

Suggestions sought in connection with Citizenship Draft Law

The Union Citizenship Act, 1948 and the Union Citizenship (Election) Act, 1948 were promulgated at the time when Burma gained her independence. Under the Union Citizenship (Election) Act, 1948, the period in which election of citizenship may be made ended on 30th April 1950 and as such, it may be said that this Act has no longer any legal force. Moreover, as these laws were drafted and promulgated to suit the conditions prevailing at the time Burma was fighting for her independence, many loopholes and weaknesses were found in them. As conditions have changed with the times it has now become necessary to draft and promulgate a new law.

Therefore, the Council of Ministers submitted to the Council of State in 1976 a draft law to substitute the Union Citizenship Act, 1948. The Council of State decided to prepare the said draft Law after extensive consultations.

The Council of Ministers in accordance with the decision of the Council of State redrafted the law and submitted it to the Council of State in 1977. As the matter is of utmost importance, the Council of State directed that the advice of the Party, Council, Mass and Class Organizations, people residing in the Frontier Areas, people residing in big cities and towns and the public should be sought extensively and the law re-drafted.

The Law Commission that was formed by the Council of State on the 4th July 1978 sought the advice of the public in accordance with the directive of the Council of State. Groups consisting of members of the Law Commission visited five States and held discussions with Party, Council and departmental officials.

Meetings to seek advice were held in 14 States and Divisions, 304 Townships and 11933 Wards and Villages. A total of 1987145 attended these meetings.

The Law Commission after seeking the advice of the people drafted the Citizenship draft law in 1979 and submitted it to the Council of State.

The Chairman of the Council of State directed that the said draft be amended wherever necessary and to have extensive discussions by holding meetings. In accordance with the said directives a meeting was held on 22nd September 1979 under the auspices of the Council of State with persons from the Burma Socialist Programme Party, the Council of State, Central Organs of State Power. At that meeting, the Chairman of the Council of State stressed the utmost importance of the Citizenship Law and said that because of its extreme importance opinion should be sought again from the people and also that if it is drafted in haste and submitted to the Pyithu Hluttaw it might create undesirable problems in the future. The Chairman also gave directions at the meetings held on 6th November 1979 and 11th December 1979 as regards the object and principles to be observed in drafting the new law.

In accordance with the directive and guidance of the Chairman, the Council of State in connection with the drafting of the Citizenship Law prepared manuals and documents regarding advice to be sought, explanations to be given and these were distributed to Burma Socialist Programme Party, Central Committee Headquarters and to the Executive Committees of the States and Divisional People's Councils. Groups consisting of the members of the Law Commission visited the various States and Divisions to clarify matters in connection with the drafting of the Law and sought advice from the people. The Clarification and Advice Seeking Groups formed at State and Divisional levels again clarified and explained in each of the various States and Divisions and sought the advice of the people.

In connection with the advice sought from the people, 37186 suggestions were received from 14 States and Divisions, 203 Townships, 1000 Wards and Villages, 188 individuals. Based on such suggestions received from the public, the Law Commission prepared the Burmese Citizenship Draft Law and the Explanation

thereto and forwarded them to the Ministry of Home and Religious Affairs for necessary amendments and for further necessary action. The Ministry of Home and Religious Affairs submitted the draft Law and the explanation thereto to the Council of Ministers which in turn submitted the same to the Council of State.

At the meeting of the Council of State held in February 1982, the Chairman of the Council of State directed that suggestions be sought thoroughly. The said meeting also discussed and vetted the Burmese Citizenship Draft Law and the Explanation thereto and suggested to the Law Commission to amend the said draft Law based on the meeting's findings and place the re-drafted law before the public for suggestion.

In his speech at the Second Session of the Third Pyithu Hluttaw, the Secretary of the Council of State stated that the Law Commission will in accordance with the guidelines set down by the Council of State re-draft the Burmese Citizenship Draft Law and the Explanation thereto; that in the near future the draft Law and the explanation will again be presented to the people for their suggestions; that a final draft of the law based on the suggestions received will be prepared, and that measures for its submission to the Pyithu Hluttaw will be taken as soon as possible.

The Law Commission duly re-constituted by the Council of State on 11th January 1982 prepared a revised draft of the Burmese Citizenship Law and the Explanation thereto in accordance with the guidelines set down by the Council of State (the members comprising the Law Commission and duties and powers of the Commission are mentioned in the annexure).

Advice is hereupon requested from the working people especially those from the Frontier Areas, States, Council, Armed Forces and Mass and Class Organizations in connection with the Burmese Citizenship Draft Law re-drafted by the Law Commission.

