

The State Law and Order Restoration Council
The State Law and Order Restoration Council Law No. 14/89,
13th Waning Day of Kason, 1351 B.E.,
31st May, 1989

In order to hold a free and fair Multi-Party Democracy General Election and to elect the representatives of the Pyithu Hluttaw, the State Law and Order Restoration Council hereby enacts the following law: -

CHAPTER 1

Title and Definition

1. This law shall be called the Pyithu Hluttaw Election law.

2. The following expressions contained in this law shall have the meanings given hereunder: -

(a) Hluttaw means the Pyithu Hluttaw;

(b) Commission means the Multi-Party Democracy General Election

(c) Sub-commission means the State, Division or Zone or Township or Ward or Village-tract Sub-commissions formed by the Commission. The expression also includes Sub-commission formed by the Commission with members of the State or Division Sub-commission to act as Zone Sub-commission;

(d) Election means the Multi-Party Democracy General Election;

(e) Constituency means the Hluttaw Constituency;

(f) Hluttaw representative means a person who has been elected to the Hluttaw;

(g) Member of religious order means the following individuals: -

(i) in the case of Buddhists, monks, novices, religious laymen, nuns, hermits and hermitesses serving the Buddhist religious order;

Explanation: The expression member of religious order applies to a religious monk or a member of the religious order while he is serving temporarily as such;

(ii) in the case of Christians, persons who have been recognised and ordained or assigned duties by the relevant Churches as an individual who has dedicated himself mainly to serving the Christian religious order, persons included in the group of individuals or organization which of their own volition have submitted to the control of the respective head according to the religion professed as organized by religious discipline or vow;

(iii) in the case of Hindus, Sanvazi, Mahant or Hindu priests;

(h) Electoral Roll means the roll of persons entitled to vote within the constitutions prescribed for the Hluttaw Election;

(i) Convicts means persons serving terms of imprisonment under sentence passed by any court. The expression also includes persons who are serving prison terms by the order of the court and pending appeal against the sentence of imprisonment of the Court concerned;

(j) Polling Booth Team means a team which is assigned by the Township Sub-commission concerned the duty of taking collective responsibilities in connection with voting at a polling booth within a constituency;

(k) Polling Booth Officer means the person who is in charge of the Polling Booth Team;

(l) Electoral Right means the right of a person to stand or not to stand as a Hluttaw candidate or to withdraw from being a Hluttaw candidate or to vote or refrain from voting at the election;

(m) Corrupt Practice means any practice mentioned in CHAPTER XIII of this law.

CHAPTER II

Formation of the Hluttaw

3. The Hluttaw shall be formed with the Hluttaw representatives who have been elected in accordance with this law from the Hluttaw constituencies.

CHAPTER III

Specification of Constituencies

4. The constituencies from which Hluttaw representatives are to be elected are as specified in the Appended Schedule. Provided that, prior to the declaration of the date for holding the election, if the Government prescribes certain new areas within a township or an amalgamation of areas within contiguous townships as a Township, the Commission may prescribe as appropriate, in order to form at least one constituency in the original township or in the newly-formed township, although the number of constituencies contained in the Appended Schedule has been exceeded.

5. One representative each shall be elected from one constituency.

CHAPTER IV

Persons Entitled to Vote

6. Persons with the following qualifications are entitled to vote at the election irrespective of sex and religion:

(a) citizen, associate citizen and naturalized citizen who have completed the age of eighteen years in the day of commencement of election and who do not contravene the provisions of this law;

(b) persons whose names have been included on the electoral roll of the respective constituency.

7. The following persons shall not be entitled to vote at the election:-

(a) members of religious orders;

(b) persons who have been adjudged to be of unsound mind as provided for in the relevant law;

(c) persons serving prison terms, having been convicted under sentence of a court for any offence;

(d) foreigners.

