

The Union of Myanmar

The State Peace and Development Council

The Political Parties Registration Law

(The State Peace and Development Council Law No. 2 /2010)

The 9th Waning Day of Taboung, 1371 M.E.

(8th March, 2010)

Preamble

The State Peace and Development Council hereby enacts the following Law in accord with Section 443 of the Constitution of the Republic of the Union of Myanmar for enabling the formation of political parties which have objectives for non-disintegration of the Union, non-disintegration of the national solidarity and perpetuation of sovereignty, which are loyal and faithful to the State, and which accept and exercise genuine and well-disciplined multi-party democracy system in the Union of Myanmar.

Chapter I

Title and Definition

1. This Law shall be called the **Political Parties Registration Law**.
2. The following expressions contained in this Law shall have the meaning given hereunder:
 - (a) **State** means the Republic of the Union of Myanmar;

- (b) **Region or State** means the existing Division or State respectively;
- (c) **Commission** means the Union Election Commission;
- (d) **Political Party** means an organization allowed to be established under this Law by the Commission for enabling the implementation of their programmes based upon a political ideology which believes and accepts genuine and well-disciplined multi-party democracy system;
- (e) **Party** means a political party that organizes and carries out in the entire Union or only in a Region or State. The said expression also includes different levels of sub-parties of the party;
- (f) **Election** means the Pyithu Hluttaw Election, Amyotha Hluttaw Election and Region or State Hluttaw Election;
- (g) **General Election** means the election designated and held by the Commission for a regular term of the Hluttaw;
- (h) **By-election** means the election designated and held by the Commission from time to time for constituencies which becomes vacant due to the postponement of election in any constituency or resignation, death, termination or revocation of duty from as a Hluttaw representative in accord with law within a regular term of Hluttaw;

(i) **Constituency** means Pyithu Hluttaw constituency, Amyotha Hluttaw Constituency, Region or State constituency designated by the Commission in accord with law to elect a Hluttaw representative;

(j) **Property owned by the Party** means the fund and moveable property or immovable property owned by the party;

(k) **Member of Religious Order** means the followings :

(i) in the case of Buddhists, monks, novices, religious laymen and nuns 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 and 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 organised by religious discipline or vow;

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

(l) **Convict** means a person serving a prison term under a sentence passed by any Court. The said expression also includes a person who is serving a prison term pending appeal or revision against the sentence of imprisonment of the relevant Court.

Chapter II

Establishment and Registration of Political Parties

3. (a) At least 15 persons, who are desirous of organizing a party in the entire Union or only in a Region or State shall, after mentioning the name of the party desired to be formed, apply to the Commission to allow organizing of the members of the party in accord with law. They shall admit and sign the application that they conform to the facts contained in Section 4 and shall also abide by the facts contained in Section 6.
- (b) The Commission shall, when receiving the application filed under Sub-section(a), scrutinize the facts mentioned in the application and accept the application if it is found that it is in conformity with the law. The application shall be refused if it is found that it is not in conformity with the law.

(c) The persons who are desirous of establishing a party shall elect one leader and one deputy leader among them, when permission under Sub-section (b) is obtained.

4. The persons desirous of establishing a party shall conform to the followings :

- (a) being a person who is a citizen, an associate citizen, a naturalized citizen or a temporary certificate holder;
- (b) being a person who has attained 25 years of age;
- (c) being a person who is not a member of the religious order;
- (d) being a person who is not a civil services personnel;
- (e) being a person who is not a convict;
- (f) being a person who is not a member of an insurgent organization in revolt with arms against the State, or not a member or an individual of an organization designated by the State as committing terrorist acts, or not a member of an organization declared as an unlawful association under any existing law or not a member contacting or abetting directly or indirectly with such members of an organization ;
- (g) being a person who is not involved with any offence under the Narcotic Drugs and Psychotropic Substances Law;

(h) being a person who is not a foreigner or not a person who has assumed foreign citizenship.

5. The leader and deputy leader of persons desirous of forming a party shall, after subscribing the prescribed registration fees, apply to the Commission in the prescribed manner to register as a political party which they desire to be established by submitting the following facts:

- (a) name, flag and emblem of the party desired to be established;
- (b) political ideology and programme of the party desired to be established;
- (c) regulations of the party and organizational set-up;
- (d) name, father's name, occupation, address, date of birth, citizenship scrutiny card number, national registration card number, certificate of associate citizenship number, certificate of naturalized citizenship number or certificate of temporary card number of the persons desirous of establishing the party and who conform to the facts contained in Section 4;
- (e) admission made in accord with Section 6;
- (f) admission that it will organize at least 1000 party members within 90 days starting from the day of permission for registration as a political party if it is a party that will organize throughout the

entire Union or admission that it will organize at least 500 party members within 90 days starting from the day of permission for registration as a political party if it is a party that will organize only in a Region or State.