BURMESE CITIZENSHIP DRAFT LAW AND EXPLANATION

Section	Draft Law	Explanation
	<p>Burmese Citizenship Draft Law (Pyithu Hluttaw Law No. , 198 .) The Pyithu Hluttaw enacts the following Law :-</p> <p>Chapter I Title and Definition</p>	
1.	This Law may be called the Burmese Citizenship Law.	<p>(1) This draft Law includes such provisions as nationality, citizenship, naturalization, duties and powers, cessation and revocation of citizenship or naturalized citizenship.</p> <p>(2) In naming a law a short title indicative of the subject-matter is usually given.</p> <p>(3) The majority of the public have advised that the title of the law should be "Burmese Citizenship Law".</p> <p>(4) Hence the title "Burmese Citizenship Law" is given.</p>
2.	The expressions contained in this Law shall have the following meaning:-	
	<p>(a) "State" means the Socialist Republic of the Union of Burma;</p> <p>(b) "National" means persons belonging to the Burmese race such as the Kachin, Kayah, Karen, Chin, Burman, Mon, Arakanese, Shan of the State and persons belonging to such racial group as has settled in any of the territories now included within the State as their permanent home from a period anterior to 1823 A.D. (1835 B.E.);</p>	<p>(1) In section 5(a) (i) of the Interpretation of Clauses Law, 1973 the expression "Burmese" includes national groups such as the Kachin, Kayah, Karen, Chin, Burman, Mon, Arakanese and Shan. The use of the expression "Burmese" in this draft Law is in conformity with the interpretation made in the above-mentioned Law.</p> <p>(2) Although they are of such races as Kachins, Kayahs, Karens, Chins, Burmans, Mons, Arakanese or Shans, if they do not reside permanently within Burma, but reside permanently in another country they are not nationals of this country.</p>

Section	Draft Law	Explanation
	<p>(c) "Foreigner" means a person who is not a citizen or a naturalized citizen;</p> <p>(d) "Certificate of Citizenship" means a certificate of citizenship granted under this Law or any other law;</p> <p>(e) "Certificate of Naturalization" means a certificate of naturalization granted under this Law or any other law;</p> <p>(f) "Illegitimate child" means a child born of parents not lawfully wedded or born out of wedlock;</p> <p>(g) "Child" means a natural born child, a stepchild, a legally adopted child or an illegitimate child;</p> <p>(h) "Person born within the State" includes a person who is born on board a ship, aircraft or any other vessel registered in the State irrespective of the location of such a vessel;</p> <p>(i) "Person born outside the State" includes a person born on board a ship, aircraft or any other vessel registered in a foreign country, irrespective of the fact that such a vessel was within the territorial limits of the State;</p> <p>(j) "Central Body" means the body established under this Law.</p>	<p>(3) The First Anglo-Burmese War took place in 1824. After that period many foreigners entered and resided in Burma. For this reason the period prior to 1823 has been stipulated.</p> <p>According to International Law a ship, aircraft or any other vessel registered in the State is deemed to be a part of the territory of the State. Hence, to bring out this fact it is stated that a child born on such a vessel irrespective of the location of the vessel is deemed to be born within the State.</p> <p>According to International Law a ship, aircraft or any other vessel registered in a foreign country is deemed to be a part of the territory of that country. Hence, to bring out this fact it is stated that a child born on such a vessel, notwithstanding that the vessel was within the territorial limits of Burma is deemed to be born outside the State.</p>
	<p style="text-align: center;">Chapter 2</p> <p style="text-align: center;">Citizenship</p>	
3-	<p>(a) Every national is a citizen.</p> <p>(b) The following persons born in or outside the State shall also be a citizen:—</p>	
	<p>(i) person born of parents, both of whom are nationals; other a citizen who is not a national;</p> <p>(ii) person born of parents, one of whom is a national and the other a naturalized citizen;</p> <p>(iv) person born of parents both of whom are citizens but not nationals;</p> <p>(v) person born of parents, one of whom is a citizen but not a national and the other a naturalized citizen;</p> <p>(vi) person born of parents both of whom are naturalized citizens.</p>	
4-	<p>Persons mentioned in sub-section (b) of section 3 who are born outside the State shall have their births registered either by the parent or the guardian in the prescribed manner and within the prescribed period at the Burmese Embassy or Consulate or other prescribed organization.</p>	
5-	<p>(a) Persons who are already citizens in accordance with law on the date this Law comes into force are citizens.</p> <p>(b) Persons who have any of the following qualifications on the date this Law comes into force are also citizens—</p> <p>(i) any person born within the State, at least one of whose four grandparents is a national;</p> <p>(ii) any person born within the State of parents both of whom, if they had been alive on 4th January 1948 would have been nationals;</p> <p>(iii) any person descended from ancestors who for two generations at least have all made the State their permanent home and whose parents and himself were born within the State.</p> <p>(c) A person born after the date this Law comes into force shall not be entitled to citizenship by the mere fact of having the qualifications provided in sub-section (b).</p>	<p>(1) Under Article 145 (b) of the Constitution persons who are already citizens according to law on the 3rd January 1974, the day the Constitution came into force, are citizens.</p> <p>(2) To emphasize the fact that persons who are already citizens according to law from that date till the day this Law comes into force shall continue to remain citizens it has been so inserted.</p> <p>(1) The rights mentioned in section 5(b) have been provided in the existing law because of the circumstances that prevailed during the transition from a British colony to an independent Burma.</p> <p>(2) The majority of the public have advised that those rights shall not be continued for persons born after the day this Law comes into force.</p> <p>(3) Hence it is clearly provided that such rights will not be given to persons born after this Law comes into force.</p>

