

THE CONSTITUTION AMENDMENT ACT, 1951.¹

[Act LXII, 1951.] (7th November, 1951.)

An Act to amend the Constitution of the Union of Burma.

It is hereby enacted as follows :—

1. (1) This Act may be called The Constitution Amendment Act, 1951.
(2) It shall come into force on the date of promulgation except sections 3 and 7 which shall come into force on the date of the dissolution of the Parliament following the first general elections held under section 233 of the Constitution.
2. In section 8 of the Constitution, for the expression "Section 180" the expression "Sections 180 and 181" shall be substituted.
3. In sub-section (1) of section 83 of the Constitution, the last sentence shall be deleted.
4. For the provisions in sections 180 and 181 of the Constitution, the following shall be substituted, namely :—
 - "180. (1) The territory hitherto known as the Salween District shall form a constituent unit of the Union of Burma and be hereafter known as 'The Karen State'. It shall also include such adjacent areas occupied by the Karens as may be determined by an Act of Parliament.
 - (2) All the members of the Parliament representing the Karen State shall constitute the Karen State Council.
 - (3) Any member of the State Council who shall have ceased to be a member of the Parliament shall be deemed to have vacated his seat in the Council, but may continue to carry on his duties until his successor shall have been elected.
 - (4) The State Council may recommend to the Parliament the passing of any law relating to any matter in respect of which the Council is not competent to legislate.
 - (5) 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 decision under sub-section (6).
 - (6) The President may, in his discretion, refer any Bill presented to him under sub-section (5) to the Supreme Court for decision on the question whether such Bill or any specified provision thereof is repugnant to this Constitution.
 - (7) The Supreme Court, consisting of not less than three judges, shall consider the question referred to it and after such hearing as it thinks fit, shall pronounce its decision on such question in open Court as soon as may be and in any case not later than thirty days after the date of such reference. The decision of the majority of the judges shall, for the purpose of sub-section (6), be the decision of the Court.
 - (8) In every case in which the Supreme Court decides that any provision of the Bill, the subject of a reference to the Supreme Court under sub-section (6), is repugnant to this Constitution, the President shall

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- return the Bill to the State Council for reconsideration and shall decline to sign it unless the necessary amendments shall have been made thereto.
- (9) In every other case, the President shall sign the Bill and promulgate the Act as soon as may be after the decision of the Supreme Court shall have been pronounced.
- (10) When the President has signed a Bill presented to him under sub-section (5) whether without or after a reference to the Supreme Court, the validity of any provision of the Bill shall not be called in question on the ground that it was beyond the competence of the State Council.
- (11) The signed text of every Act shall be enrolled for record in the office of the Registrar of the Supreme Court and a copy of the same shall be enrolled for record in the office of the Minister for the Karen State.
- (12) The Head of the Karen State may, from time to time, summon and prorogue the State Council :
- Provided that there shall be a session of the State Council once at least in every year so that a period of twelve months shall not intervene between the last sitting of the Council in one session and its first sitting in the next session.

GOVERNMENT OF THE KAREN STATE.

181. (1) A member of the Union Government to be known as the Minister for the Karen State shall be appointed by the President on the nomination of the Prime Minister acting in consultation with the Karen State Council from among the members of the Parliament representing the Karen State. The Minister so appointed shall also be the Head of the Karen State for the purpose of this Constitution.
- (2) The Head of the State shall be in charge of the administration of the State ; that is to say, the executive authority of the State shall be exercised by the Head of the State either directly or through officers subordinate to him.
- (3) Without prejudice to the generality of the provisions of sub-section (4), the said executive authority shall extend to all matters relating to recruitment to the State civil services, to postings and transfers and to disciplinary matters relating to these services.
- (4) Subject to the provisions of this Constitution, the executive authority of the State extends to the matters with respect to which the State Council has power to make laws, and in all such matters the decision of the Council shall be binding on the Head of the State.
- (5) The Head of the State shall consult the State Council in all other matters relating to the State.
- (6) In order to facilitate the communication of the decisions and the views of the State Council to the Head of the State, the Council shall at its first meeting after a general election 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 functions.
- (7) The Head of the State shall give or cause to be given an account of his work to the State Council in each ordinary session, present or cause to be presented to the Council a report upon all matters relating to the State, and recommend for the consideration of the Council such measures as he thinks fit for promoting the general welfare.

- (8) The Head of the State shall prepare or cause to be prepared the estimates of the receipts and of the expenditure of the State for each financial year and shall present them or cause them to be presented to the State Council for consideration.
- (9) Subject to any conditions that may be imposed by the Union in respect of any contributions from the Union, the State Council shall have power to approve the budget of the State ; and in order to enable the President to satisfy himself that the conditions have been duly observed, such budget shall be incorporated in the Union budget.
- (10) The provisions of Chapter X of this Constitution shall not apply to the Karen State.
- (11) Subject to the provisions of this Constitution all matters relating to the Constitution of the State including those relating to the powers and duties of the Head of the State, of the State Council and of the Cabinet of State Ministers and their relations to each other and to the Union Government shall be determined by law :

Provided that until the date of the dissolution of the Parliament constituted following the first general elections held under section 233 of the Constitution, the Karen State Council shall be constituted with all the members of the Parliament representing Karens."

5. Section 195 of the Constitution shall be deleted.

6. In sub-section (5) of section 209 of the Constitution, the expression " Karens or " shall be deleted.

7. In the Second Schedule to the Constitution,—

(i) for clause (e) the following shall be substituted, namely :—

" (e) fifteen seats shall be filled by representatives from the Karen State;"
and

(ii) in clause (f) for the words " fifty-three seats " the words " sixty-two seats " shall be substituted.

8. In the Constitution, for the expression " Karenni State " wherever it occurs, the expression " Kayah State " shall be substituted.

ပြည်ထောင်စု ပါလီမန်ဆိုင်ရာ လူမျိုးစုလွှတ်တော် နာယကနှင့် ဒုတိယ
နာယက၊ ပြည်သူ့လွှတ်တော်ဥက္ကဋ္ဌနှင့် ဒုတိယဥက္ကဋ္ဌတို့၏ လစာငွေများ
အက်ဥပဒေ။

[၁၉၅၂ ခုနှစ် အက်ဥပဒေ အမှတ် ၁၊] (၁၉၅၂ ခုနှစ် မတ်လ ၃ ရက်။)

အောက်ပါအတိုင်း အက်ဥပဒေအဖြစ်ပြဋ္ဌာန်းလိုက်သည်။

၁။ ။ ဤအက်ဥပဒေသည် ဖွဲ့စည်းအုပ်ချုပ်ပုံ အခြေခံဥပဒေ အခန်း ၆ အရ၊ ပဌမဖွဲ့စည်း အာဏာတည်
သော ပြည်သူ့လွှတ်တော်၏ ပဌမအစည်းအဝေးကျင်းပသည့်နေ့ တွင် စတင်အာဏာတည်သည်ဟု
မှတ်ယူရမည်။

° ၁၉၅၂ ခုနှစ်၊ မတ်လ ၃ ရက်။ (မြန်မာနိုင်ငံပြန်တမ်း၊ ၁၉၅၂ ခုနှစ်၊ အပိုင်း ၁၊ စာမျက်နှာ ၁၂၄ တွင်ကြည့်။)