

The Union of Myanmar

The Union of Myanmar

The State Peace and Development Council

The Public Military Service Law

(The State Peace and Development Council Law No. 27 /2009)

The 12th Waning Day of Thadinkyut , 1372 M.E.

(4th November , 2010)

As every citizen has the duty to preserve our three main causes that are non-disintegration of the Union, non-disintegration of national solidarity and perpetuity of the sovereignty of the State, the State Peace and Development Council hereby enacts the following Law to provide military training for carrying out such duty and military service for safeguarding the State.

Chapter I

Title, Commencement and Definition

1.
 - (a) This Law shall be called **the Public Military Service Law**.
 - (b) This Law shall come into force on such date as prescribed, by notification, by the Chairman of the State Peace and Development Council.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **Public military service personnel** means a citizen who carries out military service under this Law;
 - (b) **Person who attains majority to carry out military service** means every citizen who has attained the age of 18 years but has not attained the age of 35 years if he is a man; or who has attained the age of 18 years but has not attained the age of 27 years if she is a woman; or who has attained the age of 18 years but has not attained the age of 45 years if he is a male expert or who has attained the age of 18 years but has not attained the age of 35 years if she is a female expert;
 - (c) **Defence Services technician** means a person who is included in the table of group of technician determined by the order of the Defence Services Council among service personnel carrying out in the Defence Services;

- (d) **Expert** means doctor, engineer, technician or person who earns a living by any other technology;
- (e) **Member of the family** means parents, husband or wife, children, brother and sister;
- (f) **Member of religious order** means the following:
 - (1) in the case of Buddhist, monk, novice and nun holding the certificate of genealogy of religion and serving the Buddhist religious order permanently;
 - (2) in the case of Christians, person who has been recognized and ordained by the relevant Churches as an individual who has dedicated himself mainly for serving the Christian religious order;
 - (3) in the case of Hindus, Sanyazi, Mahant or Hindu priests.
- (g) **Student** means persons who are pursuing education at the Universities, Colleges, Institutes and Schools opened or recognized by the Government.

Chapter II

Term of the Public Military Service

- 3. The term to carry out public military service is determined as follows :
 - (a) Every citizen who attains majority to carry out military service may be called for carrying out military service for a term of not more than 24 months.
 - (b) Persons who are called for serving as Defence Services technicians among the citizens who attain majority to carry out military service may be called for carrying out military service for a term of not more than 36 months.
 - (c) Experts who attain majority to carry out military service may be called for carrying out military service for a term of not more than 36 months.
- 4. The Government may extend the term of public military service up to five years if an emergency situation arises in the State.
- 5. In counting the term served for public military service of the public military service personnel, term of punishment passed by other means except by the Court

Martial under the Defence Services Act, 1959 or the term of punishment tried and passed by the Court Martial or Civil Court shall not be counted.

Chapter III

Formation of the Various Levels of Public Military Service Summoning Body and Functions

6. The Government or organization empowered by the Government shall form the Public Military Service Summoning Central Body.
7. The Public Military Service Summoning Central Body:
 - (a) may form the State or Division, District and Township Public Military Service Summoning Bodies as may be necessary;
 - (b) shall carry out medical examination on the persons who are summoned to carry out military service by the Defence Services Medical Examination Boards.
8. The Ward or Village-tract Peace and Development Council shall compile and submit the list of persons who attain majority to carry out military service on 31st December among the citizens who live in their Ward or Village-tract to the Township Public Military Service Summoning Body on or before 1st January annually in accord with the stipulations.
9. The Township Public Military Service Summoning Body:
 - (a) shall summon and register every citizen who attains majority to carry out military service. The registration certificate shall be issued for such registration.
 - (b) may summon the person who attains majority to carry out military service and obtained the registration certificate for medical examination.
10.
 - (a) The person who is summoned to carry out military service by the Township Public Military Service Summoning Body shall report without fail to the military unit or department prescribed in the summoning order, within the stipulated time.
 - (b) Summoning order which is sent to the person who attains majority to carry out military service relating to any matter under this Law shall be sent to the relevant person. If such person cannot be found, it shall be given to any member of the family who lives together with him in the

presence of a witness. Such summoning order shall be deemed to have been given directly to the person who is to carry out military service.

11. A citizen shall abide by the Defence Services Act, 1959 commencing from the day he is accepted and admitted as a public military service personnel.

12. The Township Public Military Service Summoning Body shall:

- (a) in summoning the person who attains majority to carry out military service, if he submits a written application mentioning the reasons to allow exemption from military service or to reduce the term of military service to be carried out or to postpone until a specified period, examine the followings:
 - (i) whether the personal data is correct or not;
 - (ii) whether the reasons are valid or not;
 - (iii) whether the documents and recommendations are attached completely or not.
- (b) if the personal data contained in the application are incomplete or the papers, documents and recommendations are not attached although they are required, ask and obtain the same again from the person who submitted the application.
- (c) if the matters contained in sub-sections (a) and (b) have been carried out, proceed to submit the application of the person summoned to the District Public Military Service Summoning Body attached with the medical report of the Defence Services Medical Examination Board, its own finding and remark.
- (d) compile the list of persons who are qualified to carry out military service in the township and submit to the various levels of higher departments.

13. The District Public Military Service Summoning Body shall make its remark on the application submitted by the Township Public Military Service Summoning Body and proceed to submit to the Region or State Public Military Service Summoning Body.

