughout the Union.

The Chamber of Nationalities consists of 125 members and the Chamber of Deputies about twice that number. Representation to the Chamber of Deputies is on the basis of population. The population of Burma being about 17,000,000, a total membership of 250 would mean one member for every 68,000 of the population, which is about halfway between the maximum and minimum limits laid down in the Constitution. The normal life of the legislature is four years, a dissolu-



tion of the Chamber of Deputies operating also as a dissolution of the Chamber of Nationalities. The composition of the Chamber of Nationalities is prescribed in a Schedule to the Constitution. Of the 125 seats in that Chamber, twenty-five are allotted to the Shan State, twelve to the Kachin State, eight to the special Division of the Chins, three to the Karenni State, twenty-four to the Karens, and the remaining fifty-three to the remaining territories of the Union. All the representatives from the Shan State in the Chamber of Nationalities are to be elected by the *Saohpas* or Chiefs of the Shan State from among themselves; the *Saohpas* are not eligible for membership in the Chamber of Deputies. There are similar provisions for the Karenni State.

Money bills can be initiated only in the Chamber of Deputies. Every such bill, after being passed by the Chamber of Deputies, is to be sent to the Chamber of Nationalities for its recommendations. If it is not returned by the Chamber of Nationalities to the Chamber of Deputies within twenty-one days or is returned within that period with recommendations which the Chamber of Deputies does not accept, it is deemed to have been passed by both Chambers at the expiration of that period. Other bills may be initiated in either Chamber; if one Chamber passes it and the other Chamber rejects or fails to pass it or passes it with amendments to which the Chamber where the bill originated will not agree, the President has to convene a joint sitting of the two Chambers and if it is passed by a majority of the total number of members of both Chambers present and voting, it is deemed to have been passed by both Chambers.

Chapters VI and VII deal respectively with the Union Parliament and the Union Government. The Burma Constitution follows the Constitution of Ireland in seeking to reduce to statutory form the conventions of responsible government. The provision relating to the appointment of the Prime Minister has already been mentioned as also one of the provisions relating to dissolution; the former certainly differs from the convention in England and so too, probably, the latter.<sup>2</sup> The following provisions may also be noticed in this connection.

115. The Government shall be collectively responsible to the Chamber of Deputies.

117 (1) The Prime Minister may resign from office at any time by placing his resignation in the hands of the President.

(2) Any other member of the Government may resign from office by plac-

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<sup>2</sup> See, for example, SIR MAURICE AMOS' *THE ENGLISH CONSTITUTION* (1930) pp. 106-108.

ing 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 under the next succeeding sub-section.

(3) The President shall accept the resignation of a member of the Government other than the Prime Minister, if so advised by the Prime Minister.

118. 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.

119 The Prime Minister shall resign from office upon his ceasing to retain the support of a majority in the Chamber of Deputies unless on his advice the President dissolves the Parliament under section 57 and on the re-assembly of the Parliament after the dissolution the Prime Minister secures the support of a majority in the Chamber of Deputies.

120. (1) If the Prime Minister at any time resigns from office, the other members of the Government shall be deemed also to have resigned from office, but the Prime Minister and the other members of the Government shall continue to carry on their duties until their successors shall have been appointed.

The distribution of legislative power between the Union and the Units is, subject to certain exceptions, on the Canadian model, that is to say, there are only two Legislative Lists, a Union List and a State List, any matter not enumerated in the latter being allocated to the former. Thus what is called the residuary power belongs to the Centre. Broadly speaking, the subjects which in the present Indian Constitution fall in the Provincial Legislative List fall under the Burma Constitution in the State List and the rest in the Union List. Any State Council (which is the name of the State legislature) may by resolution surrender any of its powers or territories to the Union.

Chapter IX deals with the states and other semi-autonomous areas. There are at present three States with special Councils for legislating on state subjects: the Shan State, the Kachin State, and the Karen State. For the rest of the Union, comprising by far the larger part of its area, the Union Parliament is the only legislature, whether the subject be in the Union List or not. It is as if the larger part of India, under the present Constitution, consisted of Chief Commissioners' Provinces or as if the larger part of the United States of America consisted of "territories" instead of "states." Another noteworthy feature of the Burma Constitution is that each State Council consists entirely of the representatives of the particular State concerned in the Union Parliament. In other words, what may be called the State Com-

mittee of the Union Parliament is the legislature of the state for purely state subjects. It will be remembered that in the British Parliament, bills relating exclusively to Scotland are referred to a Grand Committee including all the Scots members; the Burma Constitution has adopted the same idea. And just as there is a Secretary of State for Scotland in the British Cabinet to deal with Scottish affairs, each of the above States in Burma has a special Minister in the Union Cabinet to deal with the affairs of the State. Thus, section 160, which relates to the Shan State, provides:

A member of the Union Government to be known as the Minister for the Shan State shall be appointed by the President on the nomination of the Prime Minister acting in consultation with the Shan State Council from among the members of the Parliament representing the Shan State.