Section	Draft Law	Explanation
	Draft Law Chapter 3 Temporarily Naturalized Citizenship	
6.	<p>The following persons born in or outside the State and who have not completed the age of eighteen years are temporarily naturalized citizens:-</p> <p>(a) person born of parents, one of whom is a national and the other a foreigner;</p> <p>(b) person born of parents, one of whom is a citizen who is not a national and the other a foreigner;</p> <p>(c) person born of parents, one of whom is a naturalized citizen and the other a foreigner.</p>	<p>(1) In this draft Law there will be two categories namely, citizen and naturalized citizen.</p> <p>(2) In this draft Law, persons shown against this column will not be classified as citizens, but will be classified only as naturalized citizens.</p> <p>(3) Such persons who have not completed the age of 18 years will be classified as temporarily naturalized citizens.</p>
7.	<p>Persons provided in section 6 who are born outside the State shall have their births registered either by the parent or the guardian in the prescribed manner and within the prescribed period at the Burmese Embassy or Consulate or other prescribed organization.</p>	
8.	<p>A child who has not completed the age of eighteen years and whose name is included under sub-section (a) of section 19 in the certificate of naturalization of any of the parents shall be deemed to be a temporarily naturalized citizen from the date the certificate of naturalization is granted to the parent.</p>	<p>(1) When one of the parents who is a foreigner applies for naturalization he is given the right to apply for the inclusion in his certificate of naturalization the names of the children in his custody, who have not completed the age of 18 years.</p> <p>(2) From the date the certificate of naturalization is granted to the parent who is to be naturalized, the children whose names have been included in the certificate of naturalization will be classified as temporarily naturalized citizens.</p> <p>(3) Those children have been classified as citizens under the existing law.</p>
9.	<p>A child provided in section 6 or section 8 who desires to become a naturalized citizen shall, after he has completed the age of eighteen years and before completing the age of nineteen years appear in person before a prescribed organization and affirm and declare in writing that he desires to become a naturalized citizen, that he owes allegiance to the State, that he shall respect and abide by the laws of the State, and that he is aware of the fact that he shall not be permitted to leave the State within 5 years after naturalization and that he shall be entitled only to the rights of a naturalized citizen. The certificate of naturalization shall be granted only after such compliance.</p>	<p>(1) If the children provided in section 6 do not make a declaration that they elect citizenship within one year after they have completed the age of 18 years, they cease to be citizens and become foreigners on the expiry of that year under the existing law.</p> <p>(2) Children provided in section 8 are citizens before they complete the age of 18 years under the existing law. If they wish to continue to be citizens, they do not need to make a declaration to that effect. If within one year after they complete the age of 18 years they do not make a declaration renouncing their citizenship, they remain citizens.</p> <p>(3) A child provided in section 6 may be of partial blood of a citizen; while a child provided in section 8 may be of full blood of a foreigner. But, under the existing law children in section 8 have a more favourable right than children in section 6 for continuing as citizens on completing the age of 18 years.</p>
	Chapter 4 Decision as to citizenship and naturalized citizenship	
10.	<p>Any person may apply to the Central Body for a decision as to citizenship and naturalized citizenship when necessity arises.</p>	<p>(4) Both the children in section 6 and section 8 of the draft Law who desire to become naturalized citizens, on completing the age of 18 years will have to comply with the conditions stated in the opposite column.</p>
11.	<p>The Central Body shall —</p> <p>(a) give the applicant the right to submit further and better particulars, if necessary;</p> <p>(b) intimate its decision to the applicant.</p>	<p>If a doubt exists as to one's citizenship he or his successor may apply to the Minister of Home and Religious Affairs for his decision under the existing law. Even after the enforcement of this law, situations will arise where decisions may have to be sought as to citizenship and naturalized citizenship. This has been inserted to enable the person concerned to apply to the Central Body.</p>
	Chapter 5 Application for naturalization	
12.	<p>A foreigner who has been permitted to reside in the State in accordance with law may apply for naturalization if he has all the following qualifications:-</p> <p>(a) has completed the age of eighteen years;</p> <p>(b) has resided and worked in a proper manner continuously in the State for at least 5 years till the date of application for naturalization;</p> <p>Provided that the period of residence within the State of a member of a foreign embassy or a member of his family accompanying him shall not be included and reckoned as the period of continuous residence within the State;</p> <p>(c) be of good character;</p> <p>(d) be able to speak fluently one of the national languages;</p> <p>(e) not be of unsound mind.</p>	<p>(1) Only foreigners permitted to reside in accordance with law in the State will have the right to apply for naturalization under this draft Law.</p> <p>(2) Application upon mere possession of the requisite qualifications for naturalized citizenship will not entitle a person to naturalization. The Central Body will decide on naturalization taking into consideration the interest of the State.</p> <p>(3) A foreigner who qualifies for citizenship and applies for and is granted by the authorities concerned will become a citizen under the existing law. After the coming into force of this law a foreigner will not acquire citizenship but will only acquire naturalized citizenship.</p>
13.	<p>(a) A foreigner who is married to a citizen may apply for naturalization if he has all the following qualifications:-</p> <p>(i) has completed the age of eighteen years;</p> <p>(ii) has resided and worked in a proper manner continuously in the State for at least 3 years as the wife or husband of a citizen.</p>	<p>Such rights have been given only to a female foreigner who is married to a male citizen under the existing law. In this draft Law equal rights are given to both men and women alike.</p> <p>The wife of a citizen is entitled to apply if she resides in the State for one year under the existing law. In this draft Law it is specified that the wife or the husband of a citizen is required to reside continuously in the State for at least three years.</p>

