

UNION OF MYANMAR

**MYANMAR LAWS
[2010]**



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FOREWORD

The year 2011 is significant and historic year for Myanmar in her constitutional change. The State Peace and Development Council promulgated preparatory laws in 2010 for smooth and secure transition under section 443 of the Constitution of the Republic of the Union of Myanmar. Amongst theih, the Attorney General of the Union Law 2010 is one of the unique laws which entered into force on 31 January 2011 and it is the predecessor of the Attorney General Law, 2001. However, it is not the replica of the predecessor law. Union Attorney General's Office has the same duty to carry out compiling and publishing of law books, law manuals and periodicals in conformity with the stipulation under the Attorney General of the Union Law 2010.

During the year 2010,37 laws were promulgated. They include the Law relating to Pyidaungsu Hluttaw, the Law relating to Pyithu Hluttaw and the Law relating to Amyotha Hluttaw, the Union Government Law and the Union Judiciary Law among others.

Objectives of publishing Myanmar Laws series contain the objective to understand Myanmar Laws in English and to be helpful to legal practitioners, scholars, law students and stakeholders in domestic and abroad.

Union Attorney General's Office has the honour to disseminate legal knowledge and believes that the Myanmar Laws series will bring better understanding of Myanmar laws to all readers.

The English translation is made by the Union Attorney General's Office.
If there be any divergences and ambiguity between Myanmar and the English
versions, Myanmar text, being the authentic text, shall prevail.

UNION ATTORNEY GENERAL'S OFFICE

APRIL, 2012

NAY PYI TAW, THE REPUBLIC OF THE UNION OF MYANMAR

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The Union of Myanmar
The State Peace and Development Council
The Union Election Commission Law
(The State Peace and Development Council Law No. 1/2010)
The 9th Waning Day of Tabonng, 1371 M.E.
(8th March, 2010)

Preamble

The State Peace and Development Council hereby enacts the following Law to enable the formation of the Union Election Commission for supervising the exercise of the right to elect or to be elected to Hluttaws by every citizen of the Union of Myanmar and for supervising political parties in accord with Section 443 of the Constitution of the Republic of the Union of Myanmar.

Chapter I

Title and Definition

1. This Law shall be called the **Union Election Commission Law**.
2. The following expressions contained in this Law shall have the meaning given hereunder:
 - (a) Hluttaw means the followings:
 - (i) Pyithu Hluttaw;
 - (i i) Amyotha Hluttaw;
 - (iii) Region or State Hluttaw;
 - (b) **Hluttaw representative** means Hluttaw representative who is elected to any Hluttaw or Hluttaw representative who is a Defence Services personnel nominated by the Commander-in-Chief of the Defence Services in accord with law;
 - (c) **Election** means the Pyithu Hluttaw Election, the Amyotha Hluttaw Election and the Region or State Hluttaw Election;
 - (d) **Constituency** means the Pyithu Hluttaw Constituency, the Amyotha Hluttaw Constituency, the Region or State Hluttaw Constituency designated by the Commission in accord with law to elect a Hluttaw representative;

Voting Roll means the roll of eligible voters prepared for the constituencies;

Commission means the Union Election Commission formed in accord with this Law to enable supervision of the works relating to election and supervision of the political parties;

Sub-commission at various levels means the followings:

- (i) Nay Pyi Taw Sub-commission;
- (ii) Region or State Sub-commission;
- (iii) Self-Administered Division or Self-Administered Zone Sub-commission;
- (iv) District Sub-commission;
- (v) Township Sub-commission;
- (vi) Ward or Village-tract Sub-commission;

Political Party means the political organization registered in accord with the Political Parties Registration Law;

Election Tribunal means the body formed by the Commission in accord with this Law to hear and examine the dispute relating to the election and the objection relating to the election and appointment of the member of the leading body of Self-Administered Division or Self-Administered Zone.

Chapter II

Formation

3. The State Peace and Development Council shall form the Union Election Commission to enable the holding of elections to the first Hluttaw and to supervise the political parties. In so forming, at least five members including the chairman of the Commission may be appointed and assigned duty thereof.

4. The chairman and members of the Commission shall:

- (a) be persons who have attained 50 years of age;
- (b) be a person who is considered as eminent by the State Peace and Development Council;
- (c) be a person who has dignity and is experienced;
- (d) be a person who is loyal to the State and citizens;
- (e) not be a member of a political party;
- (f) not be a person who accepts any other position that entitles salary, allowance or money.

5. The chairman or member of the Commission may, when he desires to resign from office on his own accord due to any reason before the expiry of the term of office, resign by submitting in writing to the State Peace and Development Council that he so desires.

6. If the office of the chairman or member of the Commission becomes vacant due to resignation, removal from office or any other reason, the State Peace and Development Council may appoint and assign duties to a new chairman or member of the Commission in accord with this Law. The term of office of the chairman or member of the Commission so appointed and assigned duties shall only be for the remaining term of the Commission.

7. The term of the Commission so formed shall be until the President has formed a Commission under the Constitution of the Republic of the Union of Myanmar.

Chapter m

Duties and Powers

8. The duties and powers of the Commission are as follows:

- (a) holding the Hluttaw elections;
- (b) supervising and causing to supervise the Hluttaw elections;
- (c) forming, causing to form, supervising and causing to supervise the Sub-commissions at various levels;
- (d) designating and amending the constituencies;
- (e) preparing, causing to prepare, amending and causing to amend the voting rolls;
- (f) postponing and cancelling the elections in constituencies in which free and fair election could not be held due to natural disaster or situation of regional security;
- (g) issuing certificate of recognition as a Hluttaw representative;

- (h) forming election tribunals in accord with law to enable examination of dispute relating to election;
 - (i) in electing and appointing a member in the leading body of the Self-Administered Division or Self-Administered Zone under Sub-section (h) of Section 276 of the Constitution, forming election tribunals to enable examination and decision on objections, if any, in respect of the person so elected and appointed;
 - (j) allocating the fund for Sub-commissions at various levels, supervising and causing to supervise the expenses;
 - (k) supervising, causing to supervise and guiding the political parties to carry out in accord with law;
 - (l) performing duties assigned by any law.
9. The decisions and performances of the Commission relating to the following matters shall be final and conclusive:
- (a) works relating to election;
 - (b) appeals and revisions relating to the decisions and orders of the election tribunals;
 - (c) performances under the Political Parties Registration Law

Chapter IV

Miscellaneous

10. The expenditures of the Commission and Sub-commissions at various levels and the expenditures relating to holding of election shall be borne from the State budget.

11. The Commission may, to enable holding of the elections successfully, request necessary assistance from relevant departments, organizations and individuals.
12. The ongoing works of the Multi-party Democracy General Election Commission and Sub-commissions at various levels shall devolve on the Commission and the relevant Sub-commissions at various levels formed under this Law.
13. The Commission may, in implementing the provisions of this Law, issue rules, procedures, notifications, orders and directives as may be necessary.
14. The Multi-party Democracy General Election Commission Law (The State Law and Order Restoration Council Law No. 1/88) is hereby repealed.

(Sd.) Than Shwe

Senior General

Chairman

The State Peace and Development Council

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 9^h Waning Day of Taboung, 1371 M.E.
(8^{<b} 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;

Region or State means the existing Division or State respectively;

Commission means the Union Election Commission;

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;

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;

Election means the Pyithu Hluttaw Election, Amyotha Hluttaw Election and Region or State Hluttaw Election;

General Election means the election designated and held by the Commission for a regular term of the Hluttaw;

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;

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;

Property owned by the Party means the fund and moveable property or immoveable property owned by the party;

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;

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

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.

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 onjer;
- (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 apolitical 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 part)' 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;
- (j) 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;

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 m

Having No Right To Subsist

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;

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

Senior General

Chairman

The State Peace and Development Council

The Union of Myanmar
The State Peace and Development Council

The Pyithu Hluttaw Election Law

(The State Peace and Development Council Law **No. 3** / 2010)

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

(8th March, 2010)

The State Peace and Development Council, in order to elect Pyithu Hluttaw representatives by holding free and fair Multi- party Democracy General Election, hereby enacts the following law in accord with Section 443 of the Constitution of the Republic of the Union of Myanmar.

Chapter I

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 meaning given hereunder:
 - (a) **Constitution** means the Constitution of the Republic of the Union of Myanmar;
 - (b) **Hluttaw** means the Pyithu Hluttaw;
 - (c) **Hluttaw representative** means the person who has been elected to the Pyithu Hluttaw or Defence Services personnel Pyithu

Hluttaw representative nominated by the Commander- in-Chief of the Defence Services in accord with the Constitution;

- (d) **Election** means the Pyithu Hluttaw Election;
- (e) **Constituency** means the Pyithu Hluttaw constituency;
- (f) **Region or State** means the existing respective Division or respective State;
- (g) **Commission** means the Union Election Commission;
- (h) **Sub-commission** means the following **Sub-** commissions formed by the Commission:
 - (i) Nay Pyi Taw Sub- commission;
 - (ii) Region or State Sub- commission;
 - (iii) Self-Administered Division or Self-Administered Zone Sub-commission;
 - (iv) District Sub- commission;
 - (v) Township Sub-commission;
 - (vi) Ward or Viliage-tract Sub-commission;
- (i) **Member of religious order** means the following persons:
 - (i) in the case of Buddhists, monks, novices, religious laymen, 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 or she is serving temporarily as such;

- (ii) in the case of Christians, persons who have been recognized and ordained or assigned duties by the relevant Churches as persons who have dedicated themselves mainly to serve the Christian religious order, and persons included in a group of persons 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, Sanyazi, Mahant or Hindu priests;

Voting Roll means the roll of eligible voters prepared for prescribed constituencies for purpose of election;

Convict means the person serving prison term under sentence passed by any court. The said expression also includes the person who is serving prison term by the order of the court and pending appeal or revision against the sentence of imprisonment of the relevant court;

- (1) **Polling Booth Team** means a team which is assigned duty by the Township Sub- commission concerned, the duty of taking collective responsibilities in connection with voting at a polling booth within a constituency;
- (m) **Polling Booth Officer** means the person who is in charge of the Polling Booth Team;
- (n) **Electoral Right** means the right of a person to stand or not to stand as a Hluttaw candidate, or to withdraw from the list of Hluttaw candidates or to vote or refrain from voting at the election;
- (o) **Malpractice** means any practice mentioned in Chapter XIV of this Law;
- (p) Rules mean the rules made under this Law.

Chapter II

Formation of the Pyithu Hluttaw

- 3. The Hluttaw shall be formed with a maximum of 440 Hluttaw representatives as follows:
 - (a) not more than 330 Pyithu Hluttaw representatives elected by prescribing the constituency in accord with this Law on the basis of township as well as population, combining with township which is contiguous to the newly-formed township if it is more than 330 townships;

- (b) not more than 110 Pyithu Hluttaw representatives who are the Defence Services personnel nominated by the Commander- in - Chief of the Defence Services in accord with the Constitution.

Chapter III

Designation of Constituencies

In designating Hluttaw constituencies, the Commission :

- (a) shall not designate more than 330 Hluttaw Constituencies in the entire Union including Regions or States and Union territories;
- (b) shall designate at least one constituency in a township in the case of constituencies which have not exceeded 330;
- (c) if the number of 330 constituencies have not been filled for the required number of constituencies, the list of population depending on the density of population in townships within the entire Union shall be prepared, and from this list beginning from the most densely populated township, a constituency for each township shall be designated and added to fill the required number of constituencies;
- (d) in case the total number of townships exceed 330, due to forming of new townships, designation of constituencies shall be made as follows:
 - (i) in the event of forming a new township by dividing a township into two parts, designating the said new township as the constituency of the original township;

- (ii) in the event of forming a new township by extracting the areas from more than one township, designating as a constituency by merging them to the township which is contiguous and has the least population;
 - (e) in the case of designation of an area which is situated in a Hluttaw constituency as Union territory, the said area shall be deemed to be included only in the original Hluttaw constituency.
- 5. (a) The Hluttaw constituency designated by the Commission shall be only for a term of Hlqttaw.
- (b) In the case of formation of a new township after designating constituencies for a regular term by the Commission, such township shall be deemed to be included in the relevant constituency designated for the said regular term.
- (c) The Commission shall designate the constituencies for the next term at least 60 days in advance prior to the expiry of the term of the Hluttaw.

Chapter IV

Eligible Voters

- 6. Persons possessing the following qualifications shall be eligible to vote at the election irrespective of sex and religion:

- (p) citizen, associate citizen, naturalized citizen or holder of temporary certificate who has completed the age of 18 years on the day of commencement of election and who does not contravene the provisions of this Law;
 - (b) person whose name has been included in the voting roll of the respective constituency.
7. The following persons shall not be eligible to vote at the election :
- (a) member of religious order;
 - (b) convict;
 - (c) person adjudged to be of unsound mind as provided for in the relevant law;
 - (d) person who has not yet been discharged as an insolvent;
 - (e) person prohibited by Election Law;
 - (f) foreigner or person who has assumed foreign citizenship.

Chapter V

Persons Eligible to Stand for Election and Persons not

Eligible to Subsist

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

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

(i) person who has completed the age of 25 years and who does not contravene the provisions of this Law;

(ii) person who has resided in the Union of Myanmar at least ten consecutive years up to the time of his election as Hluttaw representative;

Proviso: The official period of stay in a foreign country with the permission of the State shall be counted as a residing period in the State;

(iii) person included in the voting roll;

(b) citizen who was born of parents who are citizens;

(c) person who possesses qualifications prescribed in this Law.

9. A person having the right to stand for election is eligible to contest in the election either individually or representing a political party).

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

(a) convict;

(b) person not eligible to stand for election as a Hluttaw representative due to conviction for an offence causing disqualification of Hluttaw representative, or having committed a malpractice relating to election or failing to act in accord with the Election

Law before or after the Constitution comes into operation and the period designated by the authority for him has not expired;

person adjudged to be of unsound mind as provided in the relevant law;

person who has not been discharged from being an insolvent as declared by the relevant court;

citizen who was born of parents, both or one of whom was not citizen at the time of his birth;

person who owes allegiance to a foreign government or person under the influence of a foreign government or subject of a foreign government or a citizen of a foreign country;

person who is entitled to enjoy the rights and privileges of a subject of a foreign government or a citizen of a foreign country;

person who obtains and utilizes directly or indirectly the support of money, land, housing, building, vehicle, property, etc., from government or religious organization or any other organization or any individual of a foreign country or is a member of an organization which obtains and utilizes the said aids;

person who uses religion for political purpose and utters, delivers speech, and makes or issues declaration to vote or not

to vote and who encourage and incite such acts or is a member of an organization which carries out such acts;

member of a religious order;

civil services personnel;

Proviso: The said expression shall not apply to the Defence Services personnel Hluttaw representatives selected and appointed in the Hluttaws and civil services personnel selected and appointed in the organizations of Hluttaws formed under the Constitution;

person who obtains and utilizes directly or indirectly the State- owned money, land, housing, building, vehicle, property, etc. or is a member of an organization which carries out such acts;

Proviso: (i) The expression, State-owned money, does not include pension, and emoluments or salary, and emoluments officially granted by the Union for services rendered in the interest of the Union;

(ii) The expression, State-owned land, housing, building, vehicles and property, does not include State-owned land, housing, building and apartments, other buildings and apartments, State-

owned aircraft, trains, vessels and motor vehicles and property etc., which have been permitted by the Union to be used under an existing law or as required by duty, or leased from the Union on payment;

- (m) associate citizen, naturalized citizen, foreigner or person who has assumed foreign citizenship;
- (n) person against whom there is credible evidence of contacting with an organization declared as an unlawful association under any existing law. organization and persons designated by the State to have committed terrorist acts, insurgent organization or its members in revolt with arms against the State.

fl. After being elected, a Hluttaw representative shall have no right to subsist as a Hluttaw representative on involvement of any of the following:

- (a) converting into a member of a religious order permanently;
- (b) being adjudged to be of unsound mind as provided for in the relevant law;
- (c) being declared an insolvent by the relevant court;
- (d) being sentenced to imprisonment under any existing law, after being elected as a Hluttaw representative;

being designated to cease to be a citizen under the relevant law;
being designated by the authority concerned as a person born of either parent or both parents who are not citizens at the time of his birth;

being decided by the Election Tribunal to be a person under allegiance to a foreign government or person under the influence of a foreign government or a subject of a foreign government or a citizen of a foreign country;

being decided by the Election Tribunal to be a person entitled to the rights and privileges of a subject of a foreign government or a citizen of a foreign country;

being permitted by the Commission to resign as a Hluttaw representative;

being adjudged by the relevant court as having credible evidence that the person contacts with an organization declared as an unlawful association under any existing law, an organization and persons designated by the State to have committed terrorist acts, the insurgent organization or its members in revolt with arms against the State;

being decided by the Election Tribunal to be a person or a member of an organization as provided in Sub-sections (h), (i) or (1) of Section 10;

- (1) being informed by the respective head of the Civil Services Body to be a civil services personnel as provided in Sub-section (k) of Section 10.

12. If the Commission receives a complaint that an elected person is involved with any provision contained in Sections 8 and 10, it may form an Election Tribunal and have the complaint inquired and decided as to whether or not, the elected person is eligible to subsist as the Hluttaw representative.

Chapter VI

Preparation of Voting Roll

13. The Township Sub-commissions and Ward or Village-tract Sub-commissions shall prepare the voting rolls for those who are eligible to vote in the election of Hluttaw representatives in various constituencies according to the stipulation.

- 14. (a) The Ward or Village-tract Sub-commission shall include in the relevant voting roll every citizen, associate citizen, naturalized citizen and holder of temporary certificate who do not contravene the provisions of this Law and are residents in a constituency and have completed the age of 18 years on the day of commencement of election.
- (b) The Ward or Village-tract Sub-commission shall, as prescribed, include in the relevant voting roll the Defence Services personnel,

the diplomats of the Union of Myanmar and members of their household, diplomatic 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 persons who are outside the country with the permission of the Union government and members of their household.

15. (a) Every citizen, associate citizen, naturalized citizen and holder of temporary certificate, whose name is included in the voting foil of a constituency shall have the right to vote only in the said constituency.
- (b) A person, who has the right to vote and who wishes to transfer from the voting roll of one constituency to the voting roll of another constituency, showing sufficient grounds, may apply to the relevant Sub-commission as prescribed.
- (c) Whoever has the right to vote in any constituency shall not be included in the voting roll of any constituency other than that of the constituency concerned at the same time.

16. The relevant Sub-commission shall declare the list of eligible voters according to the constituency in advance before the election is held as prescribed.

If the name of a person, who is eligible to vote is not included in the relevant voting roll, he may submit a request to the relevant Ward or Village-tract Sub-commission as prescribed for his name to be inserted.

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 the said Sub-commission, with the exception of the provision of Section 53, shall be final and conclusive.

If any person whose name is included in the voting roll of a Ward or Village-tract, desires to object to the inclusion of any person who is not entitled to vote in such voting roll, the objection may be submitted to the relevant Ward or Village-tract Sub-commission in the manner prescribed.

If the said name is not deleted from the voting roll by the relevant Ward or Village-tract Sub-commission, there is a right of appeal to the Township Sub-commission as prescribed. The decision of such Sub-commission, with the exception of the provision of Section 53, shall be final and conclusive.

A person whose name is already included in the voting roll shall not be debarred from voting during the pendency of the appeal at

the Township Sub-commission. A vote cast under such a right shall be valid.

19. In preparing the voting roll, the Commission and the respective Sub-commissions shall, if it is found that:

(a) the names, although eligible are not included in the voting roll,
insert such names in the supplementary voting roll;

(b) the names not eligible are included in the voting roll, delete such
names from the voting roll.

20. The voting rolls shall be kept by the designated department, organization or person as prescribed.

21. If there is a by-election to be held in a constituency during a term of the Hluttaw for any reason, the declaration, addition, deletion and amendment based on the original voting roll shall be carried out as prescribed in Sections 14,15 and 16.

Chapter VII

Nomination of Hluttaw Candidates, Declaration, and Appointment of

Election Agent

22. A person desirous of contesting in the election as a Hluttaw candidate shall submit nomination to the Nay Pyi Taw Sub-commission, relevant Self-Administered Division Sub-commission, Self-administered Zone Sub-commission or District Sub-commission in the manner prescribed.

23. A Hluttaw candidate shall not have the right to file a nomination for the candidature in more than one constituency simultaneously.

24. The Nay Pyi Taw Sub-commission, the relevant Self-Administered Division Sub-commission, Self-Administered Zone Sub-commission or District Sub-commission shall scrutinize in the manner prescribed the nomination of a person for the Hluttaw candidature as to whether it is in conformity with the stipulations or not, and whether it should be accepted or not.

25. At the time stipulated by the Nay Pyi Taw Sub-commission, Self-Administered Division Sub-commission, Self-Administered Zone Sub-commission or District Sub-commission under Section 24:

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

(b) any challenging candidate of the constituency in which the said candidate will stand for election may, after producing sufficient evidence, object in the prescribed manner that the person concerned who has filed his nomination for Hluttaw candidature is not eligible or qualified for the election.

26. The Nay Pyi Taw Sub-commission, Self-Administered Division Sub-commission, Self-Administered Zone Sub-commission or District Sub-commission may, after scrutiny as prescribed under Section 24, pass any of the

following orders:

- (a) declaring that the person who has filed his nomination for relevant Hluttaw candidature is eligible to be elected as a Hluttaw candidate if he conforms to the stipulations;
 - (b) declaring that the person who has filed his nomination for relevant Hluttaw candidature is not eligible to be elected as a Hluttaw candidate if he does not conform to the stipulations.
- 27. (a) A person dissatisfied with the order passed under Section 26 has the right to appeal to the relevant Region or State Sub-commission in the manner prescribed.
- (b) The decision of the relevant Region or State Sub-commission shall be final and conclusive with the exception of the provision of Section 53.
- 28. A person who has filed the nomination for the Hluttaw candidature has the right to revoke his nomination in the prescribed manner.
- 29. A person having filed nomination for the election as Hluttaw candidate shall appoint himself or another person as his election agent in the prescribed manner.
- 30. (a) Only a person who is qualified to be elected as a Hluttaw representative under this Law shall be appointed as an election

agent. Such appointment shall be made only with the consent of the said person.

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

Chapter VIII

Defence Services Personnel Hluttaw Representatives

31. When the Commander-in-Chief of the Defence Services sends the nomination of Defence Services personnel Hluttaw representatives who do not contravene the provisions of this Law, and who possess the qualifications to be elected as 1 Hluttaw representatives to the Commission, the Commission shall scrutinize the said nomination and notify it to the public.

32. If the Commission finds that a Defence Services personnel Hluttaw representative has involved with any provision of this Law, the Commission shall coordinate with the Commander-in-Chief of the Defence Sendees to substitute and send the nomination of any other Defence Services personnel Hluttaw representative in place of the said Hluttaw representative.

33. When the Commander-in-Chief of the Defence Services informs the Commission that he wishes to substitute a Defence Services personnel Hluttaw

representative nominated by him, the Commission shall notify the nomination of the Defence Sendees personnel Hluttaw representative to be substituted to the public. The original Hluttaw representative who is substituted shall be deemed to have been terminated as Hluttaw representative from the day of such notification.

Chapter IX

Holding Election

34. The Commission shall :

- (a) hold the elections simultaneously on the same day **as faras** possible;
- (b) hold the elections on public holiday as far as possible;
- (c) designate and declare the date of election in advance.

35. The Hluttaw representatives, except the Hluttaw representatives included in Chapter VIII. shall be elected by the eligible voters residing in the respective constituencies directly by secret ballot.

36. The Commission may :

- (a) allocate the number of the polling booths for Wards and Viillage-iracts on the basis of number of eligible voters and situation of the locality or may assign duty also to the relevant Sub-commissions at various levels;

- (b) may assign duty to the Township Sub-commissions to designate the venues for the polling booths.

37. If it is to hold the elections not only for one Hluttaw but also for other Hluttaws simultaneously and to vote at the same time, the Township Sub-commissions may in so allocating the polling booths, have the polling booths designated for each Hluttaw accommodated in separate rooms in a single polling booth in accord with the directive of the Commission .

38. In building polling booths, arrangements shall be made to build the polling booths at the places easily accessible to the public to be secure and not detrimental to the secret ballot. The venue of the polling booths shall be notified to the public in advance.

39. In order to supervise the polling booths at various constituencies, the Township Sub-commission concerned shall form polling booth teams in the prescribed manner. In so forming, it shall:

- (a) appoint suitable persons from amongst the civil services personnel as polling booth officers;
- (b) form polling booth teams consisting of civil services personnel, and citizens, associate citizens or naturalized citizens who are trusted and respected by the local public and are included in any voting roll as far as possible, and assign duties as prescribed;

- (c) prescribe the duties and powers of polling booth officer and members of polling booth team in accord with this Law and Rules.

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

41. (a) If there is only a single Hluttaw candidate in a constituency, election for such constituency shall not be held, and the relevant Region or State Sub-commission shall declare such candidate to be the Hluttaw representative.

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

42. (a) On the day of election, polling booths shall be kept open from 6 a.m. to 4 p.m. However, polling booths may be closed earlier than 4 p.m. if all eligible voters have cast their votes.

- (b) When the polling booth is closed at 4 p.m. exactly, if out of those who have arrived on the premises of the said polling booth before it is closed, there are persons who have not cast votes as yet, a list of them shall be prepared and only the persons who are

included in that list shall be permitted to cast vote although the polling hours are over.

43. Eligible voters, except the voters who cast with advance ballot paper, shall proceed to the respective polling booth and draw the ballot paper personally, express their wish secretly on it and cast it into the respective ballot box and not by proxy.

44. An eligible voter in an election shall have the right to vote only by a single vote for a Hluttaw candidate whom he wishes out of the Hluttaw candidates to the Hluttaw and shall not have the right to vote more than once.

45. (a) The respective Township Sub-commission shall arrange for the Defence Services personnel, students, trainees, detainees, in-patients at the hospitals and persons on duty who are away from the respective constituency to enable them to vote with advance ballot paper for their respective constituency.