CHAPTER V

Persons Entitled to Stand for Election

8. Citizens possessing the following qualifications shall be eligible to stand for election irrespective of sex or religion: -

(a) At the time of filing the nomination paper for the purpose of election:

(i) persons who have completed the age of twenty-one and who are not contrary to the provisions of this law;

(ii) persons both of whom parents are already citizens or even if both parents have died they would have the right to acquire automatic citizenship under the Union Citizenship Act, 1948 if they were alive or at the time of death of the said both parents they were already citizens or if one of the parents was a national and the other parent who died before the promulgation of the Burma Citizenship law, had at the time of death been eligible to apply for naturalization;

(b) persons residing in the Union of Burma;

(c) persons included in the electoral roll;

9. A person having the right to stand for election is eligible to contest the election individually or as a member of a political party.

10. The following persons shall not be entitled to stand for election:-

- (a) members of religious orders;
- (b) persons adjudged to be of unsound mind as provided for in the relevant law;
- (c) persons serving prison terms, having been convicted under sentence of a court for any offence;
- (d) citizens who are not born of parents mentioned in Section 8 Sub-section (a) clause (2);
- (e) persons who are under any acknowledgement of allegiance or adherence to a foreign Power, or are subjects or citizens or entitled to the rights and privileges of a subject or a citizen of a foreign Power;
- (f) associate citizens, naturalized citizens and foreigners;
- (g) members of organization declared as unlawful association according to any existing law;
- (h) members of organization in armed revolt against the State; persons against whom there is sufficient grounds of having links with the said organizations or with its members to revolt;
- (i) individuals or members of organization who obtain and make use of State fund, building, vehicle, property directly or indirectly:
 - (1) The expression State fund does not include pension or the official monetary support given by the State for the services rendered for the benefit of the State;
 - (2) The expression building, vehicle, property belonging to the State does not include buildings and apartments belonging to the Housing Department, other buildings and apartments belonging to the State which have been used under any existing law or rented from the State; aircraft, train, steamers and motor-cars belonging to the State which have been hired on charges from the State;
- (j) individuals or members of organization who obtain and make use of money, property, other assistance from the Government or religious organization or any other organization of a foreign country directly or indirectly;
- (k) individuals or members of an organization who, for political purposes, use religion as an excuse, and utter, deliver speeches and make declarations to vote or not to vote and who encourage and incite such acts;
- (l) members of defence forces such as Armed Forces, People's Police Force, public servants from various public service bodies and various State-owned economic organizations and other public servants enjoying salary from the State fund.

Note. Retired persons are not included among such public servants.

11. After being elected a Hiuttaw representative shall have no right to continue to be a Hiuttaw representative on infringement of any of the following:-

- (a) permanently becoming a member of a religious order;
- (b) being adjudged to be of unsound mind as provided for in the relevant law;
- (c) being declared to cease to be a citizen in accordance with the respective law;
- (d) being declared by the Election Tribunal to be under any allegiance to foreign Power or is a subject or citizen or entitled to the rights and privileges of a subject or citizen of foreign Power;
- (e) being permitted by the Commission or by the authority concerned to resign as a Hiuttaw representative;

(f) being declared by the authorities concerned as a citizen not born of parents provided in Section 8 Sub-section (a) clause (2).

(g) being decided by a court as a person or a member of an organization provided for in Section 10 Sub-section (g) or (h);

(h) being decided by the Election Tribunal to be a person or a member of an organization as provided for in Sect 10, Sub-sect (i), (j) or (k);

(i) being informed by the respective head of public services body to be a public servant as provided for in Section 10 Sub-section (1)

CHAPTER VI

Preparation of Electoral Roll

12. (a) The Commission shall prepare the electoral roll for those who are entitled to vote in the election of Hluttaw representatives in various constituencies;

(b) In connection with the preparation of the electoral roll the Commission may assign duty to Sub-commission.

13. (a) The Ward and Village-tract Sub-commission shall include in the electoral roll every citizen, associate citizen, naturalized citizen not being contrary to the provisions of this law, and residing in the constituency and having completed the age of eighteen years on the day, commencement of election;

(b) The Ward or Village-tract Sub-commission shall include in the respective electoral roll as prescribed, the Armed Forces personnel; diplomats of the Union of Burma and members of their household, embassy staff and members of their household, State scholars and members of their household, delegates and members of their household who are outside the country; and those who are outside the country with the permission of the Government and members of their household.