Section	Draft Law	Explanation
	<p>(iii) be of good character;</p> <p>(iv) be able to speak fluently one of the national languages;</p> <p>(v) not be of unsound mind.</p> <p>(b) If a foreigner married to a citizen applies for naturalization under sub-section (a), and the husband or wife of the foreigner dies or is divorced from the wife or husband before acquiring naturalization, the application for naturalization shall be deemed to have lapsed.</p>	<p>(1) It is necessary that the marriage should subsist from the date the application is made till the time of the grant of naturalization. If, during that period the wife or the husband of the applicant dies or the applicant is divorced from the wife or the husband, it is prescribed that the application shall be deemed to have lapsed.</p> <p>(2) If that person is desirous of acquiring naturalized citizenship and if he has the qualifications provided in section 12 he has the right to apply. When such an application is made, he shall be entitled to include the entire period of his continuous residence in the State.</p>
14.	A citizen or a naturalized citizen shall not lose his citizenship or naturalized citizenship by marriage to a foreigner.	
15.	A foreigner shall not automatically acquire citizenship or naturalized citizenship by the mere fact of being married to a citizen or a naturalized citizen.	
16.	<p>An applicant for naturalization shall—</p> <p>(a) personally submit an application, stating therein that if he is naturalized he affirms that he shall renounce his foreign citizenship, that he owes allegiance to the State, that he shall respect and abide by the laws of the State, and that he is aware that he shall not be permitted to leave the State within 5 years after naturalization and that he shall be entitled only to the rights of a naturalized citizen ;</p> <p>(b) reside continuously in the State from the date of application till the date the certificate of naturalization is received except where permitted by the Central Body for sufficient reasons.</p>	
17.	<p>(a) An applicant for naturalization shall, if he so desires, apply for inclusion in the certificate of naturalization the name of his child under his guardianship, who has not completed the age of eighteen years and residing within the State;</p> <p>(b) An applicant shall, if he so desires, further apply, before the grant of the certificate of naturalization for inclusion in the certificate of naturalization the name of his child born after the date of application.</p> <p>(c) The applicant shall submit together with the application the consent in writing of his spouse as to the matter stated in sub-section (a) or (b).</p>	<p>The consent of the wife or the husband of the applicant for naturalization is not a necessary condition under the existing law. In this draft Law it is provided that the consent in writing of the spouse of the applicant is a necessary condition.</p>
18.	A person to be naturalized shall appear in person before the prescribed organization and shall affirm and declare in writing that he renounces his foreign citizenship, that he owes allegiance to the State, that he shall respect and abide by the laws of the State, and that he is aware of the fact that he shall not be permitted to leave the country within 5 years after naturalization and that he shall be entitled only to the rights of a naturalized citizen. The certificate of naturalization shall be granted only after such compliance.	
19.	<p>(a) There shall be included in the certificate of naturalization to be granted to the person to be naturalized the name of his child stated in the application for inclusion as a naturalized citizen.</p> <p>(b) A child whose name is stated in an application for naturalization and who completes the age of eighteen years on the date the certificate of naturalization is granted to the person to be naturalized shall, if he desires to acquire naturalization comply with the provisions of section 18. The certificate of naturalization shall be granted only after such compliance.</p>	
20.	A foreigner becomes a naturalized citizen from the day the certificate of naturalization is granted.	
21.	A naturalized citizen who has not completed the age of eighteen years shall not leave the State except when the State permits.	
22.	A naturalized citizen shall not leave the State within 5 years from the date the certificate of naturalization is granted except when the State permits.	
23.	A foreigner shall not acquire citizenship or naturalized citizenship by the mere fact of being adopted by a citizen, or a naturalized citizen.	
24.	When a child born of parents both of whom are naturalized citizens or of parents one of whom is a naturalized citizen and the other a foreigner and who has not completed the age of eighteen years loses his citizenship or naturalized citizenship under sub-section (b) or (c) of section 28, he may on completing the age of eighteen years apply for naturalization when he has all the qualifications provided in section 12.	<p>A person born of parents both of whom are naturalized citizens is a citizen under this draft Law. However if such a child loses his citizenship or account of his parents, it is stated that he will have the right to re-apply only for naturalized citizenship.</p>
Chapter 6		
Rights and Duties		
25.	<p>A citizen or a naturalized citizen shall —</p> <p>(a) respect and abide by the laws of the State;</p> <p>(b) abide by the laws of the State and customs and traditions having the force of law in matters relating to marriage, divorce, partition of property, succession and custody of children;</p> <p>(c) abide by the decision of the Court in case of a dispute relating to any matter provided in sub-section (b).</p>	