(b) The respective Ward or Village-tract Sub-commission shall arrange for an eligible voter who is included in the voting 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 desire 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;
 - (v) being detained in a police custody or in prison;
 - (vi) taking medical treatment as an in-patient in hospital;
 - (vii) being civil services personnel, Defence Services personnel or members of the Police Force who are on temporary duty, away from the area in which they have their voting roll.
- (d) Rules shall be made regarding the manner of voting by persons having difficulties in making entries on the advance ballot paper or ballot paper on their own.

46. For obtaining the right to vote, other voters including civil services personnel who are out of the relevant area on duty in any projects, industries, agricultures, livestock breedings and other businesses in other places and voters who are out of the constituency for any matters except the voters contained in Sub-section (b), clause (7) of Sub-section (c) of Section 45:

- (a) if such voters are desirous to vote for Hluttaw candidates in those respective constituencies by voting roll of permanent place of residence shall perform as follows: -
 - (i) going to their permanent place of residence and voting by advance ballot paper at the Ward or Village-tract Sub-commission within the stipulated day before holding election;
 - (ii) voting with the ballot paper in person at the stipulated polling booth in their permanent place of **residence on** election day;
 - (b) if such voters are not desirous to vote at their place of permanent residences, it shall be performed in the stipulated manner for enrolling in the voting roll, voting by advance ballot paper and voting by ballot at the polling booth for enabling to vote for the Illuttaw candidates contesting in the constituencies where they exist.
47. (a) The Commission shall make arrangements to enable the diplomats of the Union of Myanmar and members of their household, diplomatic 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 Union 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 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 X

Counting of Vote and Declaring Confirmation

- 48. (a) The Ward or Village-tract Sub-commission shall hand over the advance ballot papers already casted under Sub-sections (b) and (c) of Section 45 and Section 46 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 casted in the relevant polling booth, the polling booth officer himself 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 polling booth agents and the public. In counting, valid votes and invalid votes are to be differentiated in accord

with the Rules. The polling booth officer shall prepare the list of number of votes counted and compiled voting list schedules as prescribed and send them to the Ward or Village-tract Sub-commission. A copy shall be sent to the Township Sub-commission.

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

(d) The Township Sub-commissions shall count the advance ballot papers already casted under Sub-section (a) of Section 45 and Section 47 which they have received before 4 p.m. in the presence of Hluttaw candidates or their election agents and the public and shall combine the respective voting list schedules for each Hluttaw constituency in the manner prescribed.

49. (a) If there are more than one Hluttaw candidate in a constituency. the Township Sub-commission shall declare the number of valid votes each Hluttaw candidate has received. To enable determination and declaration of the candidate with the highest number of valid votes as the elected representative and to enable the election to be held again in the case of an equality of valid votes, the Township Sub-commission shall submit it to the Region or State Sub-commission soonest. A copy shall be sent to the Nay Pyi Taw

Sub-commission, relevant Self-Administered Division Sub-commission, relevant Self-Administered Zone Sub-commission or District Sub-commission.

- (b) The Region or State Sub-commission shall declare the elected Hluttaw candidate according to the lists submitted under Sub-section (a).
- (c) The Region or State Sub-commission shall scrutinize the submission under Sub-section (a) that the highest number of valid votes is equal at the election contested by more than one Hluttaw candidate, and submit it to the Commission with its remark. If the Commission directs to hold the election again, it shall again be held by Sub-commissions at various levels in accord with this Law. Only the candidates whose votes are so equal are eligible to stand for the election held afresh.

Chapter XI

Powers of Commission

The Commission may :

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

(b) postpone the election in a constituency where preparation of the voting roll or balloting is not possible due to lack of security situation;

(c) decide to hold election in some areas within a constituency where the situation permits, decide not to hold election in some areas therein where the situation does not permit or decide to transfer the polling booths to secure places. However, if 51 percent of all voters have casted the votes, it may be designated as completed election. Should it be the opinion of the Commission that free and fair election cannot be held, it may postpone the election in the entire constituency.

51. The Commission may delegate to Sub-commissions the power to postpone elections and to transfer the venue of polling booths to secure places as appropriate.

52. In a constituency where there is only a single Hluttaw candidate before the election is held, if the candidate passes away or is found that he is not eligible to stand for election, the election for such constituency shall start afresh from the stage of the nomination of the candidate.

53. The Commission has the power to call for the proceedings and documents of each Sub-commission relating to election matters *suo motu* as it deems fit, study and decide as may be necessary. Such decision shall be final and conclusive.

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

Chapter Xn

Election Expenses

55. The election agent shall keep accounts of the expenses for the relevant election systematically as prescribed. He shall submit the accounts of such expenses in the manner prescribed to the Nay Pyi Taw Sub-commission, relevant Self-Administered Division Sub-commission, Self-Administered Zone Sub-commission or District Sub-commission .

56. The maximum expenses entitled to be used for the election and the number of persons or property employed for payment for the Hluttaw candidate shall be as prescribed.

Chapter XIII

Election Offences and Penalties

57. Whoever is found guilty of violence, threat, undue influence, cheating, taking or giving of bribes to prevent a person from exercising the right of voting and the right to stand for election shall, on conviction, be punishable with imprisonment for a term not exceeding one year or with fine not exceeding one hundred thousand kyats or with both.

58. Whoever is found guilty of or abetting one of the following acts shall, on conviction, be punishable with imprisonment for a term not exceeding one year or with fine not exceeding one hundred thousand kyats or with both:

- (a) giving and taking bribes by way of money, goods, foodstuff, position or service transfer or by using any other right in order to obtain the electoral right by unlawful means or as gratitude for obtaining such right;
- (b) threatening a Hluttaw candidate or a voter to prevent him from freely exercising his electoral right;
- (c) uttering, making speeches, making declarations and instigating to vote or not to vote on grounds of race and religion or by abetment of such acts;
- (d) giving speeches at meetings, instigation, writing, distributing or using posters or attempting by other means to disrupt the voting or election.

59. Whoever is found guilty of or abet one of the following acts shall, on conviction, be punishable with imprisonment for a term not exceeding one year or with fine not exceeding one hundred thousand kyats or with both:

- (a) intentionally making illegible or destroying list, notices or other electoral documents published by the Commission and Sub-commissions;

- (b) intentionally destroying voting roll or ballot paper or advance battot paper, the envelope or pouch used in sending them or making illegible the entries made therein;
 - (c) giving the ballot paper or advance ballot paper to some other person in a malicious manner;
 - (d) inserting into the ballot box any article other than a ballot paper;
 - (e) opening without authorization the ballot box which is being used or destroying the ballot paper or advance ballot paper;
 - (f) voting in any election at more than one Hluttaw constituency;
 - (g) voting more than once in any election for a Hluttaw constituency in which he has the right to vote;
 - (h) obtaining or casting ballot paper or advance ballot paper by impersonating another person;
 - (i) entering the polling booth without permission while the election is in progress:
- G) putting one counterfeit ballot paper or more into the ballot box.

60. 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, on conviction, be punishable with imprisonment for a

term not exceeding one year or with fine not exceeding one hundred thousand kyats or with both.

61. Whoever is found guilty of committing one of the following acts inside the polling booth or within the radius of 500 yards from the polling booth on the election day shall, on conviction, be punishable with imprisonment for a term not exceeding one year or with fine not exceeding One hundred thousand kyats or with both:

- (a) canvassing;
- (b) soliciting a voter to vote or exhorting and inducing him not to vote for a Hluttaw candidate;
- (c) exhorting and inducing to vote or not to vote in the election.

Explanation: For the purpose of this section affixing and hanging campaign posters etc. regarding the election in other places are not included.

62. Whoever is found guilty of causing disturbance to the voters or the polling booth officer and members of the polling booth team on duty by using loudspeakers or by such equipment which amplify the voice or by other indisciplined acts, inside the polling booth or within 500 yards radius from the polling booth shall, on conviction, be punishable with imprisonment for a term not exceeding one year or with fine not exceeding one hundred thousand kyats or with both.

63. Whoever is found guilty of re-entering the polling booth without permission of the polling booth officer after being evicted from the polling booth by a member of the 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 authorized by the polling booth officer for disobedience of the lawful order of the polling booth officer or acting in an indecorous manner inside the polling booth, during polling hours shall, on conviction, be punishable with imprisonment for a term not exceeding one year or with fine not exceeding one hundred thousand kyats or with both.

64. Whoever is found guilty of dishonestly and fraudulently lodging any criminal proceedings against any person regarding offences relating to election shall, on conviction, be punishable with imprisonment for a term not exceeding three years or with fine not exceeding three hundred thousand kyats or with both.

65. (a) The offences contained in this Chapter are designated as cognizable offences.

(b) Regarding offences relating to elections, any person having the right to vote of the constituency concerned, or any Hluttaw candidate or any election agent or a member of a Sub-commission concerned or any member of the polling booth team having

credible evidence may file a complaint in accord with law before or during the election or within 15 days from the election day.

Chapter XIV

Malpractices

66. The followings are malpractices:

- (a) committing the following offences by Hluttaw candidate himself or his election agent or any person with the approval of one of them:
 - (i) giving or taking bribes;
 - (ii) interfering with the electoral right;
 - (iii) impersonation;
 - (iv) making false verbal or written declaration ;
 - (v) admitting and false signing of statement;
- (b) casting of vote more than once in one constituency or in more than one constituency when elections are simultaneously held, which is of advantage to a Hluttaw candidate he favours;
- (c) incurring election expenditure not in conformity with the stipulations or giving consent to incur such expenditure by a Hluttaw candidate or his election agent;

failure to keep account for the election expenses as prescribed on the part of the election agent;

with the prompting or consent of the Hluttaw candidate or his election agent:

- (i) accepting bribe or agreeing to accept bribe by a person with the intention of participating as a Hluttaw candidate or not, or resigning from being a Hluttaw representative or in gratitude;
- (ii) agreeing to accept bribe for himself or for other person with the intention of inducing or attempting to induce a voter to vote for a particular candidate or to abstain from voting;

submitting false accounts made of the election expenses or declaring the false accounts to be true or failure to submit the election expenses as prescribed;

any other person who is not a Hluttaw candidate or an election agent of a Hluttaw candidate, without permission of such candidate with a view to electing him or abets him to be elected as a Hluttaw candidate, incur expenses or permits to incur expenses by means of convening meeting or distributing papers or documents or by any other means;

- (h) gaining advantage for the Hluttaw candidate whom he favours by means of publishing and distributing announcements, posters and bills relating to the election without mentioning names and addresses of printers and publishers;
- (i) taking away his ballot paper by the voter from the polling booth during time of voting, with the prompting or consent of the Hluttaw candidate or his election agent;
- (j) obtaining, abetting or attempting to obtain the help of any service personnel for being elected as Hluttaw candidate by the Hluttaw candidate or his election agent or any other person with the consent of any of them;
- (k) using religious symbols or instigating with plans to vote or not to vote based on race or religion for being elected as Hluttaw candidate;
- (l) creating violence, making false accusation, writing, creating public unrest to a part)' or person for the purpose of electing a Hluttaw candidate.

Chapter XV

Decision on Objection of Having Elected

67. If objection is desired to be made as regards having elected, it shall be made by paying the stipulated fee with the submission of an electoral objection in accord with the provisions of this Chapter.

Objection to an elected Hluttaw representative may be made to the Commission as prescribed by any challenging Hluttaw candidate or any voter by giving appropriate reason relating to the election other than matters which have been decided by the Commission under Section 53.

If a Hluttaw candidate, in his objection against an elected Hluttaw representative, intends to seek a declaration that he only has obtained the majority Votes and that he should be elected, he is to base his objections on one of the following:

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

The Commission may form the following Election Tribunals to examine the electoral objections :

- (i) the Election Tribunal consisting of a Commission member as Chairman and other two commission members;

- (ii) the Election Tribunal consisting of a Commission member as Chairman and two suitable citizens who are experts in law.
- (b) election Tribunal members shall not be members of any political party.
- (c) remuneration for members of the Election Tribunal, who are not members of the Commission shall be determined by the Commission.
- (d) all matters concerning electoral objections shall be administered by the Election Tribunals.
- (e) in respect of the election held for one constituency, if more than one electoral objection are submitted, the Commission shall assign the objections to only one Election Tribunal formed for that constituency. Such tribunal may examine the objections separately or jointly at its discretion.
- (f) if an appointed member of the Election Tribunal cannot carry out his duties as a member of the tribunal or is unable to continue carrying them out during an examination, the Commission shall appoint a substitute member. The reconstituted Election Tribunal may make fresh examination of the pending objections, if it so desires.

70. In hearing the electoral objections, the tribunal may, if necessary, invite the Attorney General as *amicus curiae* and seek legal advice. If the Attorney General is unable to attend the tribunal in person, he may depute a suitable person not below the rank of Law Officer Grade (1) from the Office of the Attorney General to act on his behalf.

71. The Election Tribunal may decide the election of the Hluttaw representative to be invalidated, if it finds that the elected Hluttaw representative has been involved with any of the following:

- (a) that it is apparent the elected Hluttaw representative obtained the majority votes by malpractices, or by inducement in the said manner, or the success or failure of the election is due only to malpractices;
- (b) that it is apparent malpractice has been committed in tire interest 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 in 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 organization contained in Sub-sections (f), (g), (h) ,(i) or (1) of Section 10.

72. (a) The Election Tribunal shall, after examining the objections, submit to the Commission whether the elected person or the applicant who applied, by submitting electoral objection, that he is entitled to be declared as the elected person is the elected person as Hluttaw representative.

(b) All the members of the Election Tribunal shall sign the report in which their decision is included and submit to the Commission soonest.

73. In reporting the Election Tribunal that the elected Hluttaw representative is guilty of malpractice 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 , the Commission may decide that the election of the said Hluttaw representative is not void:

(a) that the malpractice 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 their utmost, malpractices in the election;

(c) that the malpractices are of a trivial nature and have not affected the election;

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

74. (a) The petitioner who is dissatisfied with the decision of the Election Tribunal or the person who is included as a respondent may apply to amend the legal error within the prescribed period to the Commission in the prescribed manner. Only if a question of law arises there is the right to apply under this Section.
- (b) If there is no petition to the Commission within the prescribed period under Sub-section (a), the Commission shall publish the decisions of the Election Tribunal or Election Tribunals in the official Gazette.
75. (a) On receiving the petition under Section 74, the Commission may, after hearing the petitioner and the respondent or their lawyer or agent, as may be necessary . make one of the following decisions:
- (i) approving the decision of the Election Tribunal;
- (ii) setting aside the decision of the Election Tribunal.
- (b) The decision of the Commission under Sub- section (a) shall be final and conclusive and such decision shall be published in the official Gazette.
76. If there is any differed opinion among members of the Election Tribunal in submitting report or in performing any other matter relating to electoral objection, the opinion of the majority shall prevail. If there is a dissenting

member, he shall have the right to mention a summary of his reasons in the report and sign the report.

77. The Election Tribunal has the right to exercise the powers vested in the Court under the Code of Civil Procedure. In addition, it may, on its own motion summon and examine any person who is considered to be able to produce material evidence.

78. In examining the electoral objections, the Election Tribunal has the right to apply the provisions of the Evidence Act.

79. Any document shall not be inadmissible as evidence on the ground that it is not duly stamped or not duly registered as prescribed.

80. In an examination, 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) except the offence of perjury prosecuted against a person who is compelled to answer a question, based on his answer, such statement shall not be used as evidence in any other offence.

81. The petitioner or respondent himself or his representative or a lawyer acting on his behalf may appear before the Election Tribunal. However, if the Election Tribunal directs the petitioner or respondent to appear in person, he shall do so accordingly.

Chapter XVI
Miscellaneous

82. The person who performs the duties concerning election including Sub-commissions at various levels shall comply with the following:

- (a) preparing and maintaining accurately the lists and records relating to the election;
- (b) assisting and safeguarding the secret balloting;
- (c) keeping the other matters except the lists and facts permitted to be published by the Commission in order to prevent leakage;
- (d) performing for any Hluttaw candidate justly in the election, abstaining from canvassing or bias for any Hluttaw candidate.

83, If a person is found out that he has committed or is committing an offence prescribed by this Law, the polling booth officer may direct a member of the Police Force on duty or other responsible security personnel to arrest such person.

8 4 T h e Commission and Sub- commissions may obtain necessary assistance from Government departments or organizations or other organizations and individuals.

8 5. Carrying out the duties of a member of the Commission or Sub-commissions, or carrying out the staff duties of election in any capacity shall be deemed to be carrying out the duties of the State.

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

87. 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, in the exercise of the powers conferred lawfully, discharge their duties according to law, in good faith and to the best of their ability.

88. The Hluttaw candidate whose election has been declared as invalidated as prescribed in Sub-section (b) of Section 74 or Sub-section (b) of Section 75 by the commission in the official Gazette, the Hluttaw representative or election agent who has been decided by the Election Tribunal and declared by the Commission for failure to submit the election expenses as prescribed and having declared as a person of distorted qualification; unsuccessful Hluttaw candidate or the Hluttaw representative who has been declared by the Commission as having no right to subsist as a Hluttaw candidate having been punished with imprisonment under any existing law after being elected, having been convicted under one of the offences in Chapter XIII the Hluttaw candidate or the Hluttaw representative having no right to subsist as declared by the Commission shall not contest in the election as a Hluttaw candidate from the date of declaration in the existing Hluttaw term and the next Hluttaw term.

70

89. If there is a vacancy for Hluttaw representative due to any reason in the Hluttaw, it shall be substituted by election in accord with law.

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

91. (a) The Pyithu Hluttaw Election Law (The State Law and Order Restoration Council Law No. 14/89) is hereby repealed.

(b) As the Multi- party Democracy General Election held under the law repealed by this Law is no longer consistent with the Constitution, the results of the said election shall be deemed to be invalidated automatically.

(Sd.) Than Shwe

Senior General

Chairman

The State Peace and Development Council

The Union of Myanmar
The State Peace and Development Council

The Amyotha Hluttaw Election Law

(The State Peace and Development Council Law No. 4 / 2010)

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

(8th March, 2010)

The State Peace and Development Council, in order to elect Amyotha Hluttaw representatives by holding free and fair Multi- party Democracy General Election, hereby enacts the following law in accord with Section 443 of the Constitution of the Republic of the Union of Myanmar.

Chapter I

Title and Definition

1. This Law shall be called the Amyotha Hluttaw Election Law.
2. The following expressions contained in this Law shall have the meaning given hereunder:
 - (a) Constitution means the Constitution of the Republic of the Union of Myanmar;
 - (b) HI utta w means the Amyotha Hluttaw;

- (c) **Hluttaw representative** means the person who has **been** elected to the Amyotha Hluttaw or Defence Services personnel Amyotha Hluttaw representative nominated by the Commander- in-Chief of the Defence Services in accord with the Constitution;
- (d) Election means the Amyotha Hluttaw Election;
- (e) Constituency means the Amyotha Hluttaw constituency;
- (f) Region or State means the existing respective Division or respective State;
- (g) Commission means the Union Election Commission;
- (h) Sub-commission means the following Sub- commissions formed by the Commission:
 - (i) Nay Pyi Taw Sub- commission;
 - (ii) Region or State Sub- commission;
 - (iii) Self-Administered Division or Self-Administered Zone Sub-commission;
 - (iv) District Sub- commission;
 - (v) Township Sub-commission;
 - (vi) Ward or Village-tract Sub-commission;

(i) **Member of religious order** means the following persons:

- (i) in the case of Buddhists, monks, novices, religious laymen, 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 or she is serving temporarily as such;

- (ii) in the case of Christians, persons who have been recognized and ordained or assigned duties by the relevant Churches as persons who have dedicated themselves mainly to serve the Christian religious order, and persons included in a group of persons 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, Sanyazi, Mahant or Hindu priests;

- (j) Voting Roll means the roll of eligible voters prepared for prescribed constituencies for purpose of election;

- (k) Convict means the person serving prison term under sentence passed by any court. The said expression also includes the person

who is serving prison term by the order of the court and pending appeal or revision against the sentence of imprisonment of the relevant court;

- (1) **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;
- (m) **Polling Booth Officer** means the person who is in charge of the Polling Booth Team;
- (n) **Electoral Right** means the right of a person to stand or not to stand as a Hluttaw candidate, or to withdraw from the list of Hluttaw candidates or to vote or refrain from voting at the election;
- (o) **Malpractice** means any practice mentioned in Chapter XIV of this Law;
- (p) Rules mean the rules made under this Law.

Chapter II

Formation of the Amyotha Hluttaw

3. The Amyotha Hluttaw shall be formed with a maximum of 224 Hluttaw representatives as follows:

- (a) 168 Amyotha Hluttaw representatives elected on an equal number of 12 representatives from each Region or State

inclusive of relevant Union territories and including one representative from each Self-Administered Division or Self-Administered Zone which will be constituted in accord with Section 56 of the Constitution;

- (b) 56 Amyotha Hluttaw representatives who are the Defence Services personnel nominated by the Commander-in-Chief of the Defence Services, four representatives from each Region or State inclusive of relevant Union territories in accord with Sub-section (b) of Section 141 of the Constitution.

Chapter III

Designation of Constituencies

In designating Hluttaw constituencies, the Commission :

- (a) shall designate only 12 Hluttaw constituencies in each Region or State:
 - (i) shall designate one constituency in a township;
 - (ii) shall designate by adding one constituency into the required township starting from the most densely populated township till the required number of constituencies have been filled after preparing a list in order of population

in the Region or State in the case of the number of constituency designated under clause (i) is less than 12;

in the case of the number of townships included in the Region or State which have no Self-Administered Division or Self-Administered Zone is more than 12, it shall be performed as follows:

- (i) the number of constituency shall be designated on the basis of population in districts;
- (ii) in the case of designation of constituencies based on the number of constituency obtained for a district, it shall be performed as follows:
 - (aa) in the case of the number of constituencies obtained for a district is equal to the number of townships situated in the said district, each constituency shall be designated for a township;
 - (bb) in the case of the number of constituencies obtained for a district is more than the number of townships situated in the said district, each constituency shall be designated for a township; each constituency, from the rest of the number of constituencies after such designation, shall be

added into the townships starting from the most densely populated township after preparing the list of population in order;

- (cc) in the case #of the number of constituencies obtained for a district is less than the number of townships situated in the said district, it may be amalgamated with a contiguous township or townships possibly reach the ratio of the population so as the disparity of the population may not be high;
- (dd) in so designating, a part of a township shall not be amalgamated with another township;
- (ee) in order that the pop* ' rtion may be fair, in designating constituencies, the districts which have few population may be designated as one constituency after amalgamating them with another contiguous district;

In designating the constituencies for the Regions or States having the Self-Administered Division or Self-Administered Zone shall be performed as follows:

- (i) each Hluttaw constituency shall be designated for each Self-Administered Division or Self-Administered Zone;
- (ii) it shall be designated for the rest of the constituencies after such designation in accord with the provisions contained in Sub- section (c) of Section 4;

in the case of designation of an area which is situated in a Hluttaw constituency designated for a term of Hluttaw as Union territory, the said area shall be deemed to be included only in the original Hluttaw constituency.

The Hluttaw constituenies designated by the Commission shall be valid only for a term of Hluttaw.

In the case of formation of a new township after designating constituencies for a regular tenn by the Commission, such township shall be deemed to be included in the constituency designated for the said regular tenn.

The Commission shall designate the constituencies for the next term at least 60 days in advance prior to the expiry of the term of the Hluttaw.

Chapter IV

Eligible Voters

6. Persons possessing the following qualifications shall be eligible to vote at the election irrespective of sex and religion:
 - (a) citizen, associate citizen, naturalized citizen or holder of temporary certificate who has completed the age of 18 years on the day of commencement of election and who does not contravene the provisions of this Law;
 - (b) person whose name has been included in the voting roll of the respective constituency.
7. The following persons shall not be eligible to vote at the election :
 - (a) member of religious order;
 - (b) convict;
 - (c) person adjudged to be of unsound mind as provided for in the relevant law;
 - (d) person who has not yet been discharged as an insolvent;
 - (e) person prohibited by Election law;
 - (f) foreigner or person who has assumed foreign citizenship.

Chapter V
Persons Eligible to Stand for Election and Persons not
Eligible to Subsist

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

- (a) at the time of filing the nomination paper for the purpose of election:
 - (i) person who has completed the age of 30 years and who does not contravene the provisions of this Law;
 - (ii) person who has resided in the Union of Myanmar at least 10 consecutive years up to the time of his election as Hluttaw representative;

Proviso: The official period of stay in a foreign country with the permission of the State shall be counted as a residing period in the State;
 - (iii) person included in the voting roll;
- (b) citizen who was born of parents who are citizens;
- (c) person who possesses qualifications prescribed in this Law.

A person having the right to stand for election is eligible to contest in the election either individually or representing a political party.

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

- (a) convict;
- (b) person not eligible to stand for election as a Hluttaw representative due to conviction for an offence causing disqualification of Hluttaw representative, or having committed a malpractice relating to election or failing to act in accord with the Election Law before or after the Constitution comes into operation and the period designated by the authority for him has not expired;
- (c) person adjudged to be of unsound mind as provided in the relevant law;
- (d) person who has not been discharged from being an insolvent as declared by the relevant court;
- (e) citizen who was born of parents, both or one of whom was not citizen at the time of his birth;
- (f) person who owes allegiance to a foreign government or person under the influence of a foreign government or subject of a foreign government or a citizen of a foreign country;
- (g) person who is entitled to enjoy the rights and privileges of a subject of a foreign government or a citizen of a foreign country;

- (h) **person** who obtains and utilizes directly or indirectly the support of money, land, house, building, vehicle, property, etc., from government or religious organization or any other organization or any individual of a foreign country or is a member of an organization which obtains and utilizes the said aids;
- (i) person who uses religion for political purpose and utters, delivers speech and makes or issues declaration to vote or not to vote and who encourage and incite such acts or is a member of an organization which carries out such acts;
- (j) member of a religious order;
- (k) civil services personnel;

Proviso: The said expression shall not apply to the Defence Sendees personnel Hlultaw representatives selected and appointed in the Hluttaws and civil services personnel selected and appointed in the organizations of Hluttaws formed under the Constitution;

- (1) person who obtains and utilizes directly or indirectly the State-owned money, land, housing, building, vehicle, property, etc. or is a member of an organization which carries out such acts;

Proviso: (i) The expression, State-owned money, does not include pension, and emoluments or salary, and emoluments officially granted by the Union for services rendered in the interest of the Union;

(ii) The expression. State-owned land, housing, building, vehicles and property, does not include State-owned land, house, building and apartments, other buildings and apartments, State-owned aircraft bays, vessels and motor vehicles and property etc., which have been permitted by the Union to be used under an existing law or as required by duty, or leased from the Union on payment;

(m) associate citizen, naturalized citizen, foreigner or person who has assumed foreign citizenship;

(n) person against whom there is credible evidence of contacting with an organization declared as an unlawful association under any existing law, organization and persons designated by the State to have committed terrorist acts, insurgent organization or its members in revolt with arms against the State.