The Minister so appointed is also the executive head of the state. In other words, just as the representatives of the state in the Union Parliament constitute the legislature for the state in matters of local concern, so too the representative of the state in the Union Cabinet is the executive head of the state in such matters. The head of the state is required to consult the State Council in all matters relating to the state and in order to facilitate this consultation, the State Council is required, at its first meeting after a general election, to elect from among its members or otherwise a Cabinet of State Ministers to aid and advise the head of the state in the exercise of his powers.

Besides the State Legislative List, the Constitution contains a State Revenue List, the object of which is to indicate what sources of revenue are to be allocated to the states. It may happen that although for purposes of legislation a subject falls in the Union List, the revenue arising from it must be allocated to the states, as in the case of forests. Besides the revenues allocated to the states, the Union may make grants to the states out of its own revenues upon the recommendation of any Board or other authority appointed for the purpose.

In addition to the three states named above, there are two special areas known respectively as the Kaw-thu-lay Region and the Chin Division. Each of these areas, though not a regular State with powers of legislation, has a considerable measure of regional autonomy. Thus, section 197 provides:

197 (1) A Chin Affairs Council shall be constituted consisting of all the members of the Parliament representing the Chins.

(2) A member of the Union Government to be known as "the Minister

for Chin Affairs" shall be appointed by the President on the nomination of the Prime Minister, acting in consultation with the Chin Affairs Council, from amongst the members of the Parliament representing the Chins.

(3) Subject to the powers of the Union Government—

- (i) the general administration of the Special Division and in particular all matters relating to recruitment to the civil services in the Special Division, to postings and transfers, and to disciplinary matters relating to these services, and
- (ii) all matters relating to schools and cultural institutions in the Special Division

shall be under the superintendence, direction and control of the Minister for Chin Affairs.

(4) The Chin Affairs Council shall aid and advise the Minister in the discharge of his duties.

(5) Any member of the Council who shall have ceased to be a member of the Parliament shall be deemed to have vacated his seat in the Council but he may continue to carry on his duties until his successor shall have been elected.

One significant limitation on the autonomy, whether of states or of the other special areas mentioned, is expressly prescribed in the Constitution.

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.

It is important to distinguish the Karenni State from the Karen State, of which one often reads in the daily press. The Karenni State consists of three small principalities which in the old days were non-British territory, rather like the smaller Indian States in India, these principalities now form a single state and a unit of the Burma Union. But the Constitution also provides for the ultimate creation of a larger state to be known as the Karen State; this is to consist of the existing Karenni State and the special Region of Kaw-thu-lay which was part of British Burma. This larger state is to be constituted if the majority of the people of these areas and of the Karens living in Burma outside these areas so desire. The demand for the larger state is therefore not to be regarded as an attempt to disrupt the Union, on the other hand, it is something which is recognized and provided for in the Constitution itself.

The procedure for amendment of the Constitution is laid down in

Chapter XI. Every proposal for the amendment of the Constitution has to be in the form of a bill.

209. (1) Such Bill may be initiated in either Chamber of Parliament.

(2) After it has been passed by each of the Chambers of Parliament, the Bill shall be considered by both Chambers in joint sitting.

(3) The Bill shall be deemed to have been passed by both Chambers in joint sitting only when not less than two-thirds of the then members of both chambers have voted in its favour.

(4) A Bill which seeks to amend—

(a) the State Legislative List in the Third Schedule, or

(b) the State Revenue List in the Fourth Schedule, or

(c) an Act of the Parliament making a declaration under paragraph (iv) of sub-section (1) of section 74 removing the disqualification of any persons for membership of the Parliament as representative from any of the States shall not be deemed to have been passed at the joint sitting of the Chambers unless a majority of the members present and voting, representing the State or each of the States concerned, as the case may be, have voted in its favour.