14. (a) Every citizen, associate citizen, naturalized citizen whose name is included in the electoral roll of a constituency shall have the right to vote only in that constituency;

(b) A person who has the right to vote and wishes to transfer from the electoral roll of one constituency to the electoral roll of another constituency showing sufficient grounds may apply to the respective Sub-commission as prescribed;

(c) Whoever has the right to vote in any Hluttaw constituency shall not be on the electoral roll of any constituency other than that of the constituency concerned at the same time.

15. A list of the names of those persons who have the right to vote shall be declared in advance as prescribed before the election is held in the respective constituency.

16. (a) A person who has the right to vote under this law, but is not included in the respective electoral roll may apply to the respective Ward or Village-tract Sub-commission in the manner prescribed to be included in the electoral roll;

(b) If the Ward or Village-tract Sub-commission concerned does not insert the name there is a right of appeal to the Township Sub-commission as prescribed. The decision of that Sub-commission, subject to the provisions of Section 45, shall be final and conclusive.

17. (a) If any person whose name is in the electoral roll objects to the inclusion of any person who is not entitled to vote in the electoral roll of the constituency, objection may be submitted to the Ward or Village-tract Sub-commission in the manner prescribed;

(b) If that name is not cancelled from the electoral roll by the respective Ward or Village-tract Sub-commission, there is a right of appeal to the Township Sub-commission in the manner prescribed. The decision of such Sub-commission shall be final and conclusive, subject to the provisions of Section 45;

(c) A person whose name is already included in the electoral roll shall not be debarred from voting during the pendency of the appeal with the Township Sub-commission. A vote cast under such a right shall be valid.

18. The Commission and the Sub-commissions at different levels shall add, in the supplementary electoral roll, the names which are not included, although eligible, or shall cancel the names not eligible from the electoral roll.

CHAPTER VII

Nomination of Hiuttaw Candidates and Appointment of Election Agent

19. A person desirous of contesting the election shall file nomination of candidate with the respective Zone Sub-commission in the manner prescribed.

20. A candidate shall not have the right to file a nomination for the candidature at the same time in more than one constituency.

21. The Zone Sub-commission concerned shall scrutinize in the manner prescribed nomination of a person or the Hiuttaw candidature as to whether it is in conformity with the stipulations or not, and whether it should be accepted or not.

22. A person who has filed nomination for Hiuttaw candidature has the right to withdraw the nomination as prescribed.

23. At the time of scrutinization by the Zone Sub-commission concerned under Section 21:-

(a) the person concerned having filed nomination for candidature shall have the right to produce the evidence as desired by him;

(b) any eligible voter producing sufficient evidence may object in prescribed manner that the person concerned who has filed his nomination for Hiuttaw candidature is not eligible or qualified for the election.

24. The Zone Election Sub-commission concerned may, after scrutinization as prescribed, order one of the following:

(a) declaring the respective person having filed his nomination for Hiuttaw candidature as eligible;

(b) declaring the person who has filed the nomination for Hiuttaw candidature as not eligible.

25. A person dissatisfied with the order made under Section 24 has the right to appeal to the respective State or Division Election Sub-commission in the prescribed manner. The decision of that State or Division Election Sub-commission is final and conclusive subject to the provisions of Section 45.

26. A person having filed nomination for the election shall appoint himself or another person as his election agent in the prescribed manner.

27. (a) Only a person who is qualified to be a candidate under this law shall be appointed as an election agent. Such appointment shall be made only with the consent of that person;

(b) In the event of resignation or death or revocation of election agency of the election agent appointed under Sub-section (a), the candidate may again appoint another person as his election agent.

CHAPTER VIII

Voting

28. The Commission shall:

(a) hold the elections simultaneously on the same day as far as possible;

(b) hold the elections on public holiday as far as possible;

(c) determine and declare the date of election in advance.