6. In the application filed under Section 5, it shall be admitted that the following shall be abided:

- (a) safeguarding non-disintegration of the Union, non-disintegration of the national solidarity and perpetuation of sovereignty;
- (b) safeguarding the prevalence of law and order and tranquillity;
- (c) safeguarding the Constitution of the Republic of the Union of Myanmar;
- (d) abstaining from writing, delivering speech or organizing and instigating that can cause conflict or that can affect dignity and moral relating to nationality, religion, individual or public;
- (e) abstaining from abuse of religion for political ends;
- (f) abstaining from accepting and using directly or indirectly money, property, other aids from the government of any foreign country, any religious organization, any other organization or any person or, not accepting their influence;

7. Any of the following organizations shall not have the right to apply for registration as a political party:

- (a) an organization declared as an unlawful association under any existing law;
- (b) an insurgent organization in revolt with arms against the State, organization and persons designated by the State as committing terrorist acts or organization that contacts or abets directly or indirectly with an organization declared as an unlawful association under any existing law or its members;
- (c) an organization that accepts and uses directly or indirectly money, buildings, vehicles and property owned by the State;
- (d) an organization that accepts and uses directly or indirectly money, property or other aids from the government, a religious organization, any other organization or any person from any foreign country or being under their influence;
- (e) an organization that abuses religion for political ends.

8. (a) In submitting the name, flag and emblem of the party under Sub-section(a)of Section 5, the name, mark or symbol that is connected with religion or affect non-disintegration of the Union, non-disintegration of the national solidarity and perpetuation of sovereignty shall be avoided.

(b) If the name, flag and emblem of the party which applies for registration is identical with the name, flag or emblem of other party which is already registered or which has already applied under Section 5 or is very similar that it cannot be differentiated, the Commission may direct and designate the period for causing differentiation to be made. If it fails to comply with such direction, the application shall be rejected.

9. When the leader and deputy leader of persons desirous of establishing a party apply to register as a political party, the Commission may, after scrutinizing in accord with the prescribed manner grant permission to register if it is in conformity with the stipulation or refuse to register if it is not.

10. In organizing the party members, only the persons conforming to the following qualifications shall be organized as a member of a party:

- (a) being a person who is a citizen, an associate citizen, a naturalized citizen or a temporary certificate holder;
- (b) being a person who has attained 18 years of age;
- (c) being a person who is not a member of the religious order;
- (d) being a person who is not a civil services personnel;
- (e) being a person who is not a convict;

(f) being a person who is not a member of an insurgent organization in revolt with arms against the State, or not a member or an individual of an organization designated by the State as committing terrorist acts, or not a member of an organization declared as an unlawful association under any existing law or not a member contacting or abetting directly or indirectly with such members of an organization ;

(g) being a person who is not involved with any offence under in the Narcotic Drugs and Psychotropic Substances Law;

(h) being a person who is not a foreigner or not a person who has assumed foreign citizenship;

(i) being a person who has admitted that he will abide by the facts contained in Section 6.

11. A party starting from the date it obtained the permission to register under Section 9:

(a) may perform, in accord with the regulations of party, issuing party membership accreditation certificates to the persons who apply for membership and meet to the stipulations, collecting party admission fees, party monthly fees and organizing;

- (b) shall compile the list of party members who have been issued the party membership accreditation certificates and submit such list to the Commission as prescribed.

Chapter III

Having No Right To Subsist

- 12. (a) A party shall not have the right to subsist as a political party if it is involved with any of the following:
 - (i) being unable to contest as Hluttaw candidates from its party in at least three constituencies out of Pyithu Hluttaw constituencies, Amyotha Hluttaw constituencies, Region or State Hluttaw constituencies in the general election;
 - (ii) having been declared as an unlawful association under any existing law;
 - (iii) contacting or abetting directly or indirectly an insurgent organization and individuals in revolt with arms against the State, organization and individuals designated by the State as committing terrorist acts or organization declared as unlawful association or members of the said organization;
 - (iv) having failed to abide by any admission contained in Section 6;

- (v) being found that the organization obtained and used directly or indirectly money, land, house, building, vehicle, property owned by the State;

- Proviso:**
- (i) The expression, money owned by the State, does not include pension and emolument of the persons included in the said party or salary and emolument awarded legally by the State for carrying out in the interest of the State.
 - (ii) The expression, land, house, building, vehicle, property owned by the State, does not include land, house, building and apartments owned by the State and which are allowed by the State to be used under any law or by the bounds of duty to the persons who are included in the said party, or which are rented for fees from the State by the said persons, other building and apartments, aeroplane, train, ship, motor vehicle, property etc. owned by the State.