11. After being elected, a Hluttaw representative shall have no right to subsist as a Hluttaw representative on involvement of any of the following:

- (a) converting into a member of a religious order permanently;
- (b) being adjudged to be of unsound mind as provided for in the relevant law;
- (c) being declared an insolvent by the relevant court;
- (d) being sentenced to imprisonment under any existing law, after being elected as a Hluttaw representative;
- (e) being designated to cease to be a citizen under the relevant law;
- (f) being designated by the authority concerned as a person bom ofⁱ either parent or both parents who were not citizens at the time of his birth;
- (g) being decided by the Election Tribunal to be a person under allegiance to a foreign government or person under the influence of a foreign government or a subject of a foreign government or a citizen of a foreign country;
- (h) being decided by the Election Tribunal to be a person entitled to the rights and privileges of a subject of a foreign government or a citizen of a foreign country;

- (i) being permitted by the Commission to resign as **a** Hluttaw representative;
- (j) being adjudged by the relevant court as having **credible evidence** that the person contacts with an organization **declared** as an unlawful association under any existing law, an **organization** and persons designated by the State to have committed **terrorist** acts, the insurgent organization or its members in revolt with arms against the State;
- (k) being decided by the Election Tribunal to be a person or a member of an organization as provided for in Sub-sections (h), (i) or (1) of Section 10;
- (1) being informed by the respective head of the Civil Services Body to be a civil services personnel as provided for in Sub-section (k) of Section 10.

12. If the Commission receives a complaint that an elected person is involved with any provision contained in Sections 8 and 10, it may form an Election Tribunal and have the complaint inquired and decided as to whether or not, the elected person is eligible to subsist as the Hluttaw representative.

Chapter VI

Preparation of Voting Roll

13. The Township Sub-commissions and Ward or Village-tract Sub-commissions shall prepare the voting rolls for those who are eligible to vote in the election of Hluttaw representatives in various constituencies according to the stipulation.

14. (a) The Ward or Village-tract Sub-commission shall include in the relevant voting roll every citizen, associate citizen, naturalized citizen and holder of temporary certificate who do not contravene the provisions of this Law and are residents in a constituency and have completed the age of 18 years on the day of commencement of election.
- (b) The Ward or Village-tract Sub-commission shall, as prescribed, include in the relevant voting roll the Defence Services personnel, the diplomats of the Union of Myanmar and members of their household, diplomatic 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 persons who are outside the country with the permission of the Union government and members of their household.

15. (a) Every citizen, associate citizen, naturalized citizen and holder of temporary certificate, whose name is included in the voting roll of a constituency shall have the right to vote only in the said constituency.
 - (b) A person, who has the right to vote and who wishes to transfer from the voting roll of one constituency to the voting roll of another constituency, showing sufficient grounds, may apply to the relevant Sub-commission as prescribed.
 - (c) Whoever has the right to vote in any constituency shall not be included in the voting roll of any constituency other than that of the constituency concerned at the same time.
16. The relevant Sub-commission shall declare the list of eligible voters according to the constituency in advance before the election is held as prescribed.
17. (a) If the name of a person, who is eligible to vote is not included in the relevant voting roll, he may submit a request to the relevant Ward or Village-tract Sub-commission as prescribed for his name to be inserted.
 - (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 the said Sub-commission, with the exception of the provision of Section 53, shall be final and conclusive.

18. (a) If any person whose name is included in the voting roll of a Ward or Village-tract, desires to object to the inclusion of any person who is not entitled to vote in such voting roll, the objection may be submitted to the relevant Ward or Village-tract Sub-commission in the manner prescribed.
- (b) If the said name is not deleted from the voting roll by the relevant Ward or Village-tract Sub-commission, there is a right of appeal to the Township Sub-commission as prescribed. The decision of such Sub-commission, with the exception of the provision of Section 53, shall be final and conclusive.
- (c) A person whose name is already included in the voting roll shall not be debarred from voting during the pendency of the appeal at the Township Sub-commission. A vote cast under such a right shall be valid.

19, In preparing the voting roll, the Commission and the respective Sub-commissions shall, if it is found that:

- (a) the names, although eligible are not included in the voting roll, —
insert such names in the supplementary voting roll;

- [b) the names not eligible are included in the voting roll, delete such names from the voting roll.

20. The voting rolls shall be kept by the designated department, organization or person as prescribed.

21. If there is a by-election to be held in a constituency during a term of the Hluttaw for any reason, the declaration, addition, deletion and amendment based on the original voting roll shall be carried out as prescribed in Sections 14, 15 and 16.

Chapter VII

Nomination of Hluttaw Candidates, Declaration, and Appointment of Election Agent

22. A person desirous of contesting in the election as a Hluttaw candidate shall submit nomination to the Nay Pyi Taw Sub-commission, relevant Self-Administered Division Sub-commission, Self-administered Zone Sub-commission or District Sub-commission in the manner prescribed.

23. A Hluttaw candidate shall not have the right to file a nomination for the candidature in more than one constituency simultaneously.

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24. The Nay Pyi Taw Sub-commission, the relevant Self-Administered . Division Sub-commission, Self-Administered Zone Sub-commission or

District Sub-commission shall scrutinize in the manner prescribed the nomination of a person for the Hluttaw candidature as to whether it is in conformity with the stipulations or not, and whether it should be accepted or not.

25. At the time of scrutiny by the Nay Pyi Taw Sub-commission, Self-Administered Division Sub-commission, Self-Administered Zone Sub-commission or District Sub-commission under Section 24:

- (a) the person concerned having filed nomination for Hluttaw candidature shall have the right to produce supporting evidence as desired by him;
- (b) any challenging candidate of the constituency in which the said candidate will stand for election may, after producing sufficient evidence, object in the prescribed manner that the person concerned who has filed his nomination for Hluttaw candidature is not eligible or qualified for the election.

26. The Nay Pyi Taw Sub-commission, Self-Administered Division Sub-commission, Self-Administered Zone Sub-commission or District Sub-commission may, after scrutiny as prescribed under Section 24, pass any of the following orders:

- (a) declaring that the person who has filed his nomination for relevant Hluttaw candidature is eligible to be elected as a Hluttaw candidate if he conforms to the stipulations;

- (b) declaring that the person who has filed his nomination for relevant Hluttaw candidature is not eligible to be elected as a Hluttaw candidate if he does not conform to the stipulations.
- 27.
 - (a) A person dissatisfied with the order passed under Section 26 has the right to appeal to the relevant Region or State Sub-commission in the manner prescribed.
 - (b) The decision of the relevant Region or State Sub-commission shall be final and conclusive with the exception of the provision of Section 53.
- 28. A person who has filed the nomination for the Hluttaw candidature has the right to revoke his nomination in the prescribed manner.
- 29. A person having filed nomination for the election as Hluttaw candidate shall appoint himself or another person as his election agent in the prescribed manner.
- 30.
 - (a) Only a person who is qualified to be elected as a Hluttaw representative under this Law shall be appointed as an election agent. Such appointment shall be made only with the consent of the said person.
 - (b) In the event of resignation or death or revocation of the election agent appointed under Sub-section (a), the Hluttaw candidate may appoint another person as his election agent.

Chapter Vffl

Defence Services Personnel Hluttaw Representatives

31. When the Commander-in-Chief of the Defence Services sends the nomination of Defence Services personnel Hluttaw representatives who do not contravene the provisions of this Law, and who possess the qualifications to be elected as Hluttaw representatives to the Commission, the Commission shall scmtinize the said nomination and notify it to the public.

32. If the Commission finds that a Defence Services personnel Hluttaw representative has involved with any provision of this Law, the Commission shall coordinate with the Commander-in-Chief of the Defence Services to substitute and send the nomination of any other Defence Services personnel Hluttaw representative in place of the said Hluttaw representative.

33. When the Commander-in-Chief of the Defence Services informs the Commission that he wishes to substitute a Defence Sendees personnel Hluttaw representative nominated by him, the Commission shall notify the nomination of the Defence Services personnel Hluttaw representative to be substituted to the public. The original Hluttaw representative who is substituted shall be deemed to have been terminated as Hluttaw representative from the day of such notification.

Chapter IX
Holding Election

34. 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) designate and declare the date of election in advance.

35. The Hluttaw representatives, except the Hluttaw representatives included in Chapter VHI, shall be elected by the eligible voters residing in the respective constituencies directly by secret ballot.

36. The Commission may:

- (a) allocate the number of the polling booths for Wards and Village-tracts on the basis of number of eligible voters and situation of the locality or may assign duty also to the relevant Sub-commissions at various levels;
- (b) may assign duty to the Township Sub-commissions to designate the venues for the polling booths.

37. If it is to hold the elections not only for one Hluttaw but also for other Hluttaws simultaneously and to vote at the same time, the Township Sub-commissions may in so allocating the polling booths, have the polling booths designated for each Hluttaw accommodated in separate rooms in a single polling booth in accord with the directive of the Commission .

38. In building polling booths, arrangements shall be made to build the polling booths at the places easily accessible to the public to be secure and not detrimental to the secret ballot. The venue of the polling booths shall be notified to the public in advance.

39. In order to supervise the polling booths at various constituencies, the Township Sub-commission concerned shall form polling booth teams in the prescribed manner. In so forming, it shall:

- (a) appoint suitable persons from amongst the civil sendees personnel as polling booth officers;
- (b) form polling booth teams consisting of civil services personnel, and citizens, associate citizens or naturalized citizens who are trusted and respected by the local public and are included in any voting roll as far as possible, and assign duties as prescribed;
- (c) prescribe the duties and powers of polling booth officer and members of polling booth team in accord with this Law and Rules.

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

41. (a) If there is only a single Hluttaw candidate in a constituency, election for such constituency shall not be held, and the relevant Region or State Sub-commission shall declare such candidate to be the Hluttaw representative.

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

42. (a) On the day of election, polling booths shall be kept open from 6 a.m. to 4 p.m. However, polling booths may be closed earlier than 4 p.m. if all eligible voters have cast their votes.

(b) When the polling booth is closed at 4 p.m. exactly, if out of those who have arrived on the premises of the said polling booth before it is closed, there are persons who have not cast votes as yet, a list of them shall be prepared and only the persons who are included in that list shall be permitted to cast vote although the polling hours are over.

43. Eligible voters, except the voters who cast with advance ballot paper, shall proceed to the respective polling booth and draw the ballot paper personally, express their wish secretly on it and cast it into the respective ballot box and not by proxy.

44. An eligible voter in an election shall have the right to vote only by a single vote for a Hluttaw candidate whom he wishes out of the Hluttaw candidates to the Hluttaw and shall not have the right to vote more than once.

45. (a) The respective Township Sub-commission shall arrange for the Defence Services personnel, students, trainees, detainees, in-patients at the hospitals and persons on duty who are away from the respective constituency to enable them to vote with advance ballot paper for their respective constituency.

(b) The respective Ward or Village-tract Sub-commission shall arrange for an eligible voter who is included in the voting 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 desire 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;
 - (v) being detained in a police custody or in prison;
 - (vi) talcing medical treatment as an in-patient in hospital;
 - (vii) being civil services personnel, Defence Services personnel or members of the Police Force who are on temporary duty, away from the area in which they have their voting roll.
- (d) Rules shall be made regarding the manner of voting by persons having difficulties in making entries on the advance ballot paper or ballot paper on their own.

46. For obtaining the right to vote, other voters including civil services personnel who are out of the relevant area on duty in any projects, industries, agricultures, livestock breedings and other businesses in other places and voters who are out of the constituency for any matters except the voters contained in sub-section (b) and clause (7) of sub-section (c) of Section 45:

- (a) if such voters are desirous to vote for Hluttaw candidates in those respective constituencies by voting roll of permanent place of residence shall perform as follows:
 - (i) going to their permanent place of residence and voting by

advance ballot paper at the Ward or Village-tract Sub-commission within the stipulated day before holding election;

- (ii) voting with the ballot paper in person at the stipulated polling booth in their permanent place of residence on election day;

if such voters are not desirous to vote at their place of permanent residences, it shall be performed in the stipulated manner for enrolling in the voting roll, voting by advance ballot paper and voting by ballot at the polling booth for enabling to vote for the Hluttaw candidates contesting in the constituencies where they exist.

The Commission shall make arrangements to enable the diplomats of the Union of Myanmar and members of their household, diplomatic 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 Union 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 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 X

Counting of Vote and Declaring Confirmation

- 48. (a) The Ward or Village-tract Sub-commission shall hand over the advance ballot papers already casted under Sub-sections (b) and (c) of Section 45 and Section 46 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 casted in the relevant polling booth, the polling booth officer himself 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 polling booth agents and the public. In counting, valid votes and invalid votes are to be differentiated in accord with the Rules. The polling booth officer shall prepare the list of number of votes counted and compiled voting list schedules as prescribed and send them to the Ward or Village-tract Sub-commission. A copy shall be sent to the Township Sub-commission.

- (c) The Ward or Village-tract Sub-commission shall supervise the dispatch of the voting list schedules compiled by the polling booth officers in its area in the prescribed manner to the Township Sub-commission as soon as possible to reach it in time.
 - (d) The Township Sub-commissions shall count the advance ballot papers already casted under Sub-section (a) of Section 45 and Section 47 which they have received before 4 p.m. in the presence of Hluttaw candidates or their election agents and the public and shall combine the respective voting list schedules for each Hluttaw constituency in the manner prescribed.
49. (a) If there are more than one Hluttaw candidate in a constituency, the Township Sub-commission shall declare the number of valid votes each Hluttaw candidate has received. To enable determination and declaration of the candidate with the highest number of valid votes as the elected representative and to enable the election to be held again in the case of an equality of valid votes, the Township Sub-commission shall submit it to the Region or State Sub-commission soonest. A copy shall be sent to the Nay Pyi Taw Sub-commission, relevant Self-Administered Division Sub-commission, relevant Self-Administered Zone Sub-commission or District Sub-commission.

- (b) The Region or State Sub-commission shall declare the elected Hluttaw candidate according to the lists submitted under Sub-section (a).
- (c) The Region or State Sub-commission shall scrutinize the submission under Sub-section (a) that the highest number of valid votes is equal at the election contested by more than one Hluttaw candidate, and submit it to the Commission with its remark. If the Commission directs to hold the election again, it shall again be held by Sub-commissions at various levels in accord with this Law. Only the candidates whose votes are so equal are eligible to stand for the election held afresh.

Chapter XI

Powers of Commission

The Commission may :

- (a) postpone the election in the constituencies in which elections could not be held due to any natural disaster till such a time as such disaster is over;
- (b) postpone the election in a constituency where preparation of the voting roll or balloting is not possible due to lack of security situation;

- (c) decide to hold election in some areas within a constituency where the situation permits, decide not to hold election in some areas therein where the situation does not permit or decide to transfer the polling booths to secure places. However, if 51 percent of all voters have casted the votes, it may be designated as completed election. Should it be the opinion of the Commission that free and fair election cannot be held, it may postpone the election in the entire constituency.

51. The Commission may delegate to Sub-commissions the power to postpone elections and to transfer the venue of polling booths to secure places as appropriate.

52. In a constituency where there is only a single Hluttaw candidate, before the election is held, if the candidate passes away or is found that he is not eligible to stand for election, the election for such constituency shall start afresh from the stage of the nomination of the candidate.

53. The Commission has the power to call for the proceedings and documents of each Sub-commission relating to election matters *suo motu* as it deems fit, study and decide as may be necessary. Such decision shall be final and conclusive.

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

Chapter XU

Election Expenses

55. The election agent shall keep accounts of the expenses for the relevant election systematically as prescribed. He shall submit the accounts of such expenses in the manner prescribed to the Nay Pyi Taw Sub-commission, relevant Self-Administered Division Sub-commission, Self-Administered Zone Sub-commission or District Sub-commission .

56. The maximum expenses entitled to be used for the election and the number of persons or property which is entitled to be employed by payment for the Hluttaw candidate shall be as prescribed.

Chapter Xin

Election Offences and Penalties

57. Whoever is found guilty of violence, threat, undue influence, cheating, taking or giving of bribes to prevent a person from exercising the right of voting and the right to stand for election shall, on conviction, be punishable with imprisonment for a term not exceeding one year or with fine not exceeding one hundred thousand kyats or with both.

58. Whoever is found guilty of or abetting one of the following acts shall, on conviction, be punishable with imprisonment for a term not exceeding one year or with fine not exceeding one hundred thousand kyats or with both:

- (a) giving and taking bribes by way of money, goods, foodstuff, position or sendee transfer or by using any other right in order to obtain the electoral right by unlawful means or as gratitude for obtaining such right;
- (b) threatening a Hluttaw candidate or a voter to prevent him from freely exercising his electoral right;
- (c) uttering, making speeches, making declarations and instigating to vote or not to vote on grounds of race or religion or by abetment of such acts;
- (d) giving speeches at meetings, instigation, writing, distributing, using posters or attempting by other means to the voting or election.

59. Whoever is found guilty of or abet one of the following acts shall, on conviction, be punishable with imprisonment for a term not exceeding one year or with fine not exceeding one hundred thousand kyats or with both:

- (a) intentionally making illegible or destroying list, notices or other electoral documents published by the Commission and Sub-commissions;
- (b) intentionally destroying voting roll or ballot paper or advance battot paper, the envelope or pouch used in sending them or making illegible the entries made therein;

- (c) giving the ballot paper or advance ballot paper to some other person in a malicious manner;
- (d) inserting into the ballot box any article other than a ballot paper;
- (e) opening, without authorization, the ballot box which is being used or destroying the ballot paper or advance ballot paper;
- (f) voting in any election at more than one Hluttaw constituency;
- (g) voting more than once in any election for a Hluttaw constituency in which he has the right to vote;
- (h) obtaining or casting ballot paper or advance ballot paper by impersonating another person:
- (i) entering the polling booth without permission while the election is in progress;
- (j) putting any counterfeit ballot paper or more into the ballot box.

60. 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, on conviction, be punishable with imprisonment for a term not exceeding one year or with fine not exceeding one hundred thousand kyats or with both.

61. Whoever is found guilty of committing one of the following acts inside the polling booth or within the radius of 500 yards from the polling booth on the election day shall, on conviction, be punishable with imprisonment for a term not exceeding one year or with fine not exceeding one hundred thousand kyats or with both:

- (a) canvassing;
- (b) soliciting a voter to vote or exhorting and inducing him not to vote for a Hluttaw candidate;
- (c) exhorting and inducing to vote or not to vote in the election.

Explanation: For the purpose of this section affixing and hanging campaign posters etc. regarding the election in other places are not included.

62. Whoever is found guilty of causing disturbance to the voters or the polling booth officer and members of the polling booth team on duty by using loudspeakers or by such equipment which amplify the voice or by other indisciplined acts, inside the polling booth or within 500 yards radius from the polling booth shall, on conviction, be punishable with imprisonment for a term ^{v.} not exceeding one year or with fine not exceeding one hundred thousand kyats or with both.

63. Whoever is found guilty of re-entering the polling booth without permission of the polling booth officer after being evicted from the polling

booth by a member of the Police Force on duty, or by other security personnel on duty under the order by the polling booth officer or by the member of the polling booth team authorized by the polling booth officer for disobedience of the lawful order of the polling booth officer or acting in an indecorous manner inside the polling booth, during polling hours shall, on conviction, be punishable with imprisonment for a term not exceeding one year or with fine not exceeding one hundred thousand kyats or with both.

64. Whoever is found guilty of dishonestly and fraudulently lodging any criminal proceedings against any person regarding offences relating to election shall, on conviction, be punishable with imprisonment for a term not exceeding three years or with fine not exceeding three hundred thousand kyats or with both.

65. (a) The offences contained in this Chapter are designated as cognizable offences.
- (b) Regarding offences relating to elections, any person having the right to vote of the constituency concerned, or any Hluttaw candidate or any election agent or a member of a Sub-commission concerned or any member of the polling booth team having credible evidence may file a complaint in accord with law before or during the election or within 15 days from the election day.

Chapter XIV

Malpractices

The followings are malpractices:

- (a) committing the following offences by Hluttaw candidate himself or his election agent or any person with the approval of one of them:
 - (i) giving or taking bribes;
 - (ii) interfering with the electoral right;
 - (iii) impersonation;
 - (iv) making false verbal or written declaration;
 - (v) admitting and false signing of statement;
- (b) casting of vote more than once in one constituency or in more than one constituency when elections are simultaneously held, which is of advantage to a Hluttaw candidate he favours;
- (c) incurring election expenditure not in conformity with the stipulations or giving consent to incur such expenditure by a Hluttaw candidate or his election agent;
- (d) failure of the election agent to keep account for the election expenses as prescribed ;

with the prompting or consent of the Hluttaw candidate or his election agent:

- (i) accepting bribe or agreeing to accept bribe by a person or in gratitude, with the intention of participating or not as a Hluttaw candidate or resigning from being a Hluttaw representative;
- (ii) agreeing to accept bribe by a person for himself or for other person with the intention of inducing or attempting to induce a voter to vote or to abstain from voting;

submitting false accounts made of the election expenses or declaring the false accounts to be true or failure to submit the election expenses as prescribed;

any other person who is not a Hluttaw candidate or an election agent of a Hluttaw candidate, without permission of such candidate with a view to electing him or abets him to be elected as a Hluttaw candidate, incur expenses or permits to incur expenses by means of convening meeting or distributes paper or documents or any other way;

gaining advantage for the Hluttaw candidate whom he favours by means of publishing and distributing announcements, papers and

posters relating to the election without mentioning names and addresses of printers and publishers;

- (i) taking away his ballot paper by the voter from the polling booth during time of voting, with the prompting or consent of the Hluttaw candidate or his election agent;
- (j) obtaining, abetting or attempting to obtain the help of any service personnel for being elected as Hluttaw candidate by the Hluttaw candidate or his election agent or any other person with the consent of any of them;
- (k) using religious symbols or instigating with plans to vote or not to vote based on race or religion for being elected as Hluttaw candidate;
- (l) creating violence, making false accusation, writing, creating public unrest to a part)' or person for the purpose of electing a Hiuttaw candidate.

Chapter XV

Decision on Objection of Having Elected

67. If objection is desired to be made as regards having elected, it shall be made by paying the stipulated fee with the submission of an electoral objection in accord with the provisions of this Chapter.

Objection to an elected Hluttaw representative may be made to the Commission as prescribed by any challenging Hluttaw candidate or any voter by giving appropriate reason relating to the election other than matters which have been decided by the Commission under Section 53.

If a Hluttaw candidate, in his objection against an elected Hluttaw representative, intends to seek a declaration that he only has obtained the majority votes and that he should be elected, he is to base his objections on one of the following:

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

The Commission may form the following Election Tribunals to examine the electoral objections :

- (i) the Election Tribunal consisting of a Commission member as Chairman and other two commission members;

- (ii) the Election Tribunal consisting of a Commission member as Chairman and two suitable citizens who are experts in law.
- (b) Election Tribunal members shall not be members of any political party.
- (c) Remuneration for members of the Election Tribunal, who are not members of the Commission shall be determined by the Commission.
- (d) All matters concerning electoral objections shall be administered by the Election Tribunals.
- (e) In respect of the election held for one constituency, if more than one electoral objection are submitted, the Commission shall assign the objections to only one Election Tribunal formed for that constituency. Such tribunal may examine the objections separately or jointly at its discretion.
- (f) If an appointed member of the Election Tribunal cannot carry out his duties as a member of the tribunal or is unable to continue carrying them out during an examination, the Commission shall appoint a substitute member. The reconstituted Election Tribunal may make fresh examination of the pending objections, if it so desires.

70. In hearing the electoral objections, the tribunal may, if necessary, invite the Attorney General as *amicus curiae* and seek legal advice. If the Attorney General is unable to attend the tribunal in person he may depute a suitable person not below the rank of Law Officer Grade (1) from the Office of the Attorney General to act on his behalf.

71. The Election Tribunal may decide the election of the Hluttaw representative to be invalidated, if it finds that the elected Hluttaw representative has been involved with any of the following:

- (a) that it is apparent the elected Hluttaw representative obtained the majority votes by malpractices , or by inducement in the said manner, or the success or failure of the election is due only to malpractices:
- (b) that it is apparent malpractice has been committed in the interest 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 in 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 organization contained in Sub-sections (f), (g), (h) , (i) or (1) of Section 10.

72. (a) The Election Tribunal shall, after examining the objections, submit to the Commission whether the elected person or the applicant who applied by submitting electoral objection, that he is entitled to be declared as the elected person, is the elected person as Hluttaw representative.

- (b) All the members of the Election Tribunal shall sign the report in which their decision is included and submit to the Commission soonest.