29. Hiuttaw representatives shall be elected by the eligible voters residing in the respective constituencies directly by secret ballot.

30. The Commission may allocate the number of the polling booths for the Wards and Village-tracts on the basis of the number of eligible voters and the conditions of the locality or may delegate such powers to the State or Division Sub-commissions. The

Township Sub-commissions may be assigned the duty of locating the venue for the polling booths.

31. Arrangements shall be made for the polling booths to be secure and not detrimental to the secret ballot at the place easily accessible to the public. The venue of the polling booths shall be notified to the public in advance.

32. In order to supervise the polling booths at various Hluttaw constituencies, the Sub-commission concerned shall:-

Township

(a) appoint suitable persons from amongst the public servants as polling booth officers;

(b) form polling booth teams consisting of public servants, citizens, associate citizens and naturalized citizens who are trusted and respected by the local public, and assign duties as prescribed;

(c) prescribe by Rules the duties and powers of the polling booth teams and polling booth officers.

33. On the day of election, each Hluttaw candidate may appoint a polling booth agent and an assistant who are to act on his behalf at the respective polling booth in the constituency where he is contesting. Such agent and assistant shall be eligible voters.

34. (a) If there is only a single candidate in a constituency, election for such constituency shall not be held, and the Commission shall declare such candidate to be the Hluttaw representative;

(b) If there are more than one candidate in a constituency, voting shall be arranged with the ballot boxes and ballot papers as prescribed by Rules.

35. On the day of the election, polling booths shall be kept open from 6 am to 4 pm. However, polling booths may be closed earlier than 4 pm if all eligible voters have cast their votes.

36. Eligible voters shall personally draw the ballot papers from the respective polling booths. Such ballot papers shall be cast personally into the respective ballot boxes and not by proxy.

37. Any eligible voter in an election shall have the right only to a single vote; not have the right to vote more than once.

38. (a) The respective Township Sub-commission shall arrange for the Armed Forces personnel, students, trainers, public servants, detainees and inpatients at the hospitals who are away from their constituencies, to vote with advance ballot paper in the respective constituency;

(b) The Ward or Village tract Sub-commission concerned shall arrange for an eligible voter who is on the electoral roll and who will be away from his constituency on the day of election, to vote with advance ballot paper;

(c) If persons residing in the constituency who are unable to come to the polling booth to vote in person due to any of the following reasons wish to vote, the Ward or Village-tract Sub-commission concerned shall arrange for them to vote with advance ballot papers as prescribed: -

(i) having contracted leprosy;

(ii) being seriously ill;

(iii) being of old age;

(iv) giving birth at home;

(v) being detained in a police custody or in prison;

(vi) taking medical treatment as an in-patient in hospital;

(vii) public servants, Armed Forces personnel and members of the Public Force who are on duty, away from the area in which they have their electoral roll;

(d) Rules shall be prescribed as regards the manner of voting by persons having difficulties in making entries on the advance ballot paper or ballot paper on their own.

39. (a) The Commission shall make arrangements to enable the diplomats and members of their household of the Union of Burma, embassy staff and members of their household, State scholars and members of their household, delegates and members of their household who are outside the country at the time of holding election and those who are outside the country with the permission of the Government and members of their household at the time of holding election to vote in advance for their respective constituency;

(b) The Ministry of Foreign Affairs of the Government of the Union of Burma shall take the responsibility of communicating with those who are outside the country and who have the right to vote so as to enable them to vote in advance.

CHAPTER IX

Counting of Votes and Declaring Confirmation

40. (a) The Ward or Village-tract Sub-commission shall hand over the advance ballot papers already cast under Section 38, Sub-section (b) and (c) and the list of those who have voted with advance ballot papers in connection with the various polling booths to the respective polling booth officer before the opening of the polling booths on election day;

(b) Immediately after the ballot papers are cast in each constituency, the polling booth officer or a member of the polling booth team assigned by him shall count the votes in the polling booth in the presence of the members of the polling booth team, the public, and the polling booth agents. In counting, valid votes and invalid votes are to be differentiated in accordance with the Rules. List of number of votes counted shall be made as prescribed and the Schedule List of votes shall be sent to the Township Sub-commission. A copy shall be sent to the Ward or Village-tract Sub-commission;