Section	Draft Law	Explanation
26	<p>Every citizen shall—</p> <p>(a) discharge the duties prescribed by the laws of the State;</p> <p>(b) shall enjoy the rights prescribed by the laws of the State.</p>	
27	<p>Every naturalized citizen shall—</p> <p>(a) in the like manner of a citizen, discharge the duties prescribed by the laws of the State;</p> <p>(b) in the like manner of a citizen, enjoy the rights prescribed by the laws of the State. Provided that, he shall not have the following rights:-</p> <p>(i) the right to be elected as a People's Representative;</p> <p>(ii) the right to serve as the head of the Bodies of Public Services;</p> <p>(iii) right restricted by any law;</p> <p>(iv) right restricted by the Council of Ministers from time to time with the approval of the Council of State.</p>	<p>This has been inserted to bring out the fact that a naturalized citizen is required to discharge the duties prescribed by law in the like manner of a citizen, but that he has the right to enjoy all the rights prescribed by law other than those restricted,</p> <p>This refers to the heads of Bodies of Public Services appointed by the Council of State under section 73(1) of the Constitution.</p>
Chapter 7		
Cessation of Citizenship or Naturalized Citizenship		
28	<p>(a) A citizen or a naturalized citizen who acquires the citizenship of or registers himself as a citizen of a foreign country or takes out a passport or a similar certificate from a foreign country, ceases to be a citizen or a naturalized citizen.</p>	<p>(1) As obtaining a passport or a similar certificate from a foreign country amounts to owing allegiance to that country a person so doing ceases to be a citizen or a naturalized citizen.</p> <p>(2) A person who holds a travel document of the United Nations Organization does not lose the citizenship of his mother country. He has to hold, in addition the passport of his mother country. The United Nations is only an organization and not a state. Hence the provisions stated against this column will not apply to a citizen serving in the United Nations and holding a travel document of the United Nations.</p>
29	<p>(b) Children shall not lose their citizenship or naturalized citizenship by the mere fact of the loss of citizenship or naturalized citizenship of one of the parents. Provided that, when both the parents lose their citizenship or naturalized citizenship, the children who have not completed the age of eighteen years shall also lose their citizenship or naturalized citizenship.</p> <p>(c) Where one of the parents is a citizen or a naturalized citizen and that parent loses his citizenship or naturalized citizenship, the children who have not completed the age of eighteen years shall also lose their naturalized citizenship.</p> <p>(d) A naturalized citizen who has not completed the age of eighteen years and who fails to affirm and declare in accordance with section 9, shall cease to be a naturalized citizen from the day he completes the age of nineteen years.</p>	<p>The loss of citizenship of the parents does not deprive the children of their citizenship under the existing law. As the children who have not completed the age of 18 years should also lose their citizenship on both their parents becoming foreigners, a provision has accordingly been inserted in this draft Law.</p>
30	<p>(a) A citizen or a naturalized citizen shall not as well acquire the citizenship of a foreign country at the same time;</p> <p>(b) A naturalized citizen automatically acquiring citizenship of a foreign country by the operation of any law of that country shall declare that he renounces his foreign citizenship within the following periods, whichever period is longer for him and if he does not make such a declaration he shall cease to be a naturalized citizen on the expiry of that period:-</p> <p>(i) one year after the day he completes the age of eighteen years;</p> <p>(ii) one year after the day he automatically acquires the citizenship of a foreign country,</p>	
Chapter 8		
Application to re-acquire citizenship		
30	<p>(a) A person born of parents both of whom are nationals, who ceases to be a citizen under sub-section (a) of section 28, and a person born of parents both of whom are citizens, who loses citizenship under sub-section (b) of section 28 may apply to re-acquire citizenship if he has all the following qualifications:-</p> <p>(i) be an applicant having applied within 5 years from the day he ceases to be a citizen under sub-section (a) of section 28 or having applied within one year from the day of completion of the age of eighteen years after losing his citizenship under sub-section (b) of section 28;</p> <p>(ii) be a resident within the State ;</p> <p>(iii) be a person of good character;</p> <p>(iv) be a person able to speak fluently one of the national languages;</p> <p>(v) be a person of sound mind.</p> <p>(b) An applicant applying for re-acquiring citizenship shall apply in person and affirm in the application, that he shall, on</p>	<p>(1) Of persons who cease to be citizens by reason of having obtained a passport or a similar certificate from a foreign country, only those born of parents both of whom are nationals will be given the right to apply for re-acquiring citizenship.</p> <p>(2) Of persons who lose their citizenship on account of the loss of citizenship of the parents, only those born of parents both of whom are citizens shall be given the right to apply for re-acquiring citizenship.</p> <p>There is no time limit to apply for re-acquiring citizenship under the existing law. As it is necessary to set a time limit it has been inserted in this draft Law.</p> <p>As the right to apply should be given only to a person who has returned and settled down in the State, it has been inserted as such.</p>