73. In reporting the Election Tribunal that the elected Hluttaw representative is guilty of malpractice 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 , the Commission may decide that the election of the said Hluttaw representative is not void:

- (a) that the malpractice 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 their utmost, malpractices in the election;

- (c) that the malpractices are of a trivial nature and have not affected the election;
 - (d) that the election has been free from malpractice of the Hluttaw candidate and his election agent.
- 74.
 - (a) The petitioner who is dissatisfied with the decision of the Election Tribunal or the person who is included as a respondent may apply to amend the legal error within the prescribed period to the Commission in the prescribed manner. Only if a question of law arises there is the right to apply under this Section.
 - (b) If there is no petition to the Commission within the prescribed period under Sub-section (a), the Commission shall publish the decisions of the Election Tribunal or Election Tribunals in the official Gazette.
- 75.
 - (a) On receiving the petition under Section 74, the Commission may, after hearing the petitioner and the respondent or their lawyer or agent, as may be necessary, make one of the following decisions:
 - (i) approving the decision of the Election Tribunal;
 - (ii) setting aside the decision of the Election Tribunal.

- (b) The decision of the Commission under Sub- section (a) shall be final and conclusive and such decision shall be published in the official Gazette.

76. If there is any differed opinion among members of the Election Tribunal in submitting report or in performing any other matter relating to electoral objection, the opinion of the majority shall prevail. If there is a dissenting member, he shall have the right to mention a summary of his reasons in that report and sign the report.

77. The Election Tribunal has the right to exercise the powers vested in the Court under the Code of Civil Procedure. In addition, it may, on its own motion summon and examine any person who is considered to be able to produce material evidence.

78. In examining the electoral objections, the Election Tribunal has the right to apply the provisions of the Evidence Act.

79. Any document shall not be inadmissible as evidence on the ground that it is not duly stamped or not duly registered as prescribed.

80. In an examination, 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 with the exception of the offence of perjury based on the statement, and such statement shall not be used as evidence in any other offence.

81. The petitioner or respondent himself or his representative or a lawyer acting on his behalf may appear before the Election Tribunal. However, if the Election Tribunal directs the petitioner or respondent to appear in person, he shall do so accordingly.

Chapter XVI

Miscellaneous

82. The person who performs the duties concerning election including Sub-commissions at various levels shall comply with the followings:

- (a) preparing and maintaining accurately the lists and records relating to the election;
- (b) assisting and safeguarding the secret balloting;
- (c) keeping the other matters except the lists and facts permitted to be published by the Commission in order to prevent leakage;
- (d) performing for any Hluttaw candidate justly in the election, abstaining from canvassing or bias for any Hluttaw candidate.

83. If a polling booth officer finds out that a person has committed or is committing an offence prescribed by this Law, he may direct a member of the

Police Force on duty or other responsible security personnel to arrest such person.

84. The Commission and Sub- commissions may obtain necessary assistance from Government departments or organizations or other organizations and individuals.

85. Carrying out the duties of a member of the Commission or Sub-commissions , or carrying out the staff duties of election in any capacity shall be deemed to be carrying out the duties of the State.

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

87. 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 in the exercise of the powers conferred lawfully discharge their duties according to law, in good faith and to the best of their ability.

8 8. The Hluttaw candidate whose election has been declared as invalidated as prescribed in Sub-section (b) of Section 74 or Sub-section (b) of Section 75 by the commission in the official Gazette, the Hluttaw representative or election agent who has been decided by the Election Tribunal and declared by the

Commission for failure to submit the election expenses as prescribed and having declared as a person of distorted qualification, the Hluttaw representative who has been declared by the Commission as having no right to subsist as a Hluttaw representative due to having punished with imprisonment under any existing law after being elected, the Hluttaw candidate or the Hluttaw representative having no right to subsist as declared by the Commission due to having convicted under any offence in Chapter XIII shall not contest in the election as a Hluttaw candidate from the date of declaration in the existing Hluttaw term and the next Hluttaw term.

89. If there is a vacancy for Hluttaw representative due to any reason in the Hluttaw, it shall be substituted by election in accord with law.

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

(Sd.) Than Shwe

Senior General

Chairman

The State Peace and Development Council

The Union of Myanmar

The State Peace and Development Council

The Region Hluttaw or the State Hluttaw Election Law

(The State Peace and Development Council Law No. 5 / 2010)

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

(8th March, 2010)

The State Peace and Development Council, in order to elect Region Hluttaw or the State Hluttaw representatives by holding free and fair Multi-party Democracy General Election, hereby enacts the following law in accord with section 443 of the Constitution of the Republic of the Union of Myanmar.

Chapter I

Title and Definition

1. This Law shall be called **the Region Hluttaw or the State Hluttaw Election Law**.

2. The following expressions contained in this Law shall have the meaning given hereunder:

(a) **Constitution** means the Constitution of the Republic of the Union of Myanmar;

(b) **Hluttaw** means the Region Hluttaw or the State Hluttaw;

- (c) **Hluttaw representative** means the person who has been elected to the Region Hluttaw under this Law or the State Hluttaw or Defence Services personnel Region Hluttaw or State Hluttaw representative nominated by the Commander- in-Chief of the Defence Services in accord with the Constitution;
- (d) Election means the Region Hluttaw or the State Hluttaw Election;
- (e) **Constituency** means the Region Hluttaw or the State Hluttaw constituency except Union territories;
- (f) Region or State means the existing respective Division or respective State;
- (g) Commission means the Union Election Commission;
- (h) Sub-commission means the following Sub- commissions formed by the Commission:
 - (i) Nay Pyi Taw Sub- commission;
 - (ii) Region or State Sub- commission;
 - (iii) Self-Administered Division or Self-Administered Zone Sub-commission;
 - (iv) District Sub- commission;

(v) Township Sub-commission;

(vi) Ward or Village-tract Sub-commission;

(i) Member of religious order means the following persons:

(i) in the case of Buddhists, monks, novices, religious laymen, 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 or she is serving temporarily as such;

(ii) in the case of Christians, persons who have been recognized and ordained or assigned duties by the relevant Churches as persons who have dedicated themselves mainly to serve the Christian religious order, and persons included in a group of persons 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, Sanyazi, Mahant or Hindu priests;

(j) Voting Roll means the roll of eligible voters prepared for prescribed constituencies for the purpose of election;

(k) Convict means the person serving prison term under sentence passed by any court. The said expression also includes the person

who is serving prison term by the order of the court and pending appeal or revision against the sentence of imprisonment of the relevant court;

- (I) **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;
- (m) **Polling Booth Officer** means the person who is **in** charge of the Polling Booth Team;
- (n) **Electoral Right** means the right of a person to stand or not to stand as a Hluttaw candidate, or to withdraw from the list of Hluttaw candidates or to vote or refrain from voting at the election;
- (o) **Malpractice** means any practice mentioned in Chapter XIV of this Law;
- (p) **Rules** mean the rules made under this Law.

Chapter II

Formation of the Region Hluttaw or the State Hluttaw

The Region Hluttaw or State Hluttaw shall be formed as follows:

- (a) Hluttaw representatives of the Region or State Hluttaw, two of each are elected from each township in the Regions or the States;
- (b) Hluttaw representatives, each is elected from each national race designated by the Commission as having an appropriate population

which constitutes 0.1 percent and above of the population of the Union, of the remaining national races other than those who have already obtained the respective Region or Self-Administered Area in that Region;

- (c) representatives of the State Hluttaw, each is elected from each national race designated by the Commission as having an appropriate population which constitutes 0.1 percent and above of the population of the Union, of the remaining national races other than those who have already obtained respective State or Self-Administered Area in that State;
- (d) the Defence Services personnel Hluttaw representatives who are nominated by the Commander-in-Chief of the Defence Services in accord with the law for a number equal to one-third of the total number of Hluttaw representatives elected under Sub-sections (a) and (b) or (a) and (c).

Chapter **in**

Designation of Constituencies

4. In designating the Region Hluttaw or State Hluttaw constituencies, the Commission:

- (a) shall designate two constituencies each in a township;
- (b) shall not cause much disparity of population among the constituencies in a township;

- (c) shall not divide a Ward or ViHage-tract to allocate and include in the constituencies;
 - (d) shall designate the whole relevant Region or State Hluttaw as each constituency, in designating constituency for each national race which has the right to elect National Race Hluttaw representative under Sub-sections fb) and-(c) of Section 161 of the Constitution.
5. {a) The Hluttaw constituency designated by the Commission shall be only for a term of Hluttaw.
- (b) In the case of formation of a new township after designating constituencies for a regular term by the Commission, such township shall be deemed to be included in the relevant constituency designated for the said regular tenn.
- (c) The Commission shall designate the constituencies for the next tenn at least 60 days in advance prior to the expiry of the term of the Hluttaw.

Chapter TV

Eligible Voters

6. The persons who fulfil the following qualifications -shall he -eligible to vote at the election irrespective of sex and religion:

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- (a) citizen, associate citizen, naturalizedcitizen or holder of temporary certificate who has completed the age' of 18 years on the day of

commencement of election and who does not contravene the provisions of this Law;

(b) person whose name has been included in the voting roll of the respective constituency.

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

(a) member of religious order;

(b) convict;

(c) person adjudged to be of unsound mind as provided for in the relevant law:

(d) person who has not been discharged from being declared as an insolvent;

(e) person prohibited by Election Law;

(f) foreigner or person who has assumed foreign citizenship.

Chapter V

Persons Eligible to Stand for Election and Persons not

Eligible to Subsid

8. The citizens who fulfil the following qualifications shall be eligible to stand for election irrespective of sex and religion:

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

- (i) person who has completed the age of 25 years and who does not contravene the provisions of this Law;
- (ii) person who has resided in the Union of Myanmar at least 10 consecutive years up to the time of his election as Hluttaw representative;

Proviso: The official period of stay in a foreign country with the permission of the State shall be counted as a residing period in the State;

- (iii) person included in the voting roll;
- (b) citizen who was born of parents who are citizens;
- (c) person who is filled with the qualifications prescribed in this Law.

9. A person having the right to stand for election is eligible to contest in the election either individually or representing a political party.

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

- (a) convict;
- (b) person not eligible to stand for election as a Hluttaw representative due to conviction for an offence causing disqualification of Hluttaw representative, or having committed a malpractice relating to election or failing to act in accord with the Election

Law before or after the Constitution comes into operation and the period designated by the authority for him has not expired;

person adjudged to be of unsound mind as provided in the relevant law;

person who has not been discharged from being declared as an insolvent by the relevant court;

citizen who was born of parents, both or one of whom was not citizen at the time of his birth;

person who owes allegiance to a foreign government or person under the influence of a foreign government or subject of a foreign government or a citizen of a foreign country;

person who is entitled to enjoy the rights and privileges of a subject of a foreign government or a citizen of a foreign country;

person who obtains and utilizes directly or indirectly the support of money, land, house, building, vehicle, property, etc., from government or religious organization or any other organization or any individual of a foreign country or is a member of an organization which obtains and utilizes the said aids;

person who uses religion for political purpose and utters, delivers speech and issues declaration to vote or not to vote

and who encourage and incite such acts or is a member of an organization which carries out such acts;

member of a religious order;

civil services personnel;

Proviso: The said expression shall not apply to the Defence Services' personnel Hluttaw representatives selected and appointed in the Hluttaws and civil services personnel selected and appointed in the organizations of Hluttaws formed under the Constitution;

person who obtains and utilizes directly or indirectly the State-owned money, land, house, building, vehicle, property, etc., or is a member of an organization which carries out such acts;

Proviso: (i) The-expression, State-owned money, does not include pension salary, allowance, or money, and salary, allowance or money officially granted by the Union for services rendered in the interest of the Union;

(ii) The expression, State-owned land, house, building, vehicle and property, does not include State-owned land, house, building and apartments, other buildings and apartments, State-owned aircrafts, trains,

vessels and motor vehicles and property etc., which have been permitted by the Union to be used under an existing law or as required by duty, or leased from the Union on payment;

(m) associate citizen, naturalized citizen, foreigner or person who has assumed foreign citizenship;

(n) person against whom there is credible evidence of contacting with an organization declared as an unlawful association under any existing law, organization and persons designated by the State to have committed terrorist acts, insurgent organizations or its members in revolt with arms against the State.

11. After being elected, a Hluttaw representative shall have no right to subsist as a Hluttaw representative on involvement of any of the following:

- (a) converting into a member of a religious order permanently;
- (b) being adjudged to be of unsound mind as provided for in the relevant law;
- (c) being declared as an insolvent by the relevant court;
- (d) being sentenced to imprisonment under any existing law, after being elected as a Hluttaw representative;

- (e) being designated to cease to be a citizen under the relevant law;
- (f) being designated by the authority concerned as a person born of either parent or both parents who are not citizens at the time of his birth;
- (g) being decided by the Election Tribunal to be a person under allegiance to a foreign government or person under the influence of a foreign government or a subject of a foreign government or a citizen of a foreign country;
- (h) being decided by the Election Tribunal to be a person entitled to the rights and privileges of a subject of a foreign government or a citizen of a foreign country;
- (i) being permitted by the Commission to resign as a Hluttaw representative;
- (j) being adjudged by the relevant court as having credible evidence that the person contacts with *an* organization declared as an unlawful association under any existing law, an organization and persons designated by the State to have committed terrorist acts, the insurgent organization or its members in revolt with arms against the State;

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

(1) being informed by the respective head of the Civil Services Body to be a civil services personnel as provided for in Sub-section (k) of Section 10.

12. If the Commission receives a complaint that an elected person is involved with any provision contained in Sections 8 and 10, it may form an Election Tribunal and have the complaint inquired and decided as to whether or not, the elected person is eligible to subsist as the Hluttaw representative.

Chapter VI

Preparation of Voting .Roll

13. The Township Sub-commissions and Ward or Village-tract Sub-commissions shall prepare the voting rolls for those who are eligible to vote in the election of Hluttaw representatives in various constituencies according to the stipulation.

14. (a) The Ward or Village-tract Sub-commission shall include in the relevant voting roll every citizen, associate citizen, naturalized citizen and holder of temporary certificate who do not contravene the provisions of this Law and are residents in a constituency and

have completed the age of 18 years on the day of commencement of election.

- (b) The Ward or Village-tract Sub-commission shall, as prescribed, include in the relevant voting roll the Defence Services personnel, the diplomats of the Union of Myanmar and members of their household, diplomatic 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 persons who are outside the country with the permission of the Union government and members of their household.

- 15. (a) Every citizen, associate citizen, naturalized citizen and holder of temporary certificate, whose name is included in the voting roll of a constituency shall have the right to vote only in the said constituency.
- (b) A person, who has the right to vote desires to transfer from the voting roll of a constituency to the voting roll of another constituency on sufficient grounds, may apply to the relevant Sub-commission as prescribed.
- (c) Whoever has the right to vote in any constituency shall not be included in the voting roll of any constituency other than that of the constituency concerned at the same time.

16. The relevant Sub-commission shall declare the list of eligible voters according to the constituency in advance before the election is held as prescribed.

17. (a) If the name of a person, who is eligible to vote is not included in the relevant voting roll, he may submit a request to the relevant Ward or Village-tract Sub-commission as prescribed for his name to be inserted.

(b) If the relevant Ward or Village-tract Sub-commission does not insert the name, there is a right of appeal to the Township Sub-commission as prescribed. The decision of the said Sub-commission, with the exception of the provision of Section 53, shall be final and conclusive.

18. (a) If any person whose name is included in the voting roll of a Ward or Village-tract, desires to object to the inclusion of any person who is not entitled to vote in such voting roll, the objection may be submitted to the relevant Ward or Village-tract Sub-commission in the manner prescribed.

(b) If the said name is not deleted from the voting roll by the relevant Ward or Village-tract Sub-commission, there is a right of appeal to the Township Sub-commission as prescribed. The decision of such Sub-commission, with the exception of the provision of Section 53, shall be final and conclusive.

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

19. In preparing the voting roll, the Commission and the respective Sub-commissions shall, if it is found that:

- (a) the names, although eligible are not included in the voting roll, insert such names in the supplementary voting roll;
- (b) the names not eligible are included in the voting roll, delete such names from the voting roll.

20. The voting rolls shall be kept by the designated department, organization or person as prescribed.

21. If there is a by-election to be held in a constituency during a term of the Hluttaw for any reason, the declaration, addition, deletion and amendment based on the original voting roll shall be carried out as prescribed in Sections 14, 15 and 16.

Chapter Vn

Nomination of Hluttaw Candidates, Declaration, and Appointment of Election Agent

22. (a) Persons who are desirous of contesting the election as Hluttaw candidate for the constituencies contained in Sub-section (a) of Section 4, shall file nomination of candidate to the relevant Self-

Administered Division, Self-Administered Zone Sub-commission or the relevant District Sub-commission in the manner prescribed.

- (b) A person desirous of contesting the election as the National Race Hluttaw candidate for the constituency contained in Sub-section (d) of Section 4, shall file nomination of candidate to the relevant Region or State Sub-commission in the manner perscribed.

23. A Hluttaw candidate shall not have the right to file a nomination for the candidature in more than one constituency simultaneously.

24. The relevant Sub-commission, which accepted nomination of candidate contained in Section 22 shall scrutinize in the manner prescribed the nomination of a person for the Hluttaw candidature as to whether the filing is in conformity with the stipulations or not, and whether it should be accepted or not.

25. At the time of scrutiny by the respective Sub-commission under Section 24:

- (a) the relevant person having filed nomination for Hluttaw candidature shall have the right to produce supporting evidence as desired by him;
- (b) any challenging candidate of the constituency in which the said candidate will stand for election may, after producing sufficient evidence, object in the prescribed manner that the relevant person who has filed his nomination for Hluttaw candidature is not eligible or qualified for the election.

26. The respective Sub-commission contained in Section 22 may, after scrutiny as prescribed under Section 24, pass any of the following orders :

- (a) declaring that the person who has filed his nomination for relevant Hluttaw candidature is eligible to be elected as a Hluttaw candidate if he conforms to the stipulations;
- (b) declaring that the person who has filed his nomination for relevant Hluttaw candidature is not eligible to be elected as a Hluttaw candidate if he does not conform to the stipulations.

27. (a) If a person dissatisfied with the order delivered under Section 26 and if he is the person who filed nomination for Hluttaw candidature for the constituencies contained in Sub-section (a) of Section 4, he is entitled to appeal to the relevant Region or State Sub-commission or if he is the person who filed nomination for Hluttaw candidature for the national race constituency contained in Sub-section (d) of Section 4, he is entitled to appeal to the Commission in the manner prescribed.
- (b) In matters appealed under Sub-section (a), the decision of the Commission and the relevant Region or State Sub-commission shall be final and conclusive with the exception of the provision of Section 53.

28. A person who has filed the nomination for the Hluttaw candidature **has** the right to revoke his nomination in the prescribed manner.

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

30. (a) Only a person who **is** qualified to be elected as a Hluttaw representative under this Law shall be appointed as an election agent. Such appointment shall be made only with the consent of the said person.

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

Chapter VIII

Defence Services Personnel Hluttaw Representatives

31. When the Commander-in-Chief of the Defence Services sends the nomination of Defence Services personnel Hluttaw representatives who do not contravene the provisions of this Law, and who fulfils the qualifications to be elected as Hluttaw representatives to the Commission, the Commission shall scrutinize the said nomination and notify it to the public.

32. If the Commission finds that a Defence Services personnel Hluttaw representative has involved with any provision of this Law, the Commission shall coordinate with the Commander-in-Chief of the Defence Services to substitute and send the nomination of any other Defence Services personnel Hluttaw representative in place of the said Hluttaw representative.

33. When the Commander-in-Chief of the Defence Services informs the Commission that he desires to substitute a Defence Services personnel Hluttaw representative nominated by him, the Commission shall declare the nomination of the Defence Services personnel Hluttaw representative to be substituted to the public. The original Hluttaw representative who is substituted shall be deemed to have been terminated as Hluttaw representative from the day of such declaration.

Chapter IX

Holding Election

34. 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) designate and declare the date of election in advance.

35. The Hluttaw representatives, except the Hluttaw representatives included in Chapter VIII, shall be elected by the eligible voters residing in the respective constituencies directly by secret ballot.

36. The Commission may:

- (a) allocate the number of the polling booths for Wards and Village-tracts on the basis of number of eligible voters and situation of the locality or may assign duty also to the relevant Sub-commissions at various levels;
- (b) may assign duty to the Township Sub-commissions to designate the venues for the polling booths.

37. If it is to hold the elections not only for one Hluttaw but also for other Hluftaws simultaneously and to vote at the same time, the Township Sub-commissions may in so allocating the polling booths, have the polling booths designated for each Hluttaw accommodated in separate rooms in a single polling booth in accord with the directive of the Commission ■.

38. In building polling booths, arrangements shall be made to build the polling booths at the places easily accessible to the public, to be secure and not detrimental to the secret ballot. The venue of the polling booths shall be declared to the public in advance.

39. In order to supervise the polling booths at various constituencies, the relevant Township Sub-commission shall form polling booth teams in the prescribed manner. In so forming, it shall:

- (a) appoint suitable persons from amongst the civil services personnel as polling booth officers;

- (b) form polling booth teams consisting of civil services personnel, and citizens, associate citizens or naturalized citizens who are trusted and respected by the local public and are included in any voting roll as far as possible, and assign duties as prescribed;
- (c) prescribe the duties and powers of polling booth officer and members of polling booth team in accord with this Law and Rules.

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

41. (a) If there is only a single Hluttaw candidate in a constituency, election for such constituency shall not be held, and the relevant Region or State Sub-commission shall declare such candidate to be the Hluttaw representative.

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

42. (a) On the day of election, polling booths shall be kept open from 6 a.m. to 4 p.m. However, polling booths may be closed earlier than 4 p.m. if all eligible voters have cast their votes.

- (b) When the polling booth is closed at 4 p.m. exactly, if out of those who have arrived on the premises of the said polling booth before it is closed, there are persons who have not cast votes as yet, a list of them shall be prepared and only the persons who are included in that list shall be permitted to cast vote although the polling hours are over.

43. Eligible voters, except the voters who cast with advance ballot paper, shall proceed to the respective polling booth and draw the ballot paper personally, express their wish secretly on it and cast it into the respective ballot box and not by proxy.

44. An eligible voter has the right to cast one vote each for a Hluttaw candidate from among the Hluttaw candidates contested to Hluttaw according to the Township constituency and, if National Race Hluttaw candidate can be elected in accord with law, for such candidate as he desires. Vote shall not be cast more than once for each candidate.

- 45. (a) The respective Township Sub-commission shall arrange for the Defence Services personnel, students, trainees, detainees and in-patients at the hospitals who are away from the respective constituency to enable them to vote with advance ballot paper for their respective constituency.

- (b) The respective Ward or Village-tract Sub-commission shall arrange for an eligible voter who is included in the voting roll and who will be away from his constituency on the day of election to vote with advance ballot paper.
- (c) If the 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 desire to vote, the relevant Ward or Village-tract Sub-commission 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;
 - (v) being detained in a police custody or in prison;
 - (vi) taking medical treatment as an in-patient in hospital;
 - (vii) being civil services personnel, Defence Services personnel or members of the Police Force who are on temporary duty, away from the area in which they have their voting roll.

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

46. For obtaining the right to vote, other voters including civil services personnel who are out of the relevant area on duty in any projects, industries, agricultures, livestock breedings and any other businesses in other places and voters who are out of the constituency for any matters except the voters contained in Sub-section (b), clause (7) of Sub-section (c) of Section 45:

- (a) if such voters are desirous to vote for Hluttaw candidates in those respective constituencies by voting roll of permanent place of residence shall perform as follows: -
 - (i) going to their permanent place of residence and voting by advance ballot paper- at the Ward or Village-tract Sub-commission within the stipulated day before holding election;
 - (ii) voting with the ballot paper in person at the stipulated polling booth in their permanent place of residence on election day;
- (b) if such voters are not desirous to vote at their place of permanent residences, it shall be performed in the stipulated manner for enrolling in the voting roll, voting by advance ballot paper and

voting by ballot at the polling booth for enabling to vote for the Hluttaw candidates contesting in the constituencies where they exist.

47. (a) The Commission shall make arrangements to enable the diplomats of the Union of Myanmar and members of their household, diplomatic 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 Union 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 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 X

Counting of Vote and Declaring Confirmation

48. (a) The Ward or Village-tract Sub-commission shall hand over the advance ballot papers already casted under Sub-sections (b) and (c) of Section 45 and Section 46 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 casted in the relevant polling booth, the polling booth officer himself 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 polling booth agents and the public. In counting, valid votes and invalid votes are to be differentiated in accord with the Rules. The polling booth officer shall prepare the list of number of votes counted and compiled voting list schedules as prescribed and send them to the Ward or Village-tract Sub-commission. A copy shall be sent to the Township Sub-commission.
- (c) The Ward or Village-tract Sub-commission shall supervise the dispatch of the voting list schedules compiled by the polling booth officers in its area in the prescribed manner to the Township Sub-commission as soon as possible to reach it in time.
- (d) The Township Sub-commissions shall count the advance ballot papers already casted under Sub-section (a) of Section 45 and Section 47 which they have received before 4 p.m. in the presence of Hluttaw candidates or their election agents and the public and shall combine the respective voting list schedules for each Hluttaw constituency in the manner prescribed.

49. (a) If there are more than one Hluttaw candidate in a constituency, the Township Sub-commission shall declare the number of valid votes each Hluttaw candidate has received. To enable determination and declaration of the candidate with the highest number of valid votes as the elected representative and to enable the election to be held again in the case of an equality of valid votes, the Township Sub-commission shall submit it to the Region or State Sub-commission soonest. A copy shall be sent to the Self Administered Division Sub-commission, Self Administered Zone Sub-commission or District Sub-commission.
- (b) The Region or State Sub-commission shall declare the elected Hluttaw candidate according to the lists submitted under Sub-section (a).
- (c) The Region or State Sub-commission shall scrutinize the submission under Sub-section (a) that the highest number of valid votes is equal at the election contested by more than one Hluttaw candidate, and submit it to the Commission with its remark. If the Commission directs to hold the election again, it shall again be held by Sub-commissions at various levels in accord with this Law. Only the candidates whose votes are so equal are eligible to stand for the election held afresh.