(c) The Ward or Village-tract Election Sub-commission shall supervise the dispatch of the voting list schedules compiled by polling booths officers in its area in prescribed manner to the Township Election Sub-commission as fast as possible to reach it in time;

(d) The Township Election Sub-commission shall, before 4 p.m. on election day, count all advance ballot papers already cast under Section 38 Subsection (a) and Section 39 Sub-section (a) in the presence of Hluttaw candidates or election agents and the public and shall combine the voting list schedules for each Hluttaw constituency in the manner prescribed.

41. (a) Should there be more than one candidate in a constituency, the Township Sub-commission shall announce the number of votes each candidate has received. To enable the Commission to declare the candidate with the highest number of votes to be the elected candidate and to enable the election to be held again in case of a tie of votes, the Township Sub-commission shall submit it to the Zone Sub-commission as soon as possible;

(b) On receiving the report of the Township Sub-commission under Sub-section (a), the Zone Sub-commission shall submit it to the Commission together with remarks and opinion. A copy shall be forwarded to the State or Division Sub-commission

(c) The Commission shall declare the elected candidate as per the lists submitted by the Zone Sub-commission under Sub-section (b). On submission under Sub-section (a) that there is a tie of votes the Zone Sub-commission shall proceed in accordance with the Rules as instructed by the Commission in connection with holding a new election. If an election is to be held afresh on account of the tie of highest votes, only the candidates whose votes are so equal are eligible to stand for election.

CHAPTER X

Powers of Commission

42. The Commission

(a) may postpone the election in certain constituencies in which elections could not be held due to natural disasters till such a time as the disaster is over;

(b) may postpone the election in a constituency where preparation of list of voters or balloting is not possible due to lack of security;

(c) may decide to hold election in some areas within the constituency where the situation permits and may decide not to hold election in some areas within the constituency where the situation does not permit. It may also decide to transfer the polling booth to secure places. However, if 51 per cent of voters have cast votes, a valid election shall be deemed to have been held. Should it be the opinion of the Commission that free and fair election cannot be held, it may postpone the decision in the entire constituency.

43. The Commission may delegate to Sub-commissions the powers to postpone election and to transfer the venue of polling booths to secure places.

44. In a constituency where there is only a single candidate if, before the election is held, that candidate dies or is found that he is not entitled to stand for election, the election for that constituency shall start afresh from the stage of the nomination of the candidate.

45. In election matters the Commission has the power to call for the proceedings and documents suo moto of each sub-commission as it deems fit and study and decide accordingly. This decision shall be final and conclusive.

46. The Commission may take measures as necessary for the successful holding of free and fair election.

CHAPTER XI

Election Agents and Expenses

47. The election agent shall keep accounts of the expenses of the elections concerned systematically as prescribed. He shall submit the accounts of the expenses as prescribed to the Zone Sub-commission concerned.

48. The maximum scale of expenses and the number of persons employed for payment for the Huttaw candidate shall be as prescribed by Rule.

CHAPTER XII

Election Offences and Penalties

49. (a) A person's right to stand for election and to vote shall not be violated by force, threat, undue influence, cheating, taking or giving of bribes to any person;

(b) Whoever sits in contravention of Sub-section (a) shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two thousand kyats or with both.

50. No person shall contravene any of the following prohibitions. Whoever contravenes shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two thousand kyats or with both:-

(a) obtaining the electoral right by unlawful means or after obtaining such right committing, giving and taking bribes by way of money, goods, foodstuff, position or service transfer;

(b) threatening a Huttaw candidate or a voter to prevent him from freely exercising his electoral right;

(c) making speeches, making declarations and instigating to vote or not to vote on grounds of race and religion or by abetment of such;

(d) instigating, making speeches at meetings, writing, distributing, using posters to disrupt the voting.