Section

Draft Law

re-acquiring citizenship renounce his foreign citizenship, owe allegiance to the State, respect and abide by the laws of the State and after re-acquiring citizenship, reside permanently in the State.

- (c) A person who is to re-acquire citizenship shall appear in person before the prescribed organization and affirm and declare in writing the provisions in sub-section (b). The certificate of citizenship shall be granted only after such compliance.

Chapter 9

Revocation of Citizenship or Naturalized Citizenship

Central Body may revoke the citizenship or naturalized citizenship of a person formerly a foreigner on his infringing any of the following provisions:-

- (a) trading or communicating with the enemy or with a citizen of the enemy country during a war, in which the State is engaged, or abetting in any such act;
- (b) trading or communicating with an organization hostile to the State or with a member of such organization, or abetting in any such act;
- (c) reason to believe that any act likely to endanger the sovereignty and security of the State or public peace and tranquillity has been, or is being or will be committed;
- (d) showing disaffection or disloyalty to the State by an act or speech or otherwise;
- (e) disclosing State secrets to any person or country, or abetting in any such act;
- (f) obtaining citizenship or naturalized citizenship by false representation or concealment of a material fact;
- (g) failing to register annually at the Burmese Embassy- or Consulate while residing outside the State of his own free will and not while in the service of the State ;
- (h) upon conviction within five years of the date of acquiring citizenship or naturalized citizenship of an offence involving moral turpitude and sentenced to imprisonment for a minimum of one year or to a fine of not less than Kyats one thousand.

32. The Central Body shall give the right of defence to the person against whom action is taken.

33. Any person, whose citizenship or naturalized citizenship has been revoked under section 31 may apply to the Central Body for permission to hold a Foreigner's Registration Certificate and to reside within the State.

34. A person, whose citizenship or naturalized citizenship has been revoked -

- (a) may, if the revocation was made due to the infringement of the provisions of sub-section (h) of section 31, re-apply for naturalization after 5 years from the date of revocation, if he has all the qualifications provided in section 12;
- (b) shall not have the right to re-apply for naturalization if the revocation was made due to the infringement of any of the provisions of sub-section (a), (b), (c), (d), (e), (f) or (g) of section 31.