Chapter XI

Powers of Commission

50. The Commission may :

- (a) postpone the election in the constituencies in which elections could not be held due to any natural disaster till such a time as such disaster is over;
- (b) postpone the election in a constituency where preparation of the voting roll or balloting is not possible due to lack of security situation;
- (c) decide to hold election in some areas within a constituency where the situation permits, decide not to hold election in some areas therein where the situation does not permit or decide to transfer the polling booths to secure places. However, if 51 percent of all voters have casted the votes, it may be designated as completed election. Should it be the opinion of the Commission that free and fair election cannot be held, it may postpone the election in the entire constituency.

51. The Commission may delegate to Sub-commissions the power to postpone elections and to transfer the venue of polling booths to secure places as appropriate.

52. In a constituency where there is only a single Hluttaw candidate, before the election is held, if the candidate passes away or is found that he is not eligible to stand for election, the election for such constituency shall start afresh from the stage of the nomination of the candidate.

53. The Commission may call for the relevant proceedings and documents in respect of the performance, decision of each Sub-commission relating to election *suo motu* as it deems fit, study and decide as may be necessary. Such decision shall be final and conclusive.

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

Chapter XII

Election Expenses

55. The election agent shall keep accounts of the expenses of the relevant election systematically as prescribed. He shall submit the accounts of such expenses in the manner prescribed to the relevant Region or State Sub-commission and Self-Administered Division Sub-commission, Self-Administered Zone Sub-commission or District Sub-commission concerned.

56. The maximum expenses entitled to be used for the election and the number of persons or property which is entitled to be employed by payment for the Hluttaw candidate relating to the election, shall be as prescribed.

Chapter XIII

Election Offences and Penalties

5.7. Whoever is found guilty of violence, threat, undue influence, cheating[^] taking or giving t)f bribes to prevent a person from exercising the right of voting and the right to stand for election shall, on conviction, be punishable with imprisonment for a term not exceeding one year or with fine not exceeding one hundred thousand kyats or with both.

58. Whoever is found guilty of or abetting one of the following acts shall, on conviction, be punishable with imprisonment for a term not exceeding one year or with fine not exceeding one hundred thousand kyats or with both:

- (a) giving or taking bribes by way of money, goods, foodstuff, position or service transfer or by using any other right in order to obtain the electoral right by unlawful means or as gratitude for obtaining such right;
- (b) threatening a Hluttaw candidate or a voter to prevent him from freely exercising his electoral right;
- (c) uttering, making speeches, making declarations and instigating to vote or not to vote on grounds of race or religion or by abetment of such acts;

- (d) giving speeches at meetings, instigation, writing, distributing, using posters or attempting by other means to destroy the voting or election.

59. Whoever is found guilty of or abet one of the following acts shall, on conviction, be punishable with imprisonment for a term not exceeding one year or with fine not exceeding one hundred thousand kyats or with both:

- (a) intentionally making illegible or destroying list, notices or other electoral documents published by the Commission and Sub-commissions;
- (b) intentionally destroying voting roll or ballot paper or advance battot paper, the envelope or pouch used in sending them or making illegible of the entries made therein;
- (c) giving the ballot paper or advance ballot paper to some other person in a malicious manner;
- (d) inserting any other article into the ballot box other than a ballot paper;
- (e) opening the ballot box without authorization which is being used or destroying the ballot paper or advance ballot paper;
- (f) voting in any election at more than one Hluttaw constituency;

- (g) voting more than once in any election for a Hluttaw constituency in which he has the right to vote;
- (h) requesting for or casting ballot paper or advance ballot paper by impersonating another person;
- (i) entering the polling booth without permission while the election is in progress;
- (j) putting any counterfeit ballot paper or more into the ballot box.

60. 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, on conviction, be punishable with imprisonment for a term not exceeding one year or with fine not exceeding one hundred thousand kyats or with both.

61. Whoever is found guilty of committing one of the following acts inside the polling booth or within the radius of 500 yards from the polling booth on the election day shall, on conviction, be punishable with imprisonment for a term not exceeding one year or with fine not exceeding one hundred thousand kyats or with both:

- (a) canvassing;
- (b) soliciting a voter to vote or exhorting and inducing him not to vote for any Hluttaw candidate;

- (c) exhorting and inducing to vote or not to vote in the election.

Explanation: For the purpose of this section affixing and hanging campaign posters, papers etc. regarding the election in other places are not included.

62. Whoever is found guilty of causing disturbance to the voters or the polling booth officer and members of the polling booth team on duty by using loudspeakers or by such equipment which amplify the voice or by other indisciplined acts such as shouting inside the polling booth or within 500 yards radius from the polling booth shall, on conviction, be punishable with imprisonment for a term not exceeding one year or with fine not exceeding one hundred thousand kyats or with both.

63. Whoever is found guilty of re-entering the polling booth without permission of the polling booth officer after being evicted from the polling booth by a member of the Police Force on duty, or by any other security personnel on duty under the order by the polling booth officer or by the member of the polling booth team authorized by the polling booth officer for disobedience of the lawful order of the polling booth officer or acting in an indecorous manner inside the polling booth, during polling hours shall, on conviction, be punishable with imprisonment for a term not exceeding one year or with fine not exceeding one hundred thousand kyats or with both.

64. Whoever is found guilty of dishonestly and fraudulently lodging any criminal proceedings against any person regarding offences relating to election shall, on conviction, be punishable with imprisonment for a term not exceeding three years or with fine not exceeding three hundred thousand kyats or with both.

65. (a) The offences contained in this Chapter are designated as cognizable offences.
- (b) Regarding offences relating to elections, any person having the right to vote of the constituency concerned, or any Hluttaw candidate or any election agent or a member of a Sub-commission concerned or any member of the polling booth team having credible evidence, may file a complaint in accord with law before or during the election or within 15 days from the election day.

Chapter XIV

Malpractices

66. The following are malpractices:

- (a) committing the following, offences by Hluttaw candidate himself or his election agent or any person with the approval of one of them:
- (i) giving or taking bribes ;
 - (ii) interfering with the electoral right;
 - (iii) impersonation;

(iv) making false verbal declaration;

(v) admitting and signing of false statement;

casting of vote more than once in one constituency or in more than one constituency when elections are simultaneously held, which is of advantage to a Hluttaw candidate he favours;

incurring election expenditure not in conformity with the stipulations relating to the expenditure in respect of the election or giving consent to incur such expenditure by a Hluttaw candidate or his election agent;

failure of the election agent to keep accounts of expenses in respect of the election as prescribed;

with the prompting or consent of the Hluttaw candidate or his election agent:

(i) accepting bribe or agreeing to accept bribe by a person with the intention of participating or not participating as a Hluttaw candidate or resigning from being a Hluttaw representative or in gratitude;

(ii) agreeing to accept bribe for himself or for other person by a person with the intention of inducing or attempting

to induce a voter to vote for a particular candidate or to abstain from voting;

submitting false accounts made of the election expenses or admitting the false accounts to be true or failure to submit the election expenses as prescribed;

any other person who is not a Hluttaw candidate or an election agent of a Hluttaw candidate, without permission of such candidate with a view to electing him or abets him to be elected as a Hluttaw candidate, incur expenses or permits to incur expenses by means of convening meeting or distributes papers or documents or any other way;

gaining advantage for the Hluttaw candidate whom he favours by means of publishing and distributing announcements, papers and posters relating to the election without mentioning names and addresses of printers and publishers;

taking away his ballot paper by the voter from the polling booth during time of voting, with the prompting or consent of the Hluttaw candidate or his election agent;

obtaining, abetting or attempting to obtain the help of any service personnel for being elected as Hluttaw candidate by the Hluttaw

candidate or his election agent or any other person with the consent of any of them;

- (k) using religious symbols in the election or instigating with plans to vote or not to vote based on race or religion for being elected as Hluttaw candidate;
- (l) creating violence, making false accusation or writing, creating public unrest to any party or any person for the purpose of being elected a Hluttaw candidate.

Chapter XV

Decision on Objections of Having Elected

67. If objection is desired to be made as regards having elected, it shall be made by paying the stipulated fee with the submission of an electoral objection in accord with the provisions of this Chapter.

68. (a) Objection to an elected Hluttaw representative may be made to the Commission as prescribed by any challenging Hluttaw candidate or any voter by mentioning appropriate reason relating to the election other than matters which have been decided by the Commission under Section 53.

(b) If a Hluttaw candidate, in his objection against an elected Hluttaw representative, intends to seek a declaration that he only has

obtained the majority votes and that he should be elected, he is to base his objections on one of the followings:

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

The Commission may form the following Election Tribunals to examine into electoral objections :

- (i) the Election Tribunal consisting of a Commission member as Chairman and other two commission members;
- (ii) the Election Tribunal consisting of a Commission member as Chairman and two suitable citizens who are experts in law.

Election Tribunal members shall not be members of any political party.

Remuneration for members of the Election Tribunal, who are not members of the Commission shall be determined by the Commission.

(d) All matters concerning electoral objections shall be administered by the Election Tribunals.

(e) In respect of the election held for one constituency, if more than one electoral objection are submitted, the Commission shall assign the objections to only one Election Tribunal formed for that constituency. Such tribunal may examine the objections separately or jointly at its discretion.

(f) If an appointed member of the Election Tribunal cannot carry out his duties as a member of the tribunal or is unable to continue carrying them out during an examination, the Commission shall appoint a new member in substitution. The reconstituted Election Tribunal may make fresh examination of the pending objections, if it so desires.

70. In hearing the electoral objections, the tribunal may, if necessary, invite the Attorney General as *amicus curiae* and seek legal advice. If the Attorney General is unable to attend the tribunal in person he may depute a suitable person not below the rank of Law Officer Grade (1) from the Office of the Attorney General to act on his behalf.

71. The Election Tribunal may decide the election of the Hluttaw representative to be invalidated, if it finds that the elected Hluttaw representative has been

involved with any of the following:

- (a) being apparent that the elected Hluttaw representative obtained the majority votes by malpractices, or by inducement in the said manner, or the success or failure of the election is due only to malpractices;
 - (b) being apparent that malpractice has been committed in the interest of the elected Hlutta>v representative;
 - (c) being apparent that the election is not free and fair;
 - (d) being apparent that the election is not free and fair due to bribery and interference in the exercise of electoral rights, being apparent that being elected is due to such acts;
 - (e) being apparent that he is an individual or a member of an organization contained in Sub-sections (t), (g), (h) .(i) or. Cl) of Section 10.
72. (a) The Election Tribunal shall, after examining the objections, report to the Commission whether or not the elected person or the applicant who applied, by submitting electoral objection, that he is entitled to be declared as the elected person, is the elected person as Hluttaw representative.
- (b) All the members of the Election Tribunal shall sign the report in which their decision is included and submit to the Commission soonest.

73. In reporting by the Election Tribunal that the elected Hluttaw representative is guilty of malpractice 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 , the Commission may decide that the election of the said Hluttaw representative is not void:

- (a) being the malpractice which has been committed without the consent of the Hluttaw candidate and his election agent;
- (b) having prevented and carried out by the Hluttaw candidate and his election agent to their utmost, not to commit malpractices in the election;
- (c) being the malpractices are of a trivial nature and have not affected the election;
- (d) being the election is free from malpractice of the Hluttaw candidate and his election agent.

74. (a) The petitioner who is dissatisfied with the decision of the Election Tribunal or the person who is included as a respondent may apply to amend the legal error within the prescribed period to the Commission in the prescribed manner. Only if a question of law arises there is the right to apply under this Section.

(b) If there is no petition to the Commission within the prescribed period under Sub-section (a), the Commission shall publish the decisions of the Election Tribunal or Election Tribunals in the official Gazette.

75. (a) On receiving the petition under Section 74, the Commission may, after hearing the petitioner and the respondent or their lawyer or agent, as may be necessary, make one of the following decisions:
- (i) approving the decision of the Election Tribunal;
 - (ii) setting aside the decision of the Election Tribunal;
- (b) The decision of the Commission under Sub- section (a) shall be final and conclusive. Such decision shall be published in the official Gazette.
76. If there is any differed opinion among members of the Election Tribunal in submitting report or in performing any other matter relating to electoral objection, the opinion of the majority shall prevail. If there is a dissenting member, he shall have the right to mention a summary' of his reasons and sign the report.
77. The Election Tribunal has the right to exercise the powers vested in the Court under the Code of Civil Procedure. In addition, it may, on its own motion summon and examine any person who is considered to be able to produce material evidence.
78. **In examining** the electoral objections, the Election Tribunal has the right to **apply the provisions** of the Evidence Act.
79. Any document shall not be inadmissible as evidence on the ground that it is not duly stamped or not duly registered as prescribed.

80. In an examination, the witness shall answer the questions in respect of the relevant issues. However:

- (a) the voter shall not be caused to reveal for whom he has voted;
- (b) on no witness who is compelled to answer a question, with the exception of the offence of perjury based on the statement, such statement shall not be used as evidence in any other offence.

81. The petitioner or respondent himself or his representative or a lawyer acting on his behalf may appear before the Election Tribunal. However, if the Election Tribunal directs the petitioner or respondent to appear in person, he shall do so accordingly.

Chapter XVI

Miscellaneous

82. The person who performs the duties concerning election including Sub-commissions at various levels shall comply with the following facts:

- (a) preparing and maintaining the lists and records relating to the election accurately;
- (b) assisting and safeguarding the secret balloting;
- (c) keeping the other matters except the lists and facts permitted to be published by the Commission in order to prevent leakage;
- (d) performing for any Hluttaw candidate justly in the election, abstaining from canvassing or bias for any Hluttaw candidate.

83. If a polling booth officer finds out that a person has committed or is committing an offence prescribed by this Law, he may direct a member of the Police Force on duty or other responsible security personnel to arrest such person.

84. The Commission and Sub-commissions may obtain necessary assistance from Government departments or organizations or other organizations and individuals.

85. Carrying out the duties of a member of the Commission or Sub-commissions, or carrying out the staff duties of election in any capacity shall be deemed to be carrying out the duties of the State.

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

87. 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 and members of the Election Tribunals, members of the polling booth teams including polling booth officers who, in the exercise of the powers conferred lawfully, discharge their duties according to law in good faith and to the best of their ability.

88. The Hluttaw representative whose election has been declared as invalidated under Sub-section (b) of Section 74 or Sub-section (b) of Section 75 by the commission in the official Gazette, the Hluttaw representative or

election agent who has been decided by the Election Tribunal and declared by the Commission for failure to submit the election expenses as prescribed and having declared as a person of distorted qualification, Hluttaw representative who has been declared by the Commission as having no right to subsist as a Hluttaw representative due to having punished with imprisonment under any existing law after being elected, the Hluttaw candidate or the Hluttaw representative having no right to subsist as declared by the Commission due to having convicted under any offence in Chapter XIII, shall not contest in the election as a Hluttaw candidate from the date of declaration in the existing Hluttaw tenn and the next Hluttaw tenn.

89. If the office of the Hluttaw representative becomes vaccant due to any reason in the Hluttaw, it shall be substituted and elected in accord with law.

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

(Sd.) Than Shwe

Senior General

Chainnan

The State Peace and Development Council

The Union of Myanmar
The State Peace and Development Council
The State Supplementary Appropriation Law, 2010
(The State Peace and Development Council Law No. 6 /2010)

The 13th Waning day of Tabaung, 1371 M.E.

(12th March, 2010)

The State Peace and Development Council hereby enacts the following

Law:

Chapter I

Title and Period of Effectiveness

1. (a) This Law shall be called **the State Supplementary Appropriation Law, 2010.**
- (b) This Law shall have effect for the 2009-2010 financial year.

Chapter II

**Sanctioned Allotment and Administration
of Supplementary Expenditures**

2. (a) The respective persons who have been assigned responsibility for expenditures sanctioned in Schedules (1), (2), (3) and (4) in respect of the State Peace and Development Council, Multi-Party Democracy General Election Commission, Government, Chief Justice, Attorney General, Auditor General, Ministries, Departments, State Economic Organizations and Cantonment Municipalities may incur the relevant expenditures shown against them.

- (b) Appropriation sanctioned under sub-section (a) shall be deemed to be supplementary expenditure in addition to the appropriation sanctioned under the State Budget Law, 2009.
- 3. (a) The respective persons who have been assigned responsibility under section 2 may delegate the respective officials subordinate to them to administer the expenditures for which they are responsible.
- (b) In administering the expenditures, it shall be in conformity with the provisions of this Law, provisions of the State Budget Law, 2009, relevant laws, rules, regulations, bye-laws, orders, directives and procedures.

Chapter **in**

Taking of Loans

- 4. Kyats twelve hundred thousand million is further appropriated in addition to the amount of loans actually received after the execution of loan agreements mentioned in section 13 of the State Budget Law, 2009.

(Sd)

Than Shwe

Chairman

The State Peace and Development Council

The State Peace and Development Council,
Government, Chief Justice,

Serial Number contained in the State Budget Law, 2009	Serial Number	Subject	Responsible Person
1	2	3	4
1	1	The State Peace and Development Council	Chair of the State Peace and Development Council or a person delegated by the Chairman
2	2	Multi - Party Democracy General Election Commission	Chairman of the Multi - Party Democracy General Election Commission or a person delegated by the Chairman
3	J	Government	Prime Minister or a person delegated by the Prime Minister
4	4	Chief Justice	Chief Justice or a person delegated by the Chief Justice
5	5	Attorney General	Attorney General or a person delegated by the Attorney General
6	6	Auditor General	Auditor General or a person delegated by the Auditor General
		Total	

Multi-Party Democracy General Election Commission,
Attorney General and Auditor General

Schedule (1)

Supplementary Expenditure Sanctioned							
Current Expenditure	Payment of Interest	Contribution	Capital Expenditure	Debts		Invest- ment in Organi- zations	Savings
				Disb- urse- ment of Loans	Repay- ment of Loans		
5	6	7	8	9	10	11	12
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
652,100,000			103,695,000				
29,295,000							
207,446,000			735,533,408,950				
299,194,000			230,824,000				
245,948,000			73,042,000				
415,659,000							
1,849,642,000			735,940,969,960				

Ministries and

Serial Number Serial contained in the State Budget Law, 2009	Serial Number	Subject	Responsible Person
1	2	3	4
I	1	Foreing Affairs	Prime Minister or a person delegated by the Prime Minister
2	2	Defence	- ditto -
3	4	Progress of Border Areas and National Races and Development Affairs	- ditto-
4	5	Home Affairs	- ditto -
5	6	Immigration and Population	- ditto -
6	7	Religious Affairs	- ditto -
7	8	Social Welfare, Relief and Resettlement	- ditto -
8	9	Information	- ditto -
9	10	Culture	- ditto-
10	11	Education	- ditto-
11	12	Health	- ditto-
12	13 •	Sports	- ditto -
13	14	Labour	- ditto -

Departments

Schedule (2)

Supplementary Expenditure Sanctioned							
Current Expenditure	Payment of Interest	Contribution	Capital Expenditure	Debts		Invest- ment in Organi- zations	Savings
				Disb- urse- ment of Loans	Repay- ment of Loans		
5	6	7	8	9	10	11	12
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
99,480,800			11,176,240				
31,562,986,000			80,237,274,000				
1,220,724,000		1,700,347.000	7,010,918,000				
5,725,916,700			179.264.000				
378.320.000			30,000,000				
381.177.000			82.190.000				
5,136,890,000			750,000,000				
816.005.000			57,192,000				
231.005.000			70.000.000				
20,051,002,000			3,097,546,000				
4.364.731.000			2,000,000,000				
276.152.000			190.000.000				
194.708.000							

Ministries and

Serial Number contained in the State Budget Law, 2009	Serial Number	Subject	Responsible Person
1	2	3	4
14	15	Forestry	Prime Minister or a person delegated by the Prime Minister
15	16	Agriculture & Irrigation	- ditto -
16	17	Livestock Breeding and Fisheries	- ditto -
17	18	Mines	- ditto -
18	19	Industry No (1)	- ditto -
19	21	Science and Technology	- ditto -
20	22	Energy	- ditto -
21	23	Electric Power No.(1)	- ditto -
22	24	Electric Power No.(1)	- ditto -
23	25	Construction	- ditto -

Departments

Schedule (2)

Supplementary Expenditure Sanctioned							
Current Expenditure	Payment of Interest	Contribution	Capital Expenditure	Debts		Invest- ment in Organi- zations	Saving
				Disb- urse- ment of Loans	Repay- ment of Loans		
5	6	7	8	9	10	U	12
Kyats	Kyats	Kyats	Kyats	Kyat	Kyats	Kyats	Kyats
334,114,000			500,000,000				
4,675,779,000			22,026,384,000				
292,633,000							
21,344,000							
34,143,000							
694,498,000			1,536,731,000				
6,540,000							
267,164,000	3,613,000		1,457,145,000		569,000		
6,360,000							
2,640,000			18,641,258,000				

Ministries and

Serial Number contained in the State Budget Law, 2009	Serial Number	Subject	Responsible Person
1	2	3	4
24	26	Transport	Prime Minister or a person delegated by the Prime Minister
25	27	Rail Transportation	ditto -
26	28	Communications, Posts and Telegraphs	- ditto -
27	29	Commerce	- ditto -
28	30	Hotels and Tourism Services	- ditto-
29	31	Co-operatives	- ditto-
30	32	National Planning and Economic Development	- ditto-
31	33	Finance and Revenue	- ditto-
		Total	

Departments

Schedule (2) End

Supplementary Expenditure Sanctioned							
Current Expenditure	Payment of Interest	Contribution	Capital Expenditure	Debts		Invest- ment in Organi- zations	Savings
				Disb- urse- ment of Loans	Repay- ment of Loans		
5	6	7	8	9	10	11	12
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
172,321,000			2,433,266,000				
99,914,000			27,108,000				
322,263,000					717517	DOC	
8,214,000							
60,570,000							
1,202,568,000		121,000	230,757,000				
6,434,154,000	103,812,000,000	13345,500,000					
85,074,316,500	103,815,613,000	15,045^68,000	140,568,209,240		71,700		

State Economic

<div>Serial Number</div> <div>Serial Number contained in the State Budget Law, 2009</div>	<div>Serial Number</div> <div>Serial Number contained in the State Budget Law, 2009</div>	Subject	Responsible Person
1	2	3	4
1	1	State Economic Organizations	Prime Minister or a person delegated by the Prime Minister
		Total	

Organization

Schedule (3)

Supplementary Expenditure Sanctioned							
Current Expenditure	Payment of Interest	Contribution	Capital Expenditure	Debts		Invest- ment in Organ- , 1	Savings
				Disb- urse- ment of Loans	Repay- ment of Loans		
5	6	7	8	9	10	11	12
Kyats 78,148,926,000	Kyats	Kyats	Kyats 43,190,093,200	Kyat	Kyats 223,682,000	Kyats	Kyats
78,148,926,000			43,190,093,200	223,682,000			

Municipalities

Schedule (4)

Supplementary Expenditure Sanctioned

Current Expenditure	Payment of Interest	Contribution	Capital Expenditure	Debts			Savings
				Disb- urse- ment of Loans	Repay- ment of Loans	Invi- ment in Organi- zation:	
5	6	7	8	9	10	11	12
Kyats 26,480,000	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
26,480,000							

The Union of Myanmar
The State Peace and Development Council
The State Budget Law, 2010
(The State Peace and Development Council Law No. 7 / 2010)
The 8th Waning Day of Tagu, 1371 M.E.
(22nd March, 2010)

The State Peace and Development Council hereby enacts the following
Law:

PART I

Title and Date of Effectiveness

1. (a) This Law shall be called the State Budget Law, 2010.
(b) The provisions of this Law shall take effect commencing from 1st
April. 2010 for the financial year 2010-2011.

PART II

The State Peace and Development Council, Multi-Party Democracy
General Election Commission, Government, Chief Justice, Attorney General,
Auditor General, Ministries and Departments

Chapter I

Receipts and Expenditures

2. The State Peace and Development Council, Multi-Party Democracy General Election Commission, Government, Chief Justice, Attorney General, Auditor General, Ministries and Departments shall carry out their functions in accordance with the State Budget Programme. In carrying out such functions, all receipts shall be credited to the State Budget and all expenditures payable shall be debited from the State Budget.
3. (a) The respective persons who have been assigned responsibility for the receipts and expenditures of the State Peace and Development Council, Multi-Party Democracy General Election Commission, Government, Chief Justice, Attorney General, Auditor General, Ministries and Departments shall supervise and collect those receipts and administer those expenditures as are shown against them in Schedules (1),(2),(3) and (4).
(b) The respective persons who have undertaken the responsibility under sub-section (a) may delegate their powers to the respective persons serving under them.
(c) Supervision and collection of the receipts and administration of the expenditures shall be in accordance with the provisions of

this Law, relevant laws, rules, regulations, bye-laws, orders, directives and procedures.

4. (a) Out of the estimated receipts shown in Schedules (1) and (3), if foreign aids and loans received under Chapter III exceed the estimated amount, and if expenditures of those works which are to be incurred out of such excess amount received as foreign aids and loans are in excess of the sanctioned expenditures shown in Schedules (2) and (4), the Government may approve after scrutiny. Provided that, if expenditures to be incurred out of the State Budget in Kyats converted from the aforesaid foreign aids and loans are not covered by the sum shown in Schedules (2) and (4), then it may be incurred out of the reserve fund in accordance with the provisions of section 6.

- (b) The Government shall submit matters relating to expenditures in excess permitted under sub-section (a) to the State Peace and Development Council, together with objects and reasons case-wise.

5. In respect of any alterations of sums shown in Schedules (1), (2), (3) and (4) under requirement of work, it shall be shown in the revised estimate budget for the 2010-2011 financial year submitted to the State Peace and Development Council.

Chapter H

Reserve Fund

Expenditures incurred by the State Peace and Development Council, Multi-Party Democracy General Election Commission, Government, Chief Justice, Attorney General, Auditor General, Ministries and Departments out of the reserve fund shown in Schedule (4), column 12 shall be effected only in accordance with the following conditions:

- (i) being expenditure which cannot be anticipated;
- (ii) being a case in which expenditure must be incurred within the financial year;
- (iii) where transfer of budget heads cannot be effected or where there is no allotment for transfer of budget heads under the existing laws, rules, regulations and bye-laws.