51. No person shall contravene or cause another to contravene any of the following prohibitions. Whoever contravenes or abet such contravention, if convicted, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand kyats or with both:

- (a) dishonestly making illegible or destroying list, notices and documents published by the Commissions and Sub-commissions;
- (b) dishonestly destroying list of votes or ballot papers or making the envelope or pouch sent by post containing such illegible;
- (c) giving the ballot paper to some other person in an improper manner;
- (d) inserting into the ballot box an article other than a ballot paper;
- (e) opening or destroying without authorization the ballot box or ballot paper which is in use;
- (f) voting in an election at more than one constituency;
- (g) voting more than once in an election of one constituency;
- (h) impersonating another person to obtain and cast a ballot paper;
- (i) entering the polling booth without permission while the election is in progress;
- (j) putting one counterfeit ballot paper or more into the ballot box.

52. Whoever is found guilty of disturbing any eligible voter so as to prevent him from casting the vote on the election day or whoever is found guilty of abetting such act shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand kyats or with both.

53. (a) No person shall commit any of the following acts inside the polling booth or within the radius of one hundred yards from the polling booth on the election day:

- (i) canvassing;
- (ii) soliciting a voter to vote for a certain candidate for the Hluttaw;
- (iii) persuading a voter not to vote for a certain Pyithu Hluttaw candidate or persuading a voter to vote or not to vote at an election;

Explanation: This section does not apply to sticking or fixing campaign posters etc. regarding the election in any places other than the polling booth.

(b) Whoever is found guilty of contravening any provisions of Sub-section (a) shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand kyats or with both.

54. Any person discharging duties in connection with the election including different levels of Sub-commission shall abide by the following provisions. Whoever is guilty of contravening any provision shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand kyats or with both:-

- (a) to accurately prepare and maintain the lists, schedules and records regarding elections;
- (b) to help and safeguard secret voting;
- (c) all matters, with the exception of those permitted to be published by the Commission, shall be kept confidential;
- (d) acting rightfully, not canvassing votes and not showing partiality, in favour of any Hluttaw candidate, during the election.

55. (a) No person shall convene a public meeting within a constituency on the election day other than for a religious purpose and no person shall attend such a meeting;

(b) Any person found guilty of contravening the prohibitions mentioned in Subsection (a) shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand kyats or with both.

56. (a) No person shall cause disturbance to the voters or the polling booth officer and members of the polling booth team on duty by using loud speakers or by such

equipment which amplify the human voice or by other undisciplined acts, inside the polling booth or within five hundred yards radius from the polling booth;

(b) Any person found guilty of contravening the prohibitions mentioned in Subsection (a) shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand kyats or with both.

57. (a) Whoever acts in an improper manner inside the polling booth, during polling hours or who disobeys the lawful orders of the polling booth officer shall be evicted from the polling booth by a member of the People's Police Force on duty, or by any security personnel on duty under the order by the polling booth officer or by the member of the polling booth team authorised by the polling booth officer;

(b) Any person who is evicted from the polling booth and who returns to the polling booth without the permission of the polling booth officer, and if found guilty, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand kyats or with both.

58. Any person who commits an offence punishable under Section 54 shall be prosecuted with the permission of the Commission, or with the permission of the Government when the Commission is dissolved or with the permission of the person who is appointed for this purpose by the Government.

59. Whoever dishonestly and fraudulently lodges any criminal proceedings against any person regarding offences relating to elections, if found guilty, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand kyats or with both.

60. If the polling booth officer finds any person who commits or is committing any offence under this Law, he may order a member of the People's Police Force on duty, or any security personnel on duty to arrest that person.

61. Regarding offences relating to elections, any voter of the constituency concerned, or any Hluttaw candidate, or any elected member of the Hluttaw or a member of a Sub-commission concerned or any member of the polling booth team having sufficient proof may file a complaint in the Township Court before the election or during the election or within fifteen days from the election.