(5) A Bill which seeks to abridge any special rights conferred by this Constitution on Karens or Chins shall not be deemed to have been passed by the Chambers in joint sitting unless a majority of the members present and voting, representing the Karens or the Chins, as the case may be, have voted in its favour.

Thus the interests of the states and other special areas are sufficiently safeguarded.

The Judiciary is dealt with in Chapter VIII of the Constitution, which provides for a Supreme Court and a High Court. The Supreme Court is the court of final appeal and exercises appellate jurisdiction over the High Court and such other courts as the Union Parliament may by law prescribe. The High Court is the highest court of original jurisdiction, but may also exercise appellate jurisdiction over subordinate courts. The mode of appointment of judges has already been mentioned. Qualifications are prescribed in the Constitution similar to those in the existing Indian Constitution. The age of retirement is not prescribed in the Constitution, but has been left, along with other matters such as remuneration and pension, to be prescribed by a separate law to be made by Parliament. A judge may be removed by the President for proved misbehavior or incapacity, but only upon a resolution of both Chambers at a joint sitting after the charge has been

investigated by a special tribunal of three members including the Speakers of the two Chambers.

The Supreme Court has in addition to its appellate jurisdiction an advisory jurisdiction in respect of important questions of law referred to it by the President. The Constitution specifically provides that while the High Court may sit in the capital city of the Union, one or more Judges of the High Court must sit in such place in the Shan State as the President may, after consultation with the Chief Justice of the Union, from time to time appoint. Here, again, the solicitude of the framers of the Constitution for the interests of this state is evident.

It will be noticed from what has been said that the relationship between the Union and the Units in Burma is very close, closer than in Canada and much closer than in the U.S.A., for, not only are the residuary powers vested in the Centre, but even the legislatures and the executive heads of the states are drawn from the Central Legislature and the Central Cabinet.

We now come to an unusual feature of the Constitution. the Union is not indissoluble. The Shan State and the Karenni State—but not the Kachin State—have been given the right to secede, but the right is not to be exercised during the first ten years of the Union. The procedure for secession is laid down in Chapter X thus:

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 number 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 of an equal number of members representing the Union and the State concerned in order to supervise the plebiscite.

The first general election under the new Constitution is to be held within eighteen months from the date of its coming into operation (January 4, 1948). In the meantime, the Constituent Assembly will itself function as the provisional Union Parliament and there is also a Provisional President as well as a Provisional Government.

In all these different ways—by constitutional expedients, by sympathetic understanding and treatment of the problems of special areas, by generous dealing with sensitive minorities—Burma has not only averted any partition of her territories, but has fashioned them all into a close-knit unity. The thirty-six Shan States, the two Wa States, the three Karen States, the Karen Region, and the Chin Division, some of which threatened to break away at one stage and were a source of considerable anxiety, have been quietly and without fuss integrated along with the rest of Burma into a close Union. It is true that there is a qualified right of secession and other difficulties, not yet suspected, may arise; but the magnanimity with which the Constituent Assembly elected one of the Shan Chiefs, first as its President and then as the Provisional President of the new Union augurs well for the future. The credit of this achievement belongs in large measure to Burma's great leader, the Bogyoke, whose assassination in July last filled the country with grief and anxiety. But the tragedy has only served to bind the Burmese people closer together and he rules them from the grave even more than he did during life.

And so the new Union has been launched. The captain and the crew are all young men full of high ideals and eager hope, and India, which may claim in a sense to be their spiritual home, will watch their progress with sympathy and goodwill.

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## A BRIEF OUTLINE OF THE GROWTH OF PHILIPPINE LAW

EWALD E. SELPH\*

The Philippine Constitution was adopted pursuant to the mandate of the Tydings-McDuffie Law<sup>1</sup> that it should be republican in form and contain a bill of rights. It contains a declaration of principles<sup>2</sup> which includes five major items. These are: the Philippines are a republican state and sovereignty resides in, and all government authority emanates from, the people; national defense is the prime duty of government and all citizens may be required by law to render personal military or civil service; war is renounced as an instrument of national policy and the generally accepted principles of international law are adopted as part of the nation's law; aid and support should be given by the government to parents in rearing youth for civic efficiency; and that the promotion of social justice to insure the well-being and eco-

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\* The author is a member of the Manila Bar.

<sup>1</sup> Act of U.S. Congress of March 24, 1934.

<sup>2</sup> PHILIPPINE CONST., Art. II, §§ 1-5.