14. The Region or State Public Military Service Summoning Body shall make its remark on the applications submitted by the District Public Military Service Summoning Body and proceed to submit to the Central Public Military Service Summoning Body.

15. (a) The Central Public Military Service Summoning Body may, in scrutinizing the applications of the persons who have been summoned, submitted by the Region or State Public Military Service Summoning Body, temporarily postpone public military service of the persons who are covered by the following facts:
- (i) persons who have obtained recommendation of the Defence Services Medical Examination Board that they do not meet health standard temporarily to carry out military service;
 - (ii) public servants;
 - (iii) persons who are pursuing education;
 - (iv) persons who are looking after the old parents who have no other person to take care of them;
 - (v) persons who are taking medical treatment to cure drug addiction;
 - (vi) persons who are serving prison term.
- (b) The persons contained in sub-section (a) shall serve for the periods postponed temporarily to meet the stipulated term of public military service although the age for military service has passed.

Chapter IV

Rights of the Public Military Service Personnel

16. A public military service personnel shall enjoy salary and allowance stipulated in the Defence Services according to the rank while he is carrying out military service.
17. A public military service personnel shall enjoy rights stipulated in the Defence Services for his death or injury, if any, during the term of military service if it covers discharge of duty.
18. (a) For a public servant who is carrying out public military service, such term of service is determined as on duty;
- (b) An employee who has completed the term of public military service contained in sections 3 and 4 shall be appointed by the employer at the original or similar work as determined.
19. If a person who has completed the term of public military service prescribed under section 3, desires to enroll and serve in the Defence Services on his own volition,

he may be allowed to carry out the military service according to the stipulated regulations and bye-laws.

20. The persons who have obtained the Ph.D. degree, professional degrees and have qualifications stipulated from time to time may be appointed as emergency gazetted officer.

Chapter V

Mobilization

21. (a) If a state of emergency for the State defence and security occurs in some territories of the State or throughout the State, the government may issue the mobilization order in the suitable area for all or some persons who attain majority to carry out military service or all or some persons who have completed the public military service .
- (b) When the order is issued under sub-section (a), the persons who are summoned shall report to the relevant summoning bodies within the stipulated time. They shall carry out military service at the military unit or department to which the summoning bodies have sent them.
- (c) The Central Public Military Service Summoning Body may direct a citizen who is summoned to continue to work in his on-going work according to the requirement of the work.

Chapter VI

Exemption from Carrying out Public Military Service

22. The following persons shall be exempted from the responsibility of carrying out public military service:

- (a) Members of religious order;
- (b) Married women (including also a woman who has children although being a divorcee);
- (c) Persons who are permanently disabled in any of their bodily organ;
- (d) Persons determined by the Defence Services Medical Examination Board as being permanently unfit for military service;
- (e) Persons exempted by the Central Public Military Service Summoning Body by order.

Chapter VII

Offences and Penalties

23. Whoever commits any of the following acts or omissions without valid reason shall, on conviction, be punished with imprisonment for a term not exceeding three years or with fine or, with both:

- (a) failing to appear and report when the Township Public Military Service Summoning Body summons to register under sub-section (a) of section 9;
- (b) failing to appear and report when the Township Public Military Service Summoning Body summons for medical check-up under sub-section (b) of section 9;
- (c) failing to appear and report when the Township Public Military Service Summoning Body summons to carry out public military service under section 10 although he passed the medical examination;
- (d) failing to appear and report at the stipulated military unit or department determined for him in advance, when mobilization order is issued under sub-section (b) of section 21;
- (e) mentioning incorrectly in relation to any matter which he is to mention under this Law;
- (f) failing to appoint his employee, who has completed the period for the public military service, under sub-section (b) of section 18.

24. Whoever commits any of the following offences with intention to evade carrying out military service shall, on conviction, be punished with imprisonment for a term not exceeding five years or with fine or, with both:

- (a) pretending as if he is infected with disease with intention to reduce the level of his health;
- (b) pretending as if disabled;
- (c) causing oneself to be infected with disease or to be disabled;
- (d) causing oneself to delay or worsen the disease or disability intentionally, without taking treatment till cured;
- (e) causing to hurt oneself voluntarily;
- (f) causing by any other means.

25. Any public servant or any member of an organization carried out under this Law who dishonestly commits any act or omission relating to his duty shall, on conviction, be punished with imprisonment for a term not exceeding three years or with fine or, with both.

26. Whoever abets in committing any offence contained in this Law shall, on conviction, be punished with imprisonment for a term not exceeding one year or with fine or, with both.

27. In a case prosecuted for committing an offence under section 23, the burden of proof shall lie on the accused for having valid reason relating to such omissions.

28. Notwithstanding that a citizen has been convicted for violation of any provision contained in sections 23 and 24, he shall not be exempted from carrying out military service under this Law.

Chapter VIII

Miscellaneous

29. The Government may form necessary body and committee and assign duties thereto in order to carry out the provisions of this Law systematically and effectively.

30. The offence contained in section 26 of this Law is determined as a cognizable offence.

31. No act of any organization or member thereof done in good faith, in pursuit of his duty according to law and regulation shall be liable under criminal or civil proceeding.

32. In implementing the provisions of this Law, the Ministry of Defence may issue such rules, procedures, notifications, orders and directives as may be necessary.

33. The Public Military Service Act, 1959 is hereby repealed.

(sd.) Than Shwe

Senior General

Chairman

The State Peace and Development Council