Any expenditure from the reserve fund shall be made only by the decision of the Government.

The Government shall submit matters relating to expenditure to be incurred out of the reserve fund to the State Peace and Development Council together with objects and reasons case-wise.

7. The State Peace and Development Council, Multi-Party Democracy General Election Commission, Government, Chief Justice, Attorney General, Auditor General, Ministries and Departments shall not be allowed to submit supplementary budget of the State in respect of receipt of amounts in excess of or less than the estimated amount under this Law or appropriation of allotment by transferring budget heads within the sanctioned expenditure or expenditure incurred from the reserve fund or expenditure incurred with the sanction of the Government under section 4. Provided that, if expenditures in conformity with the conditions contained in section 6 are not covered by the reserve fund allowed under this Law, then such expenditures may be submitted to the State Peace and Development Council together with objects and reasons case-wise.

Chapter III

Taking of Loans

8. For the purpose of projects or for expenditures shown in the State Budget, the Government may take loans by issuing security bonds guaranteed by the State or debentures and by other means, within the country or from abroad. Reasonable rates of interest may be prescribed for such loans. Conditions for repayment, redemption or provision otherwise may also be stipulated.

9. Regarding loans obtained by issuing security bonds for covering the deficit in the budget of the previous financial year, new security bonds may be issued when payment of the loan becomes due.

10. The State Economic Organizations and Cantonment Municipalities may take loans from abroad for their projects, with the approval of the Government.
11. The Government may grant permission to any Government Department to borrow money from abroad for any project.
12. (a) The Government may empower the Minister of the Ministry of Finance and Revenue for carrying out wholly or partly the duties contained in this Chapter III.
- (b) The Minister of the Ministry⁷ of Finance and Revenue may, on behalf of the State, furnish guarantees for taking of loans under this Chapter III.
13. During the financial year commencing from 1st April, 2010 and ending on 31st March, 2011 the total amount of loans actually received by execution of loan agreements under this Chapter 111 shall not exceed Kyats eighteen hundred thousand million.

PART III

State Economic Organizations

14. The State Economic Organizations shall carry out their functions in accordance with the State Budget Programme. In carrying out such functions, all receipts shall be credited to the State Budget and all expenditures payable shall be debited from the State Budget.

15. (a) The respective persons who have been assigned responsibility for the receipt and expenditure of the State Economic Organizations shall supervise and collect those receipts and administer those expenditures as are shown against them in Schedules (5) and (6).
- (b) The respective persons who have undertaken the responsibility under sub-section (a) may delegate their powers to the respective persons serving under them.
- (c) Supervision and collection of the receipts and administration of the expenditures shall be in accordance with the provisions of this Law, relevant laws, rules, regulations, bye-laws, orders, directives and procedures.
16. (a) The Government may alter the amounts shown in Schedules (5) and (6), if it becomes necessary for the functions of the State Economic Organizations. Such alterations shall be shown in the revised estimate budget for the 2010-2011 financial year submitted to the State Peace and Development Council, together with objects and reasons therefor.
- (b) The Government may determine the amount of money to be contributed by the State Economic Organizations towards the State.

PART IV

Cantonment Municipalities

17. The Cantonment Municipalities shall subsist on their own funds and shall carry out their functions in accordance with their Budget Programmes.
18. (a) The respective persons who have been assigned responsibility for the receipt and expenditure of Cantonment Municipalities shall supervise and collect those receipts and administer those expenditures as are shown against them in Schedules (7) and (8).
- (b) The respective persons who have undertaken the responsibility under sub-section (a) may delegate their powers to the respective persons serving under them.
- (c) Supervision and collection of the receipts and administration of the expenditures shall be in accordance with the provisions of this Law, relevant laws, rules, regulations, bye-laws, orders, directives and procedures.
19. (a) The Government may alter the amounts shown in Schedules (7) and (8), if it becomes necessary for the functions of Cantonment Municipalities. Such alterations shall be shown in the revised estimate budget for the 2010-2011 financial year submitted to the State Peace and Development Council together with objects and reasons therefor.

- (b) The Government may permit Cantonment Municipalities to obtain money required for carrying out their functions or for investment from grants or loans.

20. The Cantonment Municipalities may collect only such rates and taxes permitted under the existing laws, rules, regulations, bye-laws, orders, directives as are relevant to them.

PART V

Development Committees and Municipalities

21. The Government may grant loans and contributions to the Development Committees and Municipalities.

(Sd.) Than Shwe

Senior General

Chairman

The State Peace and Development Council

The State Peace and Development Council,
Government, Chief Justice,

Serial Number	Subject	Responsible Person	Receipts from the State Economic Organizations	
			Taxes	
1	2	3	4	5
1	The State Peace and Development Council	Chairman of the State Peace and Development Council or a person delegated by the Chairman	Kyats	Kyats
2	Union Election Commission	Chairman of the Union Election Commission or a person delegated by the Chairman		
3	Government	Prime Minister or a person delegated by the Prime Minister		
4	Chief Justice	Chief Justice or a person delegated by the Chief Justice		
5	Attorney General	Attorney General or a person delegated by the Attorney General		
6	Auditor General	Auditor General or a person delegated by the Auditor General		
	Total			

Union Election Commission
Attorney General and Auditor General

Receipts							
Other Current Receipts	Interest Receipts	Capital Receipts	Receipts from Foreign Aids	Debts		Receipts from Investment in Organizations	Savings
				Recovery of Loans	Drawal of Loans		
6	7	8	9	10	11	12	13
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
23,760,000							
16,000,000		150,000					
1,152,960,000							
15,000,000							
43,464,000		1,000					
1,251,184,000		151,000					

The State Peace and Development Council,
Government, Chief Justice,

Serial Number	Subject	Responsible Person	
			Current Expenditure
1	2	3	4
			Kyats
1	The State Peace and Development Council	Chairman of the State Peace and Development Council or a person delegated by the Chairman	4,673,374,000
2	Union Election Commission	Chairman of the Union Election Commission or a person delegated by the Chairman	75,000,000
3	Government	Prime Minister or a person delegated by the Prime Minister	665,184,000
4	Chief Justice	Chief Justice or a person delegated by the Chief Justice	4,663,512,000
5	Attorney General	Attorney General or a person delegated by the Attorney General	2,574,552,033
6	Auditor General	Auditor General or a person delegated by the Auditor General	5,279,561,000
	Total	..	21,530,670,000

Union Election Commission,
Attorney General and Auditor General

Schedule(2)

Expenditures						
Payment of Interest	Contribution	Capital Expenditure	Debts		Investment in Organizations	Savings
			Disbursement of Loans	Payments of Loans		
5	6	7	8	9	10	11
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
	5,000,000	3,293,769,000				
		25,174,000				
		640,053,022,000				
		606.400.000				
		249,084,500				
		222.730.000				
	5,000,000	644,450,179,500				

Ministries and

Serial Number	Subject	Responsible Person		
			Taxes	Receipts from the State Economic Organizations
1	2	3	4	5
			Kyats	Kyats
1	Tax levied on inland productions and public consumption	Prime Minister or person delegated by the Prime Minister	494,936,714,000	
	1 Excise duty		6,033,207,000	
	2 Commercial tax		451,527.857,000	
	Licence fees on imported goods		635,000,000	
	4 State Lottery		17.062.426,000	
	5 Taxes on Transport		2,285.000.000	
	6 Sales proceeds of stamps		17,393.224,000	
2	Taxes levied on income and - ditto - ownership		489,016,493,000	
	1 Income - Tax		378,949,907,000	
	2 Profit - tax		110,066,586,000	
3	Customs duties	- ditto -	35,000,000,000	
	1 Customs duties		35,000,000,000	
4	Taxes levied on utility of State owned properties	ditto -	8,655,456,000	
	Taxes on land (Land Revenue)		110,205,000	
	Water Tax and Embankment Tax		611,286,000	

T7CCO

Ministries and

Serial Number	Subject	Responsible Person		
			Taxes	Receipts from the State Economic Organizations
1	2	3	4	5
			Kyats	Kyats
3	Tax on extraction of forest products	Prime Minister or person delegated by the Prime Minister	3,800,500,000	
4	Tax on extraction of mineral	ditto	- 33,965,000	
5	Tax on Fisheries	- ditto	4,000,000,000	
6	Tax levied on rubber	- ditto	- 500,000	
• 5	Receipts from the State Economic organizations	- ditto	-	809321,093,000
6	Foreign Affairs	-ditto -		
7	Defence	- ditto	-	
8	Progress of Border Areas and National Races and Development Affairs	ditto	-	
9	Home Affairs	- ditto	-	
10	Immigration and Population	ditto	-	
11	Religious Affairs	- ditto	-	
12	Social Welfare, Relief and Resettlement	ditto	-	
13	Information	- ditto	-	
14	Culture	- ditto	-	
15	Education	- ditto	-	
16	Health	- ditto	-	
17	Sports	- ditto	-	
18	Labour	- ditto	-	
19	Forestry	- ditto	-	
20	Agriculture & Irrigation	- ditto	-	

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Departments

Continuation of Schedule(3)

Receipts							
Other Current Receipts	Interest Receipts	Capital Receipts	Receipts from Foreign Aids	Debts		Receipts from investment in Organization	Savings
				Recovery of Loans	Drawal of Loans		
6	7	8	9	10	11	12	13
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
45,200,000							
47,095,397,000							
10,171,200							
1.491.715.000							
1.110.023.000							
31370.000							
100.570.000							
1.788.015.000							
185,000,000							
10.602.704.000			43.176.000				
9.821.609.000		1300.000	91.514.000				
36.015.000		200.000	5,000,000				
50.085.000			6,414,400				
1,300,000,000						22,500,000	
10.176362.000		103,000,000			69,905,000		

Ministries and

Serial Number	Subject	Responsible Person	Taxes	Receipts from the State Economic Organizations
1	2	3	4	5
			Kyats	Kyats
21	Livestock Breeding and Fisheies	Prime Minister or a person delegated by the Prime Minister		
22	Mines	- ditto -		
23	Industry No (1)	- ditto -		
24	Industry No (2)	- ditto -		
-25	Science and Technology	- ditto -		
26	Energy	- ditto -		
27	Electric Power No (1)	- ditto -		
28	Electric Power No (2)	- ditto -		
29	Construction	- ditto -		
30	Transport	- ditto -		
31	Rail Transportation	- ditto -		
32	Communications, Posts and Telegraphs	ditto -		
33	Commerce	- ditto -		
34	Hotels and Tourism Services	ditto -		
35	Co - operative	- ditto -		
36	National Planning and Economic Development	- ditto -		
37	Finance and Revenve	- ditto -		
38	Pensions and Gratuities	- ditto -		
	Total		1,027,608,663,000	809,321,093,000

Departments

Schedule(3) end

Receipts							
Other Current Receipts	Interest Receipts	Capital Receipts	Receipts from Foreign Aids	Debts		Receipts from investment in Organization'	Savings
				Recovery of Loans	Drawal of Loans		
6	7	8	9	10	11	12	13
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
1,315,000,000		1,054,500,000					
311.100.000		150,000					
920.717.000							
1,270,000			1,000,000				
1,752,403,800							
50,000							
60.085.000					293.556.000		
5.673.192.000		100,000,000					
1,605,021,300							
2.615.469.000							
150,000,000							
2^19,985,000		1,000,000,000					
216,620,000							
547,950,000		1,500,000,000					
2^25,736,850		250,400,000					
10,037,525,800	78,113,300			289,833,900			
10,020,000							
114,506,281,950	78,113,300	4,009,450,000	146,831,400	289,833,901	363,461,000	22,500,000	

Ministries and

Serial Number	Subject	Responsible Person	
			Current Expenditure
1	2	3	4
			Kyats
1	Foreign Affairs	Prime Minister or a person delegated by the Prime Minister	1,127,304,000
2	Defence	- ditto -	419380,068,000
3	Tatmadaw Affairs	- ditto -	
4	Progress of Border Areas and National Races and Development Affairs	- ditto -	6,430,665,000
5	Home Affairs	- ditto -	74,920395,000
6	Immigration and Population	- ditto -	6305,419,000
7	Religious Affairs	- ditto -	2,946,880,000
8	Social Welfare, Relief and Resettlement	- ditto -	6,043368,000
9	Information	- ditto -	7340,744,000
10	Culture	- ditto -	2,745300,000
11	Education	- ditto -	249,810340,000
12	Health	- ditto -	55,519,625,000
13	Spoils	- ditto -	3394,382,000
14	Labour	- ditto -	1308,712.000
15	Forestry	- ditto -	14,160,436,000
16	Agriculture & Irrigation	- ditto -	73,721,695,000
17	Livestock Breeding and Fisheries	- ditto -	6,092,521.000

Departments

Schedule(4)

Expenditures							
Payment of Interest	Contribution	Capital Expenditures	Debts		Investment in Organizations	Savings	Reserve Fund
			Disbursement of Loans	Payments of Loans			
5	6	7	8	9	10	11	12
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
	29,080,000	730,050,840					
		430,428,301,000					
869,460	5,677,000,000	16,063,436,400		4,119,400			
	254,810,370	18,574,400,500					
		388,094,500					
	373.698.000	572,389,300					
37,000	158.966.000	8,656,584,900		176,000			
		6,644,020,520					
	25,000	2,050,063,150					
	492,100	13,096,000,100					
	3,321,000	14,235,000,100					
	25.022.000	1,933.000.000					
	250.000	288.544,550					
	765.500	3,701,290,480					
4,407.000	413.000	54,635,299,550		6.700.000			
	595.000	225,923,000					

Ministries and

Serial Number	Subject	Responsible Person	
			Current Expenditure
1	2	3	4
			Kyats ,
18	Mines	Prime Minister or a person delegated by the Prime Minister	2,043,102,000
19	Industry No(1)	- ditto -	1,462,430,000
20	Industry No (2)	- - ditto -	1,040,400,000
21	Science and Technology	- ditto -	14,624,035,500
22	Energy	- ditto -	220,340,000
23	Electric Power No (1)	- ditto -	6,695,656,000
24	Electric Power No (2)	- ditto -	169,464,000
25	Construction	- ditto -	27.884.875,000
26	Transport	- ditto -	6,659,284,500
27	Rail Transportation	- ditto -	2.422.695,000
28	Communications, Posts and Telegraphs	- ditto -	183,400,000
29	Commerce	- ditto -	1,941,136,000
30	Hotels and Tourism Services	- ditto -	269,352,000
31	Co - operatives	- ditto -	5,873,700,000

Departments

Schedule(4)

Expenditures							
Payment of Interest	Contribution	Capital Expenditure	Debts		Investment in Organizations	Savings	Reserve Fund
			of Loans	Payments of Loans			
5	- 6	7	8	9	10	11	12
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
	"	128,777,580					
		229,002,000					
	-	38,794,200					
	262,100	19,982,000,000					
	-	2,000,000					
21,100,000	-	56,422,989,400		8365,000			
	-	24,000,000					
	-	147,63336,000					
	830,000	28,061,469,660					
	-	2,021,180,980					
	1300,000	6,596,600					
	320,000	184,756,000					
	210,000	13,619300					
	-	299,190300					

Ministries and

Serial Number	Subject	Responsible Person	
			Current Expenditure
1	2	3	4
			Kyats
32	National Planning and Economic Development	Prime Minister or a person delegated by the Prime Minister	5,613,450,000
33	Finance and Revenue	- ditto -	9,466,033,000
34	Pensions and Gratuities	- ditto -	33,526,539,000
35	Gratuities and Commuted Pensions	- ditto -	26,473,461,000
36	Reserve Fund	Responsible person who is authorized to administer the allotment from this Fund as shown in Schedules 1.2 & 3 or a person delegated by such responsible person	
	Total		1,077,950,007,000

Departments

Schedule(4) end

Expenditures							
Payment of interest	Contribution	Capital Expenditure	Debts		Investment in Organization;	Savings	Reserve Fund
			Disbur- sement of Loans	Payments of Loans			
5	6	7	8	9	10	11	12
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
	2,261,300	4,474,000,300					
313,874,721.060	7,975.660,000	1,741,881,600		230,110,000	17,500.000	30,000	
							100,000,000
313,901,134.460	1,505-281378	35,841,408.910		249370,400	17,500,000	30,000	100,000,000

State Economic

Serial Number	Subject	Responsible Person		
			Taxes	Receipts from the State Economic Organizations
1	2	3	4	5
1	State Economic Organizations	Prime Minister or a person delegated by the Prime Minister	Kyats	Kyats
	Total			

Organizations

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Schedule (S)

Receipts						
Other Current Receipts	Interest Receipts	Capital Receipts	Receipts ■ 'from- Foreign Aids	Recovery of Loans	Debts Drawal of Loans	Receipts from investment in Organizations
6	7	8	9	10	11	12
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
2,849,732,81,000		24,116,419,000			1,811,137,000	
2,849,732,281,000		24,116,419,000			1,811,137,000	

State Economic

Serial Number	Subject	Responsible Person	
			Current Expenditure
1	2	3	4
1	State Economic Prime Minister or a person Organizations delegated by the Prime Minister		Kyats 2,977,413,985,000
			2,977,413,985,000
	Total		

Organizations

Schedule(6)

Expenditures						
Payment of Interest	Contribution	Capital Expenditure	Debts		Investment in Organizations	Savings
			of Loans,	Payments of Loans		
5	6	7	8	9	10	11
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
		315,740,519,450		792395,000		
		315,740,519,450		792,395,000		

Cantonment

Serial Number	Subject	Responsible Person		
			Taxes	Receipts from the State Economic Organizations
1	2	3	4	5 -
1	Cantonment Prime Minister or a person Municipalities delegated by the Prime under the Ministry of Minister Defence		Kyats	Kyats
	Total			

Municipalities

Schedule(7)

Receipts							
Other Current Receipts	Interest Receipts	Capital Receipts	Receipts from Foreign Aids	Debts		Receipts from investment in Organizations	Savings
				Recovery of Loans	Drawal of Loans		
6	7	8	9	10	11	12	13
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
295,200,000							
295,200,000		.					

Cantonment

Serial Number	Subject	Responsible Person	
			Current Expenditure
1	2	3	4
1	Cantonment Municipalities under the Ministry of Defence	Prime Minister or a person delegated by the Prime Minister	Kyats
			352,536,000
	Total		352,536,000

Municipalities

Schedule(8)

Expenditures						
Payment of Interest	Contribution	Capital Expenditure	Debts		Investment in Organization*	Savings
			Disbursement of Loans	Payments of Loans		
5	6	7	8	9	10	11
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
		102,441,000				
		102,441,000				

The Union of Myanmar

The State Peace and Development Council

The Union Flag Law

(The State Peace and Development Council Law No. 8 / 2010)

The 13th Waxing Day of Thadinkyut 1372 M.E.

(21st October, 2010)

Preamble

Since it is provided in section 443 of the Constitution of the Republic of the Union of Myanmar that the State Peace and Development Council shall carry out necessary preparatory works to implement the Constitution, it has become necessary to enact the relevant laws to enable performance of the legislative, administrative and judicial functions of the Union smoothly, to enable performance of works that are to be carried out when the various Hluttaws come into existence and to enable performance of the preparatory works in accord with law.

As such, the State Peace and Development Council hereby enacts this Law in accord with section 443 of the Constitution of the Republic of the Union of Myanmar to apply and maintain the Union Flag in a proper manner according to its prestige.

Chapter I

Title and Definition

1. This Law shall be called **the Union Flag Law**.

2. The following expressions contained in this Law shall have the meaning given hereunder:

- (a) **Constitution** means the Constitution of the Republic of the Union of Myanmar;
- (b) **The Union Flag** means the flag provided in sub-section (a) of section 437 of the Constitution. This expression includes all materials which are applied as the Union flag made of or expressed on any material.

Chapter II

Model Size, Measurement and Colour of the Union Flag

3. The model size, measurement and colour et cetera of the Union flag are as follows:

- (a) the model size of the Union flag is rectangular, with 9 feet in length and 6 feet in width;
- (b) the background colours of the Union flag are yellow, green and red. The yellow, green and red colours shall each be equal to one-third of the 6 feet of the width of the Union flag. Therefore, each colour shall be 2 feet;
- (c) (i) a large white star with five vertices shall be superimposed on the background of yellow', green and red colours;

(u) the upper vertex of the large white star shall be at the mid-point of the length of the Union flag, that is the place at 4 feet and 6 inches and shall point directly upwards;

(iii) the distance from the **top** of the star to the boundary of the yellow colour of the flag and the distance from the top of two lower vertices of the star in the red colour to the boundary of the red colour of the flag shall be one foot each;

(iv) the distance between each top of the vertex of the star shall be 2 feet and 7.2 inches equally;

(d) the model colours of the Union flag are as follows:

(i) the yellow colour is pantone 116 PC;

(ii) the green colour is pantone 361 PC;

(iii) the red colour is pantone 1788 PC;

(e) the model pattern of the Union flag is as mentioned in the Annexure.

4. The yellow, green and red colours included as background colours indicate the three-coloured flag which was applied magnificently in the period of struggle for the independence of Myanmar.

5. The meanings of the colours of the Union flag and the white colour of the Star are as follows:

(a) the yellow colour indicates the meaning of unity, conformity, huge wisdom, happiness and unity of all national races amicably;

- (b) the green colour indicates the meaning of fertility, conformity, fairness and being a peaceful, pleasant, and greening nation;
- (c) the red colour indicates the meaning of bravery and decisiveness;
- (d) the white colour of the star indicates the meaning of purity, honesty, fullness of compassion and power.

6. In using the various sizes of the Union flag, it shall be consistent with the proportions and colours contained in the provision of section 3.

Chapter in Hoisting the Union Flag

~7. The Union flag shall be hoisted on office days and the days of special significance prescribed by the Government of the Republic of the Union of Myanmar.

8. The Union flag shall be hoisted in accord with the prescribed manner also on the days declared by the Government of the Republic of the Union of Myanmar, from time to time.

9. The Union flag may be hoisted on the houses, governmental buildings, premises throughout the Union and on the various vehicles, such as cars, trains, ships and aeroplanes on the days prescribed and declared by the Government of the Republic of the Union of Myanmar.

10. The applying of the Union flag in the international meetings, ceremonies and hoisting of the Union flag on diplomatic premises and buildings of Myanmar abroad, exhibition halls and on the various vehicles such as cars, trains, ships, aeroplanes shall be as agreed wth regional and international organizations.

11. The State flag shall always be held upright and proudly.
12. In applying the Union flag, only the kind of flag which is free from fading colour, broken stitches and torn cloth that may affect its glory shall be used.

Chapter IV

Prohibitions and Penalties

13. No one shall carry out any of the following in respect of the Union flag:
 - (a) writing, painting, fixing, printing or marking anything such as word, number, picture and symbol on the Union flag;
 - (b) (i) causing destruction of the colour, size, shape) or proportion;
 - (ii) applying in places, regions, and purposes which have not been allowed;
 - (iii) applying disrespectfully;
 - (c) hoisting any flag of local organizations above or at the same level of the Union flag.
14. No one shall, in respect of hoisting, holding and applying the Union flag:
 - (a) hoist the Union flag at half-mast without the order of the Government of the Republic of the Union of Myanmar;
 - (b) cover with the Union flag at the opening ceremony of the stone sculpture, stone pillar and statue;

- (c) cover the corpse with the Union flag except in burial by the State or military funeral;
- (d) bury the Union flag with the corpse in the State or military funeral.
The Union flag shall not touch the ground of cemetery;
- (e) touch the Union flag with ground, water, floor which are under the Union flag while hoisting and lowering or applying it;
- (f) tear and destroy the Union flag, cause intentionally to affect the glory of the Union flag.

15. No one shall apply the Union flag:

- (a) to pack and tie to any object;
- (b) as a flooring;
- (c) as a trademark of any goods, painting in clothes, decoration except for performing on behalf of the Union or the entire nation.

16. Whoever violates any prohibitions contained in sections 13, 14 and 15 of this Law' shall, on conviction be punished with imprisonment for a term not exceeding three years or with fine not exceeding three lakh kyats or with both.

Chapter V

Miscellaneous

17. This Law' may be amended, inserted or repealed by the Pyidaungsu Hluttaw, formed in accord with the Constitution of the Republic of the Union of Myanmar. This Law shall remain in force in so far as the Pyidaungsu Hluttaw has not repealed it

18. In implementing the provisions of this Law:

- (a) the State Peace and Development Council may issue the necessary rules;
- (b) the relevant Ministry may issue necessary notifications, orders and directives.