- (vi) concealing intentionally without dismissing from the party the persons not in conformity with any fact contained in Section 10;
 - (vii) being found that it is unable to organize the party members in accord with the stipulation of Sub-section(f)of Section 5;
- (b) the Commission shall cancel the registration of the party from being a political party that is involved with any fact contained in Sub-section(a) and also dissolve the said party.

13. A party shall submit to the Commission that it has organized the minimum number of party members prescribed in Sub-section (f) of Section 5 within the prescribed days. After so submitting, if the number of members of the said party has decreased below the stipulated number, it shall carry out to meet as the stipulation within 90 days. If it is unable to do so, the Commission shall cancel the registration of such party from being a political party and also dissolve the party.

Chapter IV

Collection, Maintenance, Utilization, Auditing and Liquidation of the Fund and Property

14. The following persons shall undertake the responsibility of performing maintenance of the property owned by the party and compiling the lists systematically as the prescribed manner:

- (a) if it is for party headquarters, chairman or secretary of the central executive body of the party;
 - (b) if it is for Region or State, district, township parties, chairman or secretary of the executive body of the party concerned; if it is for ward or village-tract parties, the organizer concerned.
15. (a) Fund owned by party shall be collected, consolidated and account kept as follows:
- (i) party admission fees and party monthly fees collected under Section 11;
 - (ii) money or property donated and contributed to the party by domestic individual citizen or according to organization or citizen-owned company or group of companies from the money and property obtained legally by them;
 - (iii) money and profit legally obtained from business owned by the party;
- (b) Taxes to be paid on money and property obtained under clauses (i) and (ii) of Sub-section (a) shall be exempted.
16. A party, during a term of Hluttaw:
- (a) is entitled to use the prescribed expenses in accord with the party regulations for organization of its party;

(b) is entitled to use the prescribed expenses for each Hluttaw candidate representing and contesting for his party in the General Election or By-election.

17. A party shall perform in the prescribed manner, drawing its annual statement of accounts according to the financial year, compiling annual list of property owned by the party and obtaining confirmation in accord with the party regulations.

18. If the accounts of a party are required to be audited, the Commission may do so. The Sub-commissions at various levels may also be caused to audit. In so auditing, the Commission or Sub-commission may obtain assistance from the Government departments and organizations.

19. (a) Property owned by the party shall be entrusted in the prescribed manner to the department or organization prescribed by the Government when a party dissolves of its own volition or when registration under this Law is cancelled.

(b) With respect to property entrusted under sub-section (a), the relevant department, organization shall comply with the directive of the Government.

Chapter V

Miscellaneous

20. With respect to implementation of the provisions of this Law:

(a) the decision of the Commission shall be final and conclusive;

(b) there shall be no right of institution of any proceeding in any court.

21. A person shall have the right to be a party member in only one political party at the same time.

22. The formation of political parties at various levels shall be according to administrative boundary.

23. The Commission may supervise the political parties to perform in conformity with the existing laws, rules, procedures, notifications, orders and directives. It may assign duty to Sub-commissions at various levels to supervise on its behalf.

24. (a) If the Commission finds that a party does not abide by any provision of this Law, rules, procedures, notifications, orders and directives or any provision of the existing law, the Commission may prescribe the time and direct such party to perform as may be necessary.

(b) If any person reports to the Commission the internal affairs of a party, the Commission may investigate and, if necessary, in the interest of the State prescribe the time and direct such party the facts to be complied with.

(c) The Commission may suspend temporarily the registration of such party as a political party up to three years if it fails to comply strictly with the direction under sub-section(a) or sub-section (b).

(d) In case of suspension of registration of the party under sub-section(c), the said party shall suspend all the remaining works of the party with the exception of works directed by the Commission, during the said suspension period.

- (e) In case of failure to comply with the directive till the expiry of the said suspension period under sub-section(c), the Commission shall cancel the registration of such party as a political party and shall also dissolve the party.

25. The parties existing under the Political Parties Registration Law (The State Peace and Development Council Law No. 4/88) which are desirous to continue as political parties under this Law shall apply to the Commission within 60 days from the date of promulgation of this Law. When the permission of the Commission is obtained, it is entitled to continue to perform in accord with the provisions contained in this Law. If no such application is made, the fact of being a political party shall be deemed to have been automatically invalidated.

26. In implementing the provisions of this Law, the Commission may issue the rules, procedures, notifications, orders and directives, as may be necessary.

27. The Political Parties Registration Law (The State Law and Order Restoration Council Law No.4/88) is hereby repealed.

(Sd.)

Than Shwe
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Chairman

The State Peace and Development Council