CHAPTER XIII

Corrupt Practices

62. The following practices are deemed to be corrupt practices:

(a) Hluttaw candidate either by himself or by his election agent or any person with the approval of one of them commits the following offences:

(i) giving or taking bribes;

(ii) interfering with the electoral right;

(iii) impersonation;

(iv) making verbal or written false declaration;

(v) signing false statement;

(b) casting of vote more than once in one constituency or in more than one constituency when elections are simultaneously held, which will be to the advantage of a candidate he favours;

(c) a Hluttaw candidate or his election agent has incurred contrary to the stipulations more than the authorized expenditure or consented to incur more than authorized amount during the election;

(d) failure to account for the election expenses on the part of the election agent;

(e) any person who takes away the ballot paper from the polling booth, with the consent of the Hluttaw candidate or his election agent;

(f) with the prompting or consent of the Hluttaw candidate or his election agent committing the following:

- (i) whoever accepts bribe or agrees to accept bribe, with the intention of participating or not as a candidate in the Hluttaw election or resigning from the membership of Hluttaw, in return;
- (ii) whoever accepts bribe for himself or for other person or agrees to accept such bribe, with the intention of inducing or trying to induce a voter to vote for a particular candidate or to abstain from voting;
- (g) submission of false accounts of the election expenses or declaring the false accounts to be true or failure to submit the election expenses as prescribed;
- (h) any person who is not a Hiuttaw candidate or not an election agent of that Hiuttaw candidate, without the permission of such candidate, convenes a meeting, or distributes papers and documents or incurs or consents to incur expenses in any other way, with a view to making him win election as a Hluttaw candidate or abets for such purpose;
- (i) publishing and distributing announcements, posters and bills without mentioning names and addresses of printers and publishers for the benefit of the Hluttaw candidate, whom he favours;
- (j) any Hluttaw candidate, or his election agent or any person with the consent of one of them, obtains help from a public servant, or abets or attempts in obtaining help from such public servant so that a Hiuttaw candidate may be elected;
- (k) using of religious emblem in the election campaign, or making use of nationality or religion for the purpose of inducing to vote or not to vote with a view to getting a Hluttaw candidate elected;
- (l) resorting to violence, making and writing false accusation and creating public disorder to a person or a party, with a view to getting a Hiuttaw candidate elected.

CHAPTER XIV

Decisions on Objections Concerning Elections

63. If objection is desired to be made as regards being elected, it shall be made in forms prescribed in accordance with the provision in this CHAPTER.

64. (a) Objections to being elected a Pyithu Hiuttaw representative may be made as prescribed by any Hiuttaw candidate or any voter for reasons of his own other than matters which have been decided by the Commission under Section 45 to such person as may be appointed by the Government for this purpose;

(b) The applicant may file objection against an elected Hluttaw member. If he intends to seek a declaration that only he has obtained the majority votes and should he be elected, he is to base his objections on one of the following:

- (i) the reason that only the applicant did in fact obtain the maximum valid votes;
- (ii) the reason that if votes obtained by the elected Hluttaw representative did not include votes obtained by corrupt practices, the applicant could obtain the maximum valid votes.

65. (a) The Government shall form three-member Election Tribunals each consisting of legal experts and suitable ... [illegible] for enquiry into objections regarding the election;

(b) Remuneration for members of the Election Tribunals shall be as prescribed by the Government;

(c) Expenses incurred by the Election Tribunals shall be borne by the Supreme Court;

(d) The accommodation for the Election Tribunals and staff required for performance of their function shall be provided by the Supreme Court;

(e) All matters concerning election objections shall be taken up by the Election Tribunals;

(f) In respect of the election held for one constituency, if more than one objection are raised, the person appointed by the Government shall assign the objections to only one Election Tribunal. Such tribunal may inquire into the objections separately or collectively;

(g) If an appointed member of Election Tribunal cannot carry out his duties as a member of the tribunal or is unable to carry them out during an inquiry, the Government shall appoint a substitute member. The reconstituted Election Tribunal may make fresh inquiry of the pending objections, if it so desires.

66. while the objections in connection with elections are being heard, the tribunal, if necessary, may invite the Attorney-General and seek legal advice. If the Attorney-General is unable to come to the tribunal, he may depute a suitable person not below the rank of a Law Officer Grade I from the Attorney-General's Office to act on his behalf.