19. The State Flag Law (The Pyithu Hluttaw Law No. 1 of 1974) is hereby repealed.

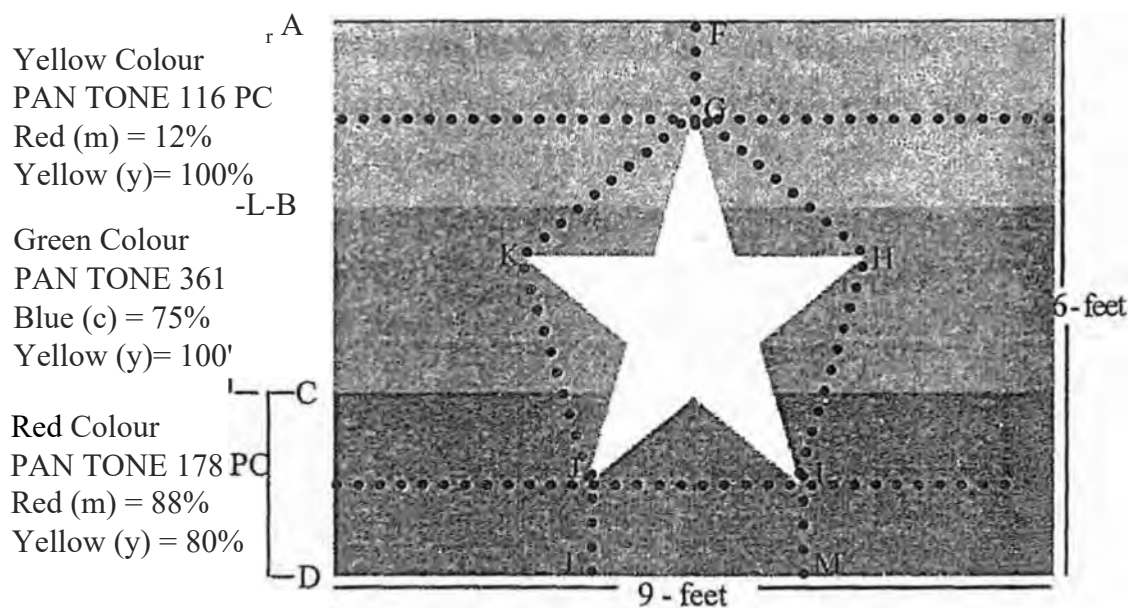
(Sd.) Than Shwe

Senior General

Chairman

The State Peace and Development Council

The Flag of the Republic of the Union of Myanmar



1. The length of the Union flag=9 feet
2. The width of the Union flag=6 feet
3. The distance of each colour (A-B) (B-C) (C-D) = 2 feet each
4. The upper vertex of the white star shall point directly upwards and it shall be at the centre of the length of the flag, (A-F) (F-E) = 4 feet 6 inches
5. The distance from the top of the Star to the boundary of yellow colour of the flag (F-G) and the distance from top of two vertices of the Star in the red colour to the boundary of red colour of the flag (J-L) (I-M)=one foot each
6. The distance between each vertex of the Star (G-H) (H-I)(I-J) (J-K) (K-G)=2 feet and 7.2 inches each

The Union of Myanmar

The State Peace and Development Council

The Union Seal Law

(The State Peace and Development Council Law No. 9/ 2010)

The 13th Waxing Day of Thadinkyut, 1372 M.E.

(21st October, 2010)

Preamble

Since it is provided in section 443 of the Constitution of the Republic of the Union of Myanmar that the State Peace and Development Council shall carry out the necessary preparatory works to implement the Constitution, it has become necessary to enact the relevant laws to enable performance of the legislative, administrative and judicial functions of the Union smoothly, to enable performance of works that are to be carried out when the various Hluttaws come into existence and to enable performance of the preparatory works in accord with law.

As such, the State Peace and Development Council hereby enacts this'

Law in accord with section 443 of the Constitution of the Republic of the Union of Myanmar, in order to apply and preserve the Union Seal in a proper manner in accord with its prestige

Chapter I

Title and Definition

1. This Law shall be called **the Union Seal Law**.

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

- (a) **Constitution** means the Constitution of the Republic of the Union of Myanmar;
- (b) **Union Seal** means the seal that contains the symbol and form provided in sub-section (a) of section 438 of the Constitution. Such expression includes the whole or any part of the seal containing such symbol made of any substance or expressed on any substance.

Chapter II

Marks Contained in the Union Seal

3. The marks contained in the Union Seal are as follows:

- (a) At the centre of the Union Seal is the map of the Republic of the Union of Myanmar. The sprigs of eugenia containing fourteen leaves each are on either side of the map;
- (b) The sprigs of eugenia are flanked on each side by an rustic Myanmar lion. The lion on the left side faces towards the left and the lion on the right side faces towards the right;
- (c) The expression “Republic of the Union of Myanmar” is inscribed on the ribbon at the foot of the Union Seal. The expression “the Union” is placed under the left lion, the expression “the Republic” is placed at the centre under the map of the Republic of the Union

of Myanmar and the expression “Myanmar” is placed under the right lion;

- (d) At the top of the Union Seal is a star with five vertices that indicate above uprightly;
 - (e) Myanmar traditional floral arabesques are on either side of the star.
 - (0 The specimen of the Union Seal is as shown in the appendix.
4. In applying various sizes of the Union Seal under the provisions of this Law and rules, it shall conform as nearly as possible to the form and proportion contained in sub-section(a) of section 438 of the Constitution.

Chapter HI

Usage of the Union Seal

5. The Union Seal shall be applied in accord with the stipulations.

Chapter IV

Prohibition and Penalty

6. No one shall carry out the followings in respect of the Union Seal:
- (a) applying the Union Seal without the permission of the Government;
 - (b) destruction or causing destruction of the whole or any part of the Union Seal;
 - (c) applying or causing to apply the imitated Union Seal for the purpose of self-interest;
 - (d) applying the Union Seal to advertise or to make a trademark.

7. Whoever violates any prohibition contained in section 6 shall, on conviction, be punished with imprisonment for a term not exceeding three years or with fine not exceeding three hundred thousand kyats or with both.

Chapter V

Miscellaneous

8. This Law may be amended, inserted or repealed by the Pyidaungsu Hluttaw formed in accord with the Constitution of the Republic of the Union of Myanmar. This Law shall remain in force in so far as it is not repealed by the Pyidaungsu Hluttaw.

9. In implementing the provisions contained in this Law:

- (a) the State Peace and Development Council may issue necessary rules;
- (b) the relevant Ministry may issue necessary notifications, orders and directives.

10. The State Seal Law (The Pyithu Hluttaw Law No.2 of 1974) is hereby repealed.

(Sd.) Than Shwe

Senior General

Chairman

The State Peace and Development Council



The Union of Myanmar

The State Peace and Development Council

The National Anthem Law

(The State Peace and Development Council Law No. 10 / 2010)

The 13th Waxing Day of Thadinkyut 1372 M.E.

(21st October, 2010)

Preamble

Since it is provided in section 443 of the Constitution of the Republic of the Union of Myanmar that the State Peace and Development Council shall carry out the necessary preparatory works to implement the Constitution, it has become necessary to enact the relevant laws to enable performance of the legislative, administrative and judicial functions of the Union smoothly, to enable performance of works that are to be carried out when the various Hluttaws come into existence and to enable performance of the preparatory works in accord with law.

As such, the State Peace and Development Council hereby enacts this Law in accord with section 443 of the Constitution of the Republic of the Union of Myanmar, in order to extol the special characteristics of the Union such as the development of eternal principles namely justice, liberty and equality; perpetuity of the independence and sovereign power obtained by life, blood and sweat of the ancestors; safeguarding the Union by sacrificing life; serving in the interest of the Union unitedly in accord with the Constitution of the Republic of the Union of Myanmar.

Chapter I

Title and Definition

1. This Law shall be called **the National Anthem Law**.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **Constitution** means the Constitution of the Republic of the Union of Myanmar:
 - (b) National Anthem means the following Anthem provided in sub-section (a) of section 439 of the Constitution ;

The National Anthem

Accompanied with justice and freedom; our Nation, our motherland.

To bring peace to all people; the Nation having equal right and pure policy, our Nation, our motherland.

Let us preserve with vow for perpetuity of our heritage of the Union as long as the world exists, we love Myanmar, the true heritage of our ancestors.

We shall safeguard the Union by sacrificing our lives.

This is our Nation, our motherland and our own land.

Let us serve unitedly for the interest of our Nation, our motherland.

That is our duty for the precious land.

Chapter II

Applying the National Anthem

3. The National Anthem shall be sung and played musically in accord with the stipulations.

Chapter III

Prohibitions and Penalties

4. No one shall carry out any of the followings in respect of the National Anthem:
 - (a) applying the melody and diction of the National Anthem in an undignified manner;
 - (b) destroying, causing to destroy or singing ignobly the whole or any part of the National Anthem;
 - (c) doing intentionally or disrespectfully to affect the glory of the National Anthem;
 - (d) singing the National Anthem by destruction of diction or singing and playing tune and melody of the National Anthem by inserting other diction;
 - (e) recomposing and applying a type of song that is purported as the National Anthem.
5. Whoever violates any prohibition contained in section 4 shall, on conviction, be punished with imprisonment for a term not exceeding three years or with fine not exceeding three lakh kyats or with both.

Chapter IV

Miscellaneous

6. This Law may be amended, inserted or repealed by the Pyidaungsu Hluttaw formed in accord with the Constitution of the Republic of the Union of Myanmar. This Law shall remain in force in so far as it is not repealed by the Pyidaungsu Hluttaw.

7. In implementing the provisions contained in this Law:

- (a) the State Peace and Development Council may issue such rules
as may be necessary;
- (b) the relevant Ministry may issue such notifications, orders and
directives as may be necessary.

(Sd.) Than Shwe

Senior General

Chairman

The State Peace and Development Council

The Union of Myanmar
The State Peace and Development Council

The Law Relating to Pyidaungsu Hluttaw

(The State Peace and Development Council Law No. 11 /2010)

The 13th Waxing Day of Thadinkyut ,1372 M.E.

(21st October, 2010)

Preamble

Since it is provided in section 443 of the Constitution of the Republic of the Union of Myanmar that the State Peace and Development Council shall carry out the necessary preparatory works to implement the Constitution, it has become necessary to enact the relevant laws to enable performance of the legislative, administrative and judicial functions of the Union smoothly, to enable performance of works that are to be carried out when the various Hluttaws come into existence and to enable performance of the preparatory works in accord with law⁷.

As such, the State Peace and Development Council hereby enacts this Law' in accord with section 443 of the Constitution of the Republic of the Union of Myanmar, in order to implement the works relating to Hluttaw smoothly in convening the sessions of the Pyidaungsu Hluttaw in accord with the Constitution of the Republic of the Union of Myanmar.

Chapter I

Title, Enforcement and Definition

1. (a) This Law shall be called **the Law Relating to Pyidaungsu Hluttaw.**
- (b) This Law shall come into force throughout the country commencing from the date of its promulgation.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **Constitution** means the Constitution of the Republic of the Union of Myanmar;
 - (b) **Hluttaw** means the Pyidaungsu Hluttaw formed under the Constitution for the purpose of this Law;
 - (c) **Speaker** means the Speaker of the Amyotha Hluttaw or Pyithu Hluttaw performing duty as the Speaker of the Pyidaungsu Hluttaw;
 - (d) **Deputy** means the Deputy Speaker of the Amyotha Hluttaw or Deputy Speaker of the Pyithu Hluttaw performing duty as the Deputy Speaker of the Pyidaungsu Hluttaw;
 - (e) **Hluttaw Representative** means representatives of the Pyithu Hluttaw and representatives of the Amyotha Hluttaw comprising in the Pyidaungsu Hluttaw;

- (f) **Union Level Organization** means the Union Government, National Defence and Security Council, Financial Commission, the Supreme Court of the Union, the Constitutional Tribunal of the Union, the Union Election Commission, the Auditor-General of the Union and the Union Civil Services Board formed under the Constitution and the committees, commissions and bodies formed by the Pyidaungsu Hluttaw, the Pyithu Hluttaw and the Amyotha Hluttaw;
- (g) **Office of the Hluttaw** means the Office of the Hluttaw formed to carry out the various staff works and administrative matters of the Pyidaungsu Hluttaw, the Pyithu Hluttaw' and the Amyotha Hluttaw.

Chapter II

Hluttaw

Formation

3. The Hluttaw is formed with the following two Hluttaws:
- (a) Pyithu Hluttaw formed by not more than 330 Pyithu Hluttaw representatives elected under the Constitution and the Pyithu Hluttaw Election Law and not more than 110 Pyithu Hluttaw representatives who are the Defence Services personnel nominated by the Commander-in-Chief of the Defence Services in accord with law';

- (b) Amyotha Hluttaw formed by 168 Amyotha Hluttaw representatives elected under the Constitution and the Amyotha Hluttaw Election Law and 56 Amyotha Hluttaw representatives who are the Defence Services personnel nominated by the Commander-in-Chief of the Defence Services in accord with law.

Term

- 4. The term of the Hluttaw is the same as the term of the Pyithu Hluttaw. The term of the Hluttaw expires on the day of the expiry of the term of the Pyithu Hluttaw.

Performance of Duties of the Speaker and the Deputy Speaker

- 5. The Chairman and the Vice-Chairman of the Amyotha Hluttaw shall serve as the Speaker and the Deputy Speaker from the commencing day of the term of the Pyithu Hluttaw up to the day that attains 30 months.
- 6. After the Chairman and the Vice-Chairman of the Amyotha Hluttaw have taken responsibility of the Speaker and Deputy Speaker under section 5, the Chairman and the Vice-Chairman of the Pyithu Hluttaw shall take the responsibility as the Speaker and Deputy Speaker for the remaining period of the term of the Hluttaw.
- 7. If the Speaker is unable to perform his duties, the Deputy Speaker shall temporarily perform the duty of the Speaker.

Chapter IE

Duties, Powers, Ethics, Disciplines, Rights and Privileges of the Hluttaw Representatives

Duties

8. The duties of the Hluttaw Representatives are as follows:
- (a) safeguarding the Constitution and the existing laws;
 - (b) keeping the secrets relating to the State;
 - (c) emphasizing the interest of the Union in discussion relating to bills and motions submitted to the Hluttaw;
 - (d) aiming at and carrying out to enable to enjoy the fundamental rights of the citizens;
 - (e) performing other duties assigned by the Hluttaw:

Powers

9. The powers of the Hluttaw representatives are as follows:
- (a) submitting motions and asking questions with the permission of the Speaker;
 - (b) asking questions and discussing relating to the matters submitted and discussed in the Hluttaw or the actions of the organizations formed under the Constitution and members or persons representing them;

- (c) having freedom of speech and right to vote in the Hluttaw and Hluttaw joint committee subject to the provisions contained in the Constitution and these laws.

Ethics and Disciplines

10. The Hluttaw representatives shall abide by the following ethics and disciplines:

- (a) observing non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty;
- (b) observing the provisions contained in the Constitution, this Law and existing laws;
- (c) behaving in conformity with the dignity of the Hluttaw representatives;
- (d) fulfilling the duties of the Hluttaw representatives;
- (e) abstaining from seeking self-interest, corruption and threat by misusing the duties and powers conferred as a Hluttaw representative.

Rights and Privileges

11. The rights and privileges of the Hluttaw representatives are as follows:

- (a) having immunity from legal action being taken under other law with the exception of this Law in respect of submissions, discussions and performances at the Hluttaw and the Hluttaw Joint Committees:

- (b) being entitled to enjoy the stipulated emolument, accommodation allowance, meal allowance, travelling allowance and other allowances;
- (c) if prior permission of the Speaker has not been obtained while attending the Hluttaw session:
 - (1) having immunity from being arrested;
 - (2) having immunity from being summoned as a witness by any court;
- (d) having immunity from being arrested without prior permission of the Speaker through the head of relevant joint committee while attending a session of any Hluttaw Joint Committee;
- (e) having right to attend the sessions of the Hluttaw and the Hluttaw Joint Committee with the permission of the Speaker before being sentenced if he is arrested for any offence.

Chapter IV

Sessions of the Hluttaw

Regular Sessions

12. The first regular session of the Hluttaw shall be convened within 15 days from the first day of commencement of the first session of the Pyithu Hluttaw. The sessions of the Hluttaw shall be called and convened by the Speaker. The Amyotha Hluttaw shall also have been held within such period.

13. The Speaker shall call and convene the regular session of Hluttaw at least once a year. The maximum interval between the regular sessions shall not exceed twelve months.

14. (a) The State Peace and Development Council shall form the Hluttaw Representative Scrutiny Committee with suitable persons and assign duty to scrutinize the Hluttaw representatives who attend to the first regular session of the Hluttaw.

(b) The Committee formed under sub-section (a) shall scrutinize and approve whether the Pyithu Hluttaw representatives and Amyotha Hluttaw representatives attending the first Hluttaw regular session are issued accreditation certificate by the Union Election Commission or not or whether they have made affirmation at the relevant Hluttaw or not.

(c) The Hluttaw shall form and assign duties to the Hluttaw Representative Scrutiny Committee with suitable Hluttaw representatives to scrutinize the Hluttaw representatives commencing from the second regular session of the Hluttaw.

Special Sessions and Emergency Sessions

15. The Speaker may call and convene a special session or an emergency session of Hluttaw if it is necessary.

16. The Speaker shall call and convene a special session or an emergency session as soon as possible if the President informs to call and convene the session of Hluttaw.

17. The Speaker shall call and convene a special session as soon as possible if at least one-fourth of the total number of Hluttaw representatives request to call and convene the session of Hluttaw.

Determining the Date and Time of Session and Quorum

18. The sessions of the Hluttaw shall be convened on the date and time prescribed by the Speaker.

19. On every first day of any session of Hluttaw convened within a term of Hluttaw shall be valid if more than half of the total number of Hluttaw representatives who have the right to attend the session are present it shall form a quorum. If a quorum is not formed at the session, it shall be adjourned.

20. At the sessions that are adjourned due to non-formation of the quorum under section 19 and the continued sessions after formation of the quorum, if at least one-third of the total number of Hluttaw representatives who have the right to attend the session are present, it shall form a quorum.

Matters to be carried out at the session

21. The following matters are carried out in the session of the Hluttaw:

- (a) recording the address delivered by the President;
- (b) reading and recording the message sent by the President and the other messages permitted by the Speaker;
- (c) submitting, discussing and deciding on a bill;
- (d) discussing and deciding on the remarks of the President relating to any bill approved by the Hluttaw;

- (e) discussing and deciding on matters to be undertaken by the Hluttaw in accord with the provisions of the Constitution;
- (f) discussing, deciding and recording the reports submitted to the Hluttaw;
- (g) submitting a motion, discussing and deciding;
- (h) asking questions and answering;
- (i) performing matters approved by the Speaker.

22. Matters that require decisions, consents and approvals of the Hluttaw shall be carried out as follows:

- (a) if the Hluttaw is in session, the matter shall be discussed and decided at such session;
- (b) if the Hluttaw is not in session, the matter shall be discussed and decided at the nearest session of the Hluttaw;
- (c) a special session or an emergency session shall be called and convened, discussed, and decided on matters which need urgent action in the interest of the public.

Decision by Voting

23. Unless otherwise provided in the Constitution, a matter that shall be decided in the sessions of the Hluttaw, shall be decided by a majority' of votes of the representatives of the Hluttaw v/ho are present at the session and vote.

24. The Speaker or the Deputy Speaker discharging duties as the Speaker shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

freedom of Speech and Might to Vote

25. The Hluttaw representatives shall, in discussing and speaking in the Hluttaw and Hluttaw organizations have the freedom of speech and the right to vote except the discussion or talk affecting the non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty, speaking ill of other religion, affecting the interest of the Union and its citizens, violating the allegiance to the Union, causing leakage of the security and confidential of the Union directly or indirectly, asking questions relating to the character or behaviour of any person, violation of the provisions of the Constitution et cetera. No action shall be taken against a Hluttaw representative under any other law except under this Law in respect of the discussion, submission and asking questions at the Hluttaw and Hluttaw organizations.

26. The members or persons representing any Union ievel organizations formed under the Constitution who are invited to attend the session of Hluttaw shall, in discussing and speaking in the Hluttaw and the Hluttaw organizations, have the freedom of speech and the right to vote except the discussion or talk affecting the non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty, speaking ill of other religion, affecting the interest of the Union and its citizens, violating the allegiance to the Union, causing leakage of the security and confidential of the Union directly or indirectly, asking questions relating to the character or behaviour of any person,

violation of the provisions of the Constitution et cetera. No action shall be taken against a Hluttaw representative under any other law except under this Law in respect of the discussion, submission and asking questions at the Hluttaw and Hluttaw Organizations.

27. If the persons contained in sections 25 and 26 commit assault in exercising the above privileges, they shall be liable to punishment under the regulations, bye-laws, procedures of the Hluttaw or the existing laws.

Right of Submission of the Union Level Organizations

28. When the members representing any of the Union Level Organizations attend the session of the Hluttaw with the approval of the Speaker, they have the right to explain and discuss on the bills or the matters relevant to their organization.

29. The Union Level Organizations may submit the relevant various situations of their organization that should be submitted to the session of the Hluttaw with the approval of the Speaker.

Chapter V

The President, the Vice-Presidents and Members of the Union Level Organization

Election of the President and the Vice-Presidents

30. The Presidential Electoral College formed under section 60 of the Constitution shall elect the President and the Vice-Presidents in accordance with the law relating to the Election of the President and the Vice-Presidents.

Determining the Number of the Members of Union Level Organization and Ministry

31. The Hluttaw shall decide on the submission of the President-elect for determination of the number of the justices of the Supreme Court in accord with sub-section (b) of section 299 of the Constitution, the number of the members of the Union Election Commission in accord with sub-section (a) of section 398, the number of the Union Government Ministries in accord with sub-section (a) of section 202 and the number of the Union Ministers in accord with sub-section (b) of section 202.

32. The Hluttaw shall decide on the submission of the President-elect desiring to make amendment, addition, increasing or decreasing of number, from time to time, of the stipulation of the number of the members of the Union Level Organization, the number of the Union Government Ministries and the Union Ministers under section 31.

33. The Hluttaw shall decide for enabling the determination of the number of the members of the Hluttaw joint Committees comprising equal number of the representatives of the Amyotha Hluttaw and the Pyithu Hluttaw and the person who will perform as the Speaker.

Obtaining Approval to Appoint and Assign Duty to the Members of the Union Level Organization

34. The Speaker shall obtain the approval of the Hluttaw on the proposal of the candidate list in accord with sub-section (c) of section 232, sub-section (a)

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of section 237, sub-section (a) of section 242, clause (1) of sub-section (c), clause (1) of sub-section (d) of section 299, section 321 and sub-section (a) of section 398 of the Constitution by the President-elect for appointing and assigning duty to the following members of the Union Level Organization:

- (a) Chief Justice of the Union and Justices of the Supreme Court of the Union;
- (b) Chairperson and members of the Constitutional Tribunal;
- (c) Chairperson and members of the Union Election Commission;
- (d) Union Ministers;
- (e) Attorney General of the Union;
- (f) Auditor General of the Union.

35. The Hluttaw shall not be entitled to refuse to appoint and assign duty to the persons contained in the candidate list submitted by the President-elect under section 34 if it can not clearly prove that they do not fulfil the qualifications contained in the Constitution.

36. The President-elect is entitled to submit the new candidate list instead of the person who did not obtain the approval of the Hluttaw from among the persons contained in the candidate list submitted under section 34.

Affirmation

37. The Plluttaw shall cause the persons elected as the President and the Vice-Presidents under section 30 to make affirmation at the session of the Hluttaw in the presence of the Speaker.

38. The Hluttaw shall cause the Chief Justice and Justices of the Supreme Court of the Union, Chairperson and members of the Constitutional Tribunal, Chairperson and members of the Union Election Commission, the Union Ministers, the Attorney General of the Union and the Auditor General of the Union to be appointed and assigned duty with the approval of the Hluttaw under section 34 to make affirmation at the session of the Hluttaw in the presence of the Speaker.

Performing Relating to the Union Level Organizations

39. The President may submit to obtain the decision of the Hluttaw in respect of the matters contained in sections 31 and 32 during the term of the President. The Hluttaw shall decide in respect of the submission of the President.

40. The President may submit to obtain the approval of the Hluttaw for appointing and assigning duty to any member of the Union Level Organization contained in section 34 during the term of the President. The Hluttaw shall obtain the approval of Hluttaw in respect of the submission of the President.

41. The Hluttaw shall cause the persons who are re-appointed and re-assigned duty with the approval of the Hluttaw under section 40 to make affirmation in accord with section 38.

Chapter VI

Legislation

Legislative Power

42. The Hluttaw is entitled to enact law for the entire or any part of the Union in respect of the matters contained in the Union Legislative List prescribed in Schedule I of the Constitution.

-13 The Union Government shall discuss and decide on the bills relating to national planning, annual budgets and taxation that may only be submitted by it at the Hluttaw in accord with the stipulated manners.

44. The Hluttaw is entitled to enact law if it is necessary to enact law in respect of other matters not enumerated in the legislative lists of the Union, Region or State and Self-Administered Division Leading Body or Self-Administered Zone Leading Body.

45. The Hluttaw shall enact necessary law if it is necessary to enact law for the Union territories in respect of matters for which legislative power is conferred on the Region Hluttaw or the State Hluttaw, or Self-Administered Division Leading Body or Self-Administered Zone Leading Body.

46. (a) If a bill initiated at the Pyithu Hluttaw or the Amyotha Hluttaw is approved by both Hluttaws, it shall be deemed that the said bill is approved by the Hluttaw;

(b) If there is disagreement between the Pyithu Hluttaw and the Amyotha Hluttaw in respect of any bill, it shall be discussed and decided at the Hluttaw.

The Right to Issue Rules, Regulations, Bye-laws, Notifications, Orders, Directives and Procedures

47. When the Hluttaw enacts a law, it may:

(a) confer power on any Union Level Organization to issue rules, regulations and bye-laws relating to the said law;

- (b) confer power on the respective organization or authority to issue notifications, orders, directives and procedures relating to the said law.

48. The rules, regulations, bye-laws, notifications, orders, directives, and procedures issued under the power conferred by any law shall be in conformity with the provisions of the Constitution and the relevant law.

49. If both the Pyithu Hluttaw and the Amyotha Hluttaw decide to repeal or cause to amend any rule, regulation or bye-law, it shall be deemed that the said rule, regulation, or bye-law is repealed or caused to be amended by the Hluttaw.

50. If there is disagreement between the Pyithu Hluttaw and the Amyotha Hluttaw, to repeal or cause to amend any rule, regulation or bye-law, it shall be discussed and decided at the Hluttaw.

51. The validity of any matter carried out under any rule, regulation or bye-law before the repeal or amendment of such rule, regulation or bye-law, shall not be affected.

Chapter VII

Issuing Ordinances

Giving Approval

52. If the President issues an ordinance for the administrative matters that needs prompt action to be taken other than matters relating to the State budget during the interval between two sessions of the Hluttaw and such ordinance is not withdrawn, the Hluttaw shall decide whether to approve the ordinance or not

when the President submits it for approval to the nearest session of Hluttaw convened within 60 days from the day of issue of the ordinance or by convening a special session if Hluttaw is not in session within 60 days.