Chapter 10

Stateless persons within the State

35. (a) A Stateless person within the State may make an application to the Central Body for permission to hold a Foreigner's Registration Certificate and to reside within the State if he has all the following qualifications:-
- (i) having served a sentence passed by a Court;
 - (ii) having faithfully discharged the prescribed duties relating to production of goods in a specified area for a prescribed period;
 - (iii) being of good character;
 - (iv) having completed the age of eighteen years.
- (b) A person permitted to hold a Foreigner's Registration Certificate stated in sub-section (a) shall have no right to make an application for naturalization.

(1) As this section should apply only to foreigners who have acquired citizenship under the existing law and to foreigners who would acquire naturalized citizenship after this Law comes into force, this has been inserted.

(2) This statement will not apply to those persons who have not completed the age of eighteen years.

(1) As it is not proper to give the right to re-apply to persons other than those convicted for moral turpitude under section 31 (h) it has been stated accordingly in the opposite column.

(2) A person having the right to re-apply for naturalization shall comply with the provisions of section 16 (a).

(1) There is no provision in the existing law as regards Stateless persons.

(2) Steps should be taken, in the interest of the State in the long run, to prevent entry of foreigners into the State by illegal means.

(3) It is necessary to take action under the Immigration Act, Registration of Foreigners Act etc., against those persons entering the State by illegal means, and also to deport them to their country of origin.

(4) Provision is made to enable the internment of persons not accepted by the country of origin and of persons who have no country of origin and to enable the utilization of their labour for the benefit of the State.

Section	Draft Law	Explanation
	<p>Chapter 11</p> <p>The Central Body</p>	
36.	<p>(a) The Council of Ministers shall form the Central Body consisting of three Ministers.</p> <p>(b) The Central Body has the following powers:-</p> <ul style="list-style-type: none"> (i) to decide as to citizenship and naturalized citizenship upon application or when it is found necessary; (ii) to decide upon an application for naturalization; (iii) to decide upon the grant of permission to leave the State pending application for naturalization; (iv) to establish cessation of citizenship or naturalized citizenship; (v) to decide upon an application for re-acquiring citizenship; (vi) to revoke citizenship or naturalized citizenship; (vii) to decide upon an application made by a person whose citizenship or naturalized citizenship is revoked for permission to hold a Foreigner's Registration Certificate and to reside within the State; (viii) to decide upon an application made by a Stateless person for permission to hold a Foreigner's Registration Certificate and to reside within the State. 	<p>(1) The powers in respect of citizenship, naturalization, revocation of citizenship etc, are vested solely in the Minister concerned under the existing law.</p> <p>(2) Such conferring of powers is not in consonance with the character of the institution, namely, collective discharge of duties and collective responsibility.</p> <p>(3) Hence, a provision for the formation of a Central Body consisting of 3 Ministers has been made.</p>
	<p>Chapter 12</p> <p>Appeals</p>	
37.	<p>(a) A person dissatisfied with the decision of the Central Body may appeal to the Council of Ministers.</p> <p>(b) The decision of the Council of Ministers shall be final and conclusive.</p>	<p>(1) The decision of the Minister concerned regarding citizenship, naturalization, revocation of citizenship etc. is final and conclusive under the existing law.</p> <p>(2) In this draft Law it is stated that an appeal may lie to the Council of Ministers if one is dissatisfied with the decision of the Central Body.</p>
	<p>Chapter 13</p> <p>Citizenship of Members of Diplomatic Missions</p>	
38.	<p>Members of the Diplomatic Missions of the State and the accompanying families in a foreign country shall not, by virtue of any provisions of the citizenship law of the receiving country, acquire the citizenship of that country.</p>	<p>(1) It is an important duty to conform with the internationally accepted principles and with the provisions of agreements made.</p> <p>(2) This has been inserted in accordance with the provisions of the Protocol to the Vienna Convention on Diplomatic Relations which Burma has accepted.</p>
	<p>Chapter 14</p> <p>Offences and Punishments</p>	
39.	<p>(a) A certificate of citizenship or a certificate of naturalization of a person who ceases to be a citizen or a naturalized citizen or whose citizenship or naturalized citizenship is revoked shall be cancelled. A person holding such a cancelled certificate shall surrender it in the prescribed manner.</p> <p>(b) A person failing to surrender the cancelled certificate of citizenship or certificate of naturalization without sufficient reason shall be punished with imprisonment of at least 6 months to 5 years and may also be liable to a fine upto Kyats five thousand.</p>	
40.	<p>Whoever, in relation to any matter under this Law misrepresents or conceals a material particular or obtains a certificate of citizenship or certificate of naturalization in a fraudulent manner or abets in any such act shall be punished with imprisonment for a term which may extend to 7 years and may also be liable to a fine which may extend to Kyats ten thousand.</p>	
	<p>Chapter 15</p> <p>Miscellaneous</p>	
41.	<p>The Council of State may decide as to whether any race is a national race or not.</p>	
42.	<p>(a) Only such organizations as are conferred with powers under this Law shall have the right to decide on all matters under this Law except matters on punishment contained in Chapter 14.</p> <p>(b) The Council of Ministers and the Central Body may decide in an appropriate manner in the interest of the State. No reason shall be given for such decision.</p>	