67. The Election Tribunal may decide the election of the Hluttaw representative to be void if it finds that the elected Hluttaw representative has infringed any of the following:-

(a) that it is apparent the elected Hluttaw representative received the majority votes by corrupt practice; or by inducement or the success or failure of the election is due to corrupt practice;

(b) that it is apparent corrupt practice has been committed for the benefit of the elected Hluttaw representative;

(c) that it is apparent the election is not free and fair;

(d) that it is apparent the election is not free and fair because of bribery and interference with the exercise of electoral rights, or that the success in the election is due to such acts;

(e) that it is apparent he is an individual or a member of any association in Section 10, Sub-section (e), (i), (j) or (k).

68. The Election Tribunal, in reporting that the elected representative is guilty of corrupt practice due to the acts of a person other than the election agent, and is of opinion that it is due to any of the following, it may decide that the election of the said Hluttaw representative is not void:-

(a) that the act has been committed without the consent of the Hluttaw candidate and his election agent;

(b) that the Hluttaw candidate and his election agent have prevented, to the best of their ability, corrupt practices in the election;

(c) that the corrupt practices are of trivial nature and have not affected the election

(d) that the election has been free from corrupt practices of the Hluttaw candidate and his election agent.

69. After objections have been exercised, the Election Tribunal shall report to the Government where the question arises as to whether or not the person elected as the Hluttaw representative or the person who objects and states that he himself should be declared elected, should be elected.

70. All members of the Election Tribunal shall sign and submit the report of their decision to the Government as early as possible. The Government shall issue order as reported and shall publish that report in the Burma Gazette. The order of the Government shall be final and conclusive.

71. If there is any difference of opinion among members of the Election Tribunal on the report or on any other matter concerning objections in connection with the election, the opinion of the majority shall prevail.

72. The Election Tribunal shall have all the powers of the Court in which powers under the Code of Civil Procedure are vested. It may on its own motion summon and examine any person who is in a position to give important material evidence.

73. Not contrary to the provisions of this Law, the provisions of the Evidence Act shall be deemed to apply in all respects to all matters under inquiry.

74. Any document not duly stamped or not duly registered as prescribed shall not be inadmissible as evidence.

75. In an inquiry the witness shall answer the questions in respect of the relevant issues. However,

(a) the voter shall not be questioned to reveal for whom he has voted;

(b) no witness who is compelled to answer a question shall be arrested or prosecuted or his statement be used as evidence in any criminal proceedings except for perjury.

76. The person himself or his representative or a lawyer acting on his behalf may appear before the Election Tribunal. Nevertheless, should the Election Tribunal direct him to appear in person, he shall do so accordingly.

CHAPTER XV

Miscellaneous

77. The Commission and Sub-commission may obtain necessary assistance from Government organizations or other organizations and individuals.

78. Whoever carries out the duties of a member of the Commission or Sub-commission, or carries out the said duties of the Election in any capacity shall be deemed to be carrying out the duties of the State.

79. No Court has jurisdiction on the acts and decisions made by the Commission and Sub-commissions at various levels and the Election Tribunals, other than by the provisions of this Law.

80. No civil or criminal action shall be taken against the Commission and members of the Commission, Sub-commissions at various levels and their members, Election Tribunals, members of the Election Tribunals, members of the polling booth teams including polling booth officers who discharge their duties according to law in good faith and to the best of their ability.

81. The Commission is empowered to make rules, procedures, orders and directives for the successful implementation of the provisions of this Law.

82. The following Laws and Rules are repealed by this Law:-

(a) Pyithu Hluttaw and People's Councils at Different Levels Elections Law (Pyithu Hluttaw Law No. 8 of 1976).

(b) Pyithu Hluttaw and People's Councils at Different Levels Elections Rules (Pyithu Hluttaw Rules No. 7 of 1976).

Sd. -Saw Maung

General, Chairman, The State Law and Order Restoration Council