Section	Draft Law	Explanation
43.	No person shall have the right to divest himself of the citizenship or naturalized citizenship in any of the following circumstances:- (a) while residing within the State; (b) during any war in which the State is engaged.	This is inserted with a view to preventing evasion from the existing law by persons who commit acts detrimental to the interest of the State, a view to safeguarding the interest of the State.
44.	(a) Rights already acquired on the date of enforcement of this Law under the Union Citizenship Act, 1948 or the Union Citizenship (Election) Act, 1948, shall not be invalidated. (b) Organizations conferred with powers under this Law shall proceed with matters pending under the Acts stated in sub-section (a).	This is mentioned in order that persons who have already acquired rights under the old law (existing law) may continue to remain citizens and that rights already acquired and enjoyed may continue to subsist on this Law comes into force. This provision is made so as to enable organizations responsible under the Law to proceed with matters relating to citizenship which are pending on this Law comes into force.
45.	The Council of Ministers shall, for the purpose of successfully carrying out the provisions of this Law prescribe such procedures as may be necessary with the approval of the Council of State.	
46.	The following Acts are repealed by this Law:- (a) The Union Citizenship Act, 1948; (b) The Union Citizenship (Election) Act, 1948.	

FORMATION OF THE LAW COMMISSION

Annexure

Composition	Duties	Powers
<p>1. The following persons are included in the Law Commission:-</p> <p>(a) Dr. Maung Maung Member of the Council of State Chairman</p> <p>(b) U Sein Lwin Member of the Council of State Member</p> <p>(c) U Hla Maung Member of the Council of State Member</p> <p>(d) Thura U Saw Pru Member of the Party Central Executive Committee Member</p> <p>(e) U Bo Ni Minister Ministry of Home and Religious Affairs Member</p> <p>(f) U Mya Kyaw Member Council of People's Justices Member</p> <p>(g) U Soe Thin Member Council of People's Attorneys Member</p> <p>(h) U Maung Nyo Member Council of People's Inspectors Member</p> <p>(i) U Win Maung Secretary Party Central Committee Head-quarters Member</p> <p>(j) U Mon San Hlaing Advocate of the Central Court People's Representative Thanbyuzayat Constituency No. (2) Member</p> <p>(k) Colonel Tin Hlaing Director-General Office of the Council of State Member</p> <p>(l) Colonel Thaug Dan Secretary Pyithu Hluttaw Legislative Affairs Committee Secretary</p> <p>(m) Director Law Commission Joint Secretary</p>	<p>2. The duties of the Commission are as follows:-</p> <p>(a) to submit recommendations to the Council of State when advised upon or if found necessary to amend or repeal an existing law or to enact a new law after due consultations on matters of principle with the Burma Socialist Programme Party, Organs of State Power and the Affairs Committees of the Pyithu Hluttaw;</p> <p>(b) to assist the Council of State in the discharge of its duties as stated in section 11 of the Council of State Law in relation to bills and draft rules;</p> <p>(c) to supervise the drafting of laws based on facts which have been approved in principle along lines consistent with drafting procedure;</p> <p>(d) to supervise the vetting of existing laws for re-drafting in Burmese of those laws that should be re-drafted;</p> <p>(e) to publish Law Manuals under the guidance of the Council of State;</p> <p>(f) to supervise and give guidance when necessary on the teaching and practice of law;</p> <p>(g) to discharge the duties in relation to legal affairs, assigned from time to time by the Council of State.</p>	<p>3. In order to successfully discharge the duties, the Commission may:-</p> <p>(a) meet and discuss where necessary with members from the Burma Socialist Programme Party, State organs and organizations; invite and require of experts and representatives of State organs, people, and seek advice from such persons and organizations;</p> <p>(b) call for and receive necessary data and information from the Organs of State Power, Bodies of Public Services;</p> <p>(c) give suitable honorarium to any one for the translation of books and papers;</p> <p>(d) make study visits to necessary areas.</p>