53. The President shall submit such ordinance to the nearest session of the Hluttaw even though it was withdrawn within 60 days from the day of issue of the ordinance issued under section 52. The Hluttaw shall decide whether to approve such ordinance or not.

Determination of the Period

54. The Hluttaw,

(a) if it decides to approve the ordinance issued by the President:

- (i) shall approve the period contained in such ordinance for its effectiveness;
- (ii) shall determine the period of effectiveness if such ordinance does not contain the period;
- (iii) on the submission of the President, may cause such ordinance continue to be effective up to the necessary period, with the approval of the Hluttaw;

(b) if it is not approved, the said ordinance shall cease to be effective from the day of its disapproval. The official performances of the President under the said ordinance before it ceased to be effective shall be valid.

55. If the Hluttaw determines that the ordinance contains provisions in respect of which the Hluttaw is not entitled to decide under the Constitution or if the

Constitutional Tribunal of the Union scrutinizes and decides under sub-section (c) of section 322 of the Constitution that it is not in conformity with the Constitution, such provision shall be deemed to be invalidated.

Chapter Vffl

Re-delineation of the Territorial Boundary

56. If the President submits to the Hluttaw as it is necessary to re-delineate the territorial boundary of the Union, the Hluttaw shall carry out in accordance with section 52 of the Constitution and the existing laws.

57. If the President submits to the Hluttaw as it is necessary to re-delineate the territorial boundary of a Region or a State, the Hluttaw shall carry out in accordance with section 53 of the Constitution and the existing laws.

58. If there arises a need to alter or form the territorial boundary or change the name of a village, village-tract, ward, town, township or district situated within a Region, State, Self-Administered Division or Self-Administered Zone, the President shall carry out, with the approval of the Union Government, based upon the recommendation of the relevant Chief Minister of the Region or State. Such act shall be sent to be recorded at the nearest session of the Hluttaw.

Chapter IX

Matters of International, Regional or Bi-lateral Relation

Treaties and Agreements

59. The Hluttaw shall decide in respect of the ratification, annulling or withdrawing of the international, regional or bilateral treaties, agreements submitted by the President.

60. The Hluttaw may confer power to the President to carry out conclusion, annulling or withdrawing of certain category of treaty or agreement without obtaining the approval of the Hluttaw among the international, regional or bilateral treaties and agreements.

61. (a) The treaties and agreements which shall be submitted by the President for the decision of the Hluttaw under section 59 are as contained in Schedule I;

(b) The treaties and agreements which are entitled to be carried out by the President under section 60 are as contained in Schedule II.

Diplomatic Relations

62. The Hluttaw shall decide on the matters submitted by the President for establishing diplomatic relations or severing diplomatic relations with foreign countries. However, the Hluttaw shall decide in a situation which requires immediate action, if the President severs diplomatic relations with any foreign country after coordinating with National Defence and Security Council and submits to approve its action.

Defence and Security

63. In case of aggression against the Union, if the President carries out necessary military action in coordination with the National Defence and Security Council and submits to the Hluttaw for approval, the Hluttaw shall decide at the ?

said session if it is in session or by calling the emergency session if the Hluttaw is not in session.

64. If the President submits in respect of declaration of war, making peace, the Hluttaw shall decide as to whether it agrees or not.

Chapter X

Communication between the President and the Hluttaw

65. If the President intimates that he desires to attend and address the session of the Hluttaw, the Speaker shall invite the President and make necessary arrangements.

66. If the Hluttaw has something to intimate the President, it may intimate him by one of the following manners:

- (a) sending as a message to the President through the Speaker after submitting a proposal to the Hluttaw;
- (b) sending a message to the President by the Speaker on behalf of the Hluttaw.

Chapter XI

Right to Amend the Constitution

Submission of the Amending Bill

67. If it is desired to amend any provision of the Constitution, it shall be carried out in the following manner:

(a) the motion to amend the Constitution shall be submitted in the form of a bill;

(b) the bill to amend the Constitution shall not include other motions.

68. The bill to amend the Constitution shall be submitted to the Hluttaw.

69. If twenty percent of the total number of the Hluttaw representatives submit the bill to amend the Constitution, the Hluttaw shall accept and discuss on the said amending bill.

Amending by Referendum

70. If it is desired to amend the following provisions contained in sub-section

(a) of section 436 of the Constitution, it shall be amended after having approved by more than 75 percent of all the representatives of the Hluttaw, and after holding a nation-wide referendum as stipulated by the Hluttaw and obtaining the votes of more than half of eligible voters:

- (a) sections 1 to 48 of Chapter I;
- (b) sections 49 to 56 of Chapter II;
- (c) sections 59,60 of Chapter III;
- (d) sections 74,109,141,161 of Chapter IV;
- (e) sections 200,201,248,276 of Chapter V;
- (f) sections 293,294,305,314,320 of Chapter VI;
- (g) sections 410 to 432 of Chapter XI;
- (h) section 436 of Chapter XIII.

Amending by the Decision of the Hluttaw

71. The provisions other than those mentioned in sub-section (a) of section 436 of the Constitution shall be amended only by the votes of more than 75 percent of all the representatives of the Hluttaw.

Chapter XII

Provisions Relating to the State of Emergency and the Hluttaw

Declaration of a State of Emergency in any Territory Region and the Hluttaw

72. If it is learnt that the administrative functions cannot be carried out in accord with the provisions of the Constitution in a Region, or a State, or a Union Territory or Self-Administered Area or if the relevant local administrative body submits under section 410 of the Constitution, the President may, after coordinating with the National Defence and Security Council, declare a state of emergency after promulgating an ordinance and submit the measures taken under section 411 of the Constitution to the Hluttaw in accord with sub-sections (b), (c) and (e) of section 212 of the Constitution.

73. If it is learnt that there arises or there is sufficient reason to so arise a state of emergency endangering the lives, shelter and property of the public in a Region, or State, or Union Territory or Self-Administered Area or if the relevant local administrative body submits under section 412 of the Constitution, the President may declare a state of emergency by promulgating an ordinance and submit the measures taken under sections 413 and 414 of the Constitution to

the Hluttaw in accord with sub-sections (b), (c) and (e) of section 212 of the Constitution.

Declaration of a State of Emergency in the Entire State and the Hluttaw

74. (a) It shall be deemed that the legislative functions of the Hluttaw is suspended from the day of declaration of the transferring of legislative, executive and judicial powers of the Union to the Commander-in-Chief of the Defence Services by the President under section 41S of the Constitution. It shall be deemed that on the expiry of the term of the Hluttaw, it has been dissolved automatically.

(b) In respect of the matter of transferring the power of the Union to the Commander-in Chief of the Defence Services by declaring a state of emergency under sections 417 and 418 of the Constitution, it shall be submitted to the session of the Hluttaw under sub-section (a) of section 421 of the Constitution.

75. In respect of the matter of extending the period by the President for six months at a time generally and for once or twice by coordinating with the National Defence and Security Council under sub-section (b) of section 421 of the Constitution as the Commander-in-Chief of the Defence Services has not completed the duty assigned to him and submits, by mentioning reason, to extend

the stipulated period, it shall be submitted to the emergency session of the Hluttaw.

76. If the term of the Hluttaw has not expired at the time of the submission of the report of the Commander-in-Chief of the Defence Services that he has completed the duties assigned, the President shall report to the emergency session of the Hluttaw under section 422 of the Constitution.

77. If the President, on receiving the report of the Commander-in Chief of the Defence Services that he has completed the duties assigned to him, cancels the temporary suspension of the legislative functions of the Hluttaw, Pyithu Hluttaw, Amyotha Hluttaw, all Region or State Hluttaws and related Leading Bodies under section 423 of the Constitution, as the term of the Hluttaw has not expired, the Hluttaw shall proceed with carrying out the duties for the remaining term of the Hluttaw.

Chapter XIII

Prohibitions and Penalties

78. Whoever violates any of the following prohibitions shall, on conviction, be punished with imprisonment for a term not exceeding one year or with fine not exceeding one hundred thousand kyats or with both:

- (a) no person except the Hluttaw representatives who have the right to attend the session shall enter the meeting hall of the Hluttaw without permission of the Speaker while the Hluttaw is in session;

- (b) no person shall enter the meeting hall of Hluttaw by saying fraudulent words or by impersonation while the Hluttaw is in session;
- (c) no person shall stay overnight in the stipulated premises of the Hluttaw without permission of the Speaker, while the Hluttaw is in session or not.

79. Whoever violates any of the following prohibitions shall, on conviction, be punished with imprisonment for a term not exceeding two years or ■with fine not exceeding two hundred thousand kyats or with both:

- (a) no person shall carry out a demonstration or disturbance by any means in the stipulated premises of the Hluttaw;
- (b) no person shall exert undue influence, inducement or threat to a person who is invited to discuss and inquire by the Hluttaw or a Hluttaw Joint Committee;
- (c) no person shall commit assault or disturbance to a Hluttav/ representative at the meeting hall or premises of Hluttaw;
- (d) no person shall disturb or obstruct a public service personnel assigned duties to perform the functions of the Hluttav/ matters or a person responsible for the security of Hluttaw in discharging his duty;

- (e) no person shall submit the faked documents and evidences with fraudulent intention to the Hluttaw or a Hluttaw Joint Committee;
 - (f) no person shall speak, write, print, distribute or communicate by any means in order to leak out the documents, subjects, facts, figures, pictures and other documents that are to be kept confidential;
 - (g) no person except the person allowed shall bring arms in the meeting hall of the Hluttaw or premises of the Hluttaw.
80. (a) If a Hluttaw representative violates any prohibition under sections 78 and 79, the Office of the Hluttaw shall carry out to prosecute at the relevant court with the permission of the Speaker.
- (b) If a person who is not Hluttaw representative violates any prohibition under sections 78 and 79, the Office of the Hluttaw shall carry out to prosecute at the relevant court.
81. The offences under this Chapter are determined as cognizable offences.

Chapter XIV

Miscellaneous

82. No proceedings shall be instituted at any court in respect of acts done under this Law and rules.

83. The Office of Hluttaw shall take responsibility and carry out all office works and administrative matters of the Hluttaw.

84. No proceedings shall be instituted in respect of the reports, documents, and Hluttaw records circulated and published by or under the authority of the Hluttaw.

85. This Law may be amended, inserted or repealed by the Pyidaungsu Hluttaw-formed in accord with the Constitution of the Republic of the Union of Myanmar. This Law shall remain in force in so far as it is not repealed by the Pyidaungsu Hluttaw.

86. In implementing the provisions contained in this Law:

- (a) the State Peace and Development Council may issue rules, regulations, bye-laws, notifications, orders, directives and procedures as may be necessary before the formation of the Hluttaw;.
- (b) the Hluttaw may issue rules, regulations, bye-laws, notifications, orders, directives and procedures as may be necessary after the formation of the Hluttaw.

(Sd.) Than Shwe

Senior General

Chairman

The State Peace and Development Council

The Union of Myanmar
The State Peace and Development Council

The Law Relating to the Pyithu Hluttaw

(The State Peace and Development Council Law No. 12 /2010)

The 13th Waxing Day of Thadinkyut, 1372 M.E.

(21st October, 2010)

Preamble

Since it is provided in Section 443 of the Constitution of the Republic of the Union of Myanmar that the State Peace and Development Council shall carry out the necessary preparatory works to implement the Constitution, it has become necessary to enact the relevant laws to enable performance of the legislative, administrative and judicial functions of the Union smoothly, to enable performance of works that are to be carried out when the various Hluttaws come into existence and to enable performance of the preparatory works in accord with law.

As such, the State Peace and Development Council hereby enacts this law in accord with section 443 of the Constitution of the Republic of the Union of Myanmar, in order to implement the works relating to Hluttaw smoothly in convening the sessions of the Pyithu Hluttaw in accord with the Constitution of the Republic of the Union of Myanmar.

Chapter I

Title, Enforcement and Definition

1. (a) This Law shall be **called the Law Relating to the Pyithu Hluttaw.**
(b) This Law shall come into force throughout the country commencing from the day of its promulgation.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **Constitution** means the Constitution of the Republic of the Union of Myanmar;
 - (b) **Hluttaw** means the Pyithu Hluttaw formed under the Constitution for the purpose of this Law;
 - (c) **Chairperson** means the Hluttaw representative elected to supervise the session of the Hluttaw until the Hluttaw Speaker and the Deputy Speaker are elected when the first session of a term of the Hluttaw commences;
 - (d) **Speaker** means the Hluttaw representative elected as the Speaker of the Hluttaw for a term of the Hluttaw;
 - (e) **Deputy Speaker** means the Hluttaw representative elected as the Deputy Speaker of the Hluttaw for a term of the Hluttaw;

Hluttaw Representative means the Hluttaw representative elected for the purpose of this Law under the Pyithu Hluttaw Election Law and the Hluttaw representative who is a Defence Services personnel nominated as a Hluttaw representative by the Commander in-Chief of the Defence Sendees in accord with law;

Hluttaw Organizations mean the committees, the commissions and bodies formed by the Hluttaw under sections 21,23,24 and 29 of this Law;

Union Level Organization means the Union Government, the National Defence and Security Council, the Financial Commission, the Supreme Court of the Union, the Constitutional Tribunal of the Union, the Union Election Commission, the Auditor General of the Union, and the Union Civil Services Board formed under the Constitution, and the committees, commissions and bodies formed by the Pyidaungsu Hluttaw, the Pyithu Hluttaw and the Amyotha Hluttaw;

Election Law means the Pyithu Hluttaw Election Law;

Office of **the Hluttaw** means the Office of the Hluttaw formed to carry out the various office work and administrative matters of

the Pyidaungsu Hluttaw, the Pyithu Hluttaw and the Amyotha Hluttaw.

Chapter II

Hluttaw

Formation

3. The Hluttaw shall be formed with a maximum of 440 Hluttaw representatives as follows:

- (a) Hluttaw representatives not exceeding 330, elected under the Constitution and the Election Laws;
- (b) Hluttaw representatives not exceeding 110, who are Defence Services personnel nominated by the Commander-in-Chief of the Defence Services in accord with law.

Term of the Hluttaw

4. The term of the Hluttaw is five years commencing from the date on which the first session of the said Hluttaw is held.

Chapter III

Chairperson

5. When the first session of a term of the Hluttaw commences, the Hluttaw representatives shall elect a Hluttaw representative as the Chairperson as prescribed by the rules made under this Law.

6. The Chairperson shall make an affirmation as a Hluttaw representative and the Chairperson in the presence of the Hluttaw in the prescribed manner and sign it.

7. The Chairperson shall supervise the session of the Hluttaw until the Speaker and Deputy Speaker have been elected from amongst the Hluttaw representatives.

Chapter FV

Hluttaw Representatives

Making Affirmation and Signing

- S. (a) The Hluttaw representatives shall make affirmation as mentioned in Schedule IV of the Constitution and sign it in the presence of the Chairperson at the First regular session of the Hluttaw.
- (b) The Hluttaw representatives who have not made affirmation shall make affirmation and sign it in the presence of the Chairperson at the session of the Hluttaw which they firstly attend.

Duties

9. The duties of the Hluttaw representatives are as follows:
- (a) safeguarding the Constitution and the existing laws;
 - (b) keeping the secrets relating to the State;
 - (c) emphasizing the interest of the Union in discussion relating to the bills and motions submitted to the Hluttaw;

- (d) aiming at and carrying out to enable to obtain and enjoy the fundamental rights of the citizens;
- (e) performing other duties assigned by the Hluttaw.

Powers

10. The powers of Hluttaw representatives are as follows:

- (a) submitting bills in accord with the Constitution and the relevant laws;
- (b) submitting motions and asking questions with the permission of the Speaker;
- (c) asking question and discussion relating to the matters submitted to and discussed at the Hluttaw or the activities of the organizations formed under the Constitution and members or persons representing them;
- (d) having freedom of speech and right to vote at the Hluttaw and Hluttaw organizations subject to the provisions contained in the Constitution and this Law;
- (e) having the right to be elected as the Chairperson of the Hluttaw, the Speaker or Deputy Speaker elected by the Hluttaw or having the right to resign from being so elected;

(f) having the right to participate as a member of Hluttaw organizations or the right to resign from being such a member;

(g) having the right to resign from being a Hluttaw representative.

Ethics and Disciplines

11. The Hluttaw representatives shall abide by the following ethics and disciplines:

- (a) observing non-disintegration of the Union, non-disintegration of national solidarity, perpetuation of sovereignty;
- (b) observing the provisions contained in the Constitution, this Law and existing laws;
- (c) behaving in conformity with the dignity of Hluttaw representatives;
- (d) fulfilling the duties of Hluttaw representatives;
- (e) abstaining from seeking self-interest, corrupt practice and threat by abusing duties and powers conferred as a Hluttaw representative.

Rights and Privileges

12. The rights and privileges of Hluttaw representatives are as follows:

- (a) having immunity from legal action being taken under other law with the exception of this Law in respect of submissions, discussions and performances at the Hluttaw and Hluttaw organizations;

- (b) being entitled to enjoy the stipulated emolument, accommodation allowance, meal allowance, travelling allowance and other allowances;
- (c) if prior permission of the Speaker has not been obtained while attending the Hluttaw session:
 - (i) having immunity from being arrested;
 - (ii) having immunity from being summoned as a witness by any court.
- (d) having immunity from being arrested without prior permission of the Speaker through the head of relevant organization, while attending a session of any Hluttaw organization;
- (e) having right to attend the sessions of the Hluttaw and Hluttaw organizations with the permission of the Speaker before being sentenced if he is arrested for any offence.

Chapter V

Speaker and Deputy Speaker of the Hluttaw

Election

13. The Hluttaw representatives shall elect a Speaker and a Deputy Speaker from among the Hluttaw representatives.
14. When the office of the Speaker or the Deputy Speaker of the Hluttaw becomes vacant, election in substitution shall be made at the nearest session of the Hluttaw.

Performance of Duties

15. The Speaker and the Deputy Speaker shall perform duties of the Speaker and the Deputy Speaker until the first session of the next term of the Hluttaw is held.

16. When the Speaker is unable to perform his duty or the case of recalling the Speaker arises in accord with law, the Deputy Speaker shall temporarily perform the duty of the Speaker.

17. If the Speaker or the Deputy Speaker is assigned duty in any Union level organization, the Speaker or the Deputy Speaker shall be deemed to have resigned from the said office.

Termination from Duty

18. If the Speaker or the Deputy Speaker resigns or has been ceased to be a Hluttaw representative, or has no right to subsist as a Hluttaw representative or is recalled from the duty of the Speaker or the Deputy Speaker by the Hluttaw or has expired, he shall have ceased from being the Speaker or the Deputy Speaker.

19. The Speaker, the Deputy Speaker or both of the Speaker and Deputy Speaker may be recalled from duty' by the Hluttaw in accord with the prescribed manner for any of the following reasons:

- (a) high treason;
- (b) violation of the provisions of the Constitution;
- (c) misconduct;
- (d) being unable to fulfil the duties assigned by law.

20. If the Speaker or the Deputy Speaker is recalled from duty due to any of the reasons contained in section 19, he shall have ceased from being a Hluttaw representative.

Chapter VI

Hluttaw Organizations

Formation

21. The Hluttaw shall form the following Hluttaw Committees with the Hluttaw representatives:

- (a) Bill Committee;
- (b) Public Accounts Committee;
- (c) Hluttaw Rights Committee;
- (d) Scrutiny Committee for Guarantees, Pledges and Undertakings of the Government.

22. The Speaker shall select and submit the Hluttaw representatives who are to be included in each Hluttaw Committee. A Hluttaw representative may not participate in more than two Hluttaw Committees.

23. The Hluttaw:

- (a) shall form the Defence and Security Committee with the Hluttaw representatives who are the Defence Services personnel for a limited period when the occasion arises to make studies and submit on defence and security matters or military affairs;

- (b) may form the said Defence and Security Committee including suitable Hluttaw representatives also who are not the Defence Services personnel in accord with the requirement of work.

24. If there arises a need to study and submit other affairs, in addition to legislation, executive, national races affairs, economics, finance, social and foreign affairs, the Hluttaw may form the Hluttaw committees with the Hluttaw representatives for a limited period.

Joint Committees

25. If a matter arises to co-ordinate with the Amyotha Hluttaw, the Hluttaw may elect and assign duties to its representatives who will be included in the said Committee to enable formation of a joint committee comprising an equal number of representatives from the Hluttaw and the Amyotha Hluttaw. If it is necessary to carry out in the interval of Hluttaw sessions, the Hluttaw representatives from the two Hluttaws who will be included in the Joint Committee shall be elected and assigned duties by co-ordinating between the Speakers and the approval obtained by submitting to the nearest session of the Hluttaw. The term of such Joint Committee shall be until the time it has submitted the report to the relevant Hluttaw.

26. If the Hluttaw and the Amyotha Hluttaw have a matter to study, with the exception of matters to be performed by the committees contained in sections 21 and 23, the Speakers of such Hluttaws may co-ordinate with each other and form a Joint Committee comprising an equal number of representatives from

the Hluttaw and the Amyotha Hluttaw. The Hluttaw may elect and assign duties to the Hluttaw representatives who will be included in the said Committee. If it is necessary to carry out in the interval of the sessions of the Hluttaws, the representatives from the two Hluttaws who will be included in the Joint Committee shall be elected and assigned duties by co-ordinating between the Speakers and the approval obtained by submitting to the nearest session of the Hluttaw. The term of such Joint Committee shall be until the time it has submitted the report to the relevant Hluttaw.

Determining the Number of Members, Duties, Powers, Rights and Terms

27. The Hluttaw shall determine the number of members, duties, powers, rights and the terms of the Hluttaw Committees.

28. The Hluttaw Committees shall be responsible to the Hluttaw. If the Hluttaw is not in session, they shall be responsible to the Speaker.

Commissions and Bodies

29. If it is necessary to study the remaining matters other than those to be studied only by the Hluttaw committees, the Hluttaw may form commissions and bodies with the Hluttaw representatives or by including suitable citizens.

30. In forming the commissions and bodies contained in section 29, the Hluttaw shall also determine the number of members, duties, powers, rights and the terms.

Chapter VII

Sessions of the Hluttaw

Regular Sessions

3 L The first regular session of a term of the Hluttaw shall be convened within 90 days after the commencement of the general election.

32. The first regular session of the first term of the Hluttaw shall be called and convened by the State Peace and Development Council.

33. The necessary arrangements for convening the first regular session of the Hluttaw shall be carried out by the State Peace and Development Council.

34. Starting from the second regular session of the Hluttaw, the sessions of the Hluttaw shall be called and convened by the Speaker.

3 5. The first regular sessions for the forthcoming terms of the Hluttaw shall be called and convened by the Speaker who continues to perform duties in accord with the provision of the Constitution.

36. The Speaker shall call and convene the regular session of the Hluttaw at least once a year. The maximum interval between regular sessions shall not exceed 12 months.

37. (a) The State Peace and Development Council shall form and assign duties to the Hluttaw Representatives Scrutiny Committee with suitable persons to scrutinize the Hluttaw representatives who attend the first regular session of the Hluttaw.

- (b) The Committee formed under sub-section (a) shall scrutinize and approve the Hluttaw representatives who attend the first regular session of the Hluttaw with the accreditation certificate issued by the Union Election Commission.
- (c) The Hluttaw shall form and assign duties to the Hluttaw Representatives Scrutiny Committee with suitable Hluttaw representatives to scrutinize the Hluttaw representatives commencing from the second regular session of the Hluttaw.

Determination of the Date and Time of the Session and Quorum

38. The sessions of the Hluttaw other than the sessions convened before the election of the Speaker at the first regular session called and convened under section 32 shall be convened on the day and time determined by the Speaker.

39. On every first day of any session of the Hluttaw convened within a term of Hluttaw, if more than half of the total number of the Hluttaw representatives who have the right to attend the Hluttaw session are present, it shall form a quorum. If a quorum is not formed at the session it shall be adjourned.

40. At the sessions which are adjourned due to non-formation of the quorum under section 39, and at the sessions continued after formation of the quorum, if at least one third of the total number of Hluttaw representatives who have the right to attend the session are present, it shall form a quorum.

Matters to be Carried out at the Session

41. The following matters are carried out at the Hluttaw session:

- (a) recording the address delivered by the President;
- (b) reading and recording the message sent by the President and other messages permitted by the Speaker;
- (c) submitting, discussing and deciding on a bill;
- (d) discussing and deciding on the matters to be carried out by the Hluttaw in accord with the provisions of the Constitution;
- (e) discussing, deciding and recording the reports submitted to the Hluttaw;
- (f) submitting a motion, discussing and deciding;
- (g) asking questions and answering;
- (h) performing matters approved by the Speaker.

Decision by Voting

42. Unless otherwise provided in the Constitution, a matter that shall be decided at the sessions of the Hluttaw shall be decided by a majority of votes of the Hluttaw representatives who are present and voting.

43. In carrying out under section 42, the Speaker or the Deputy Speaker discharging duties as the Speaker shall not vote in the first instance, but shall have and exercise a casting vote only in the matter of an equality of votes.

44. In electing the Speaker and the Deputy Speaker, all the Hluttaw representatives including the Chairperson shall vote and decide at the session of

the Hluttaw in accord with the prescribed manners. The Chairperson is not entitled to decide by exercising a casting vote.

Freedom of Speech and Right to Vote

45. The Hluttaw representatives shall, in discussing and speaking in the Hluttaw or committees and bodies formed by the Hluttaw have the freedom of speech and the right to vote except the discussion or talk affecting the non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty, speaking ill of other religion, affecting the interests of the Union and its citizens, violating the allegiance to the Union, causing leakage of the security and confidential of the Union directly or indirectly, asking questions relating to the character or behaviour of any person, violation of the provisions of the Constitution et cetera. No action shall be taken against a Hluttaw representative under any other law except under this law in respect of the discussion, submission and asking questions at the Hluttaw or committees and bodies formed by the Hluttaw.

46. The members or persons representing any Union level organizations formed under the Constitution who are invited to attend the session of Hluttaw shall, in discussing and speaking in the Hluttaw or committees and bodies formed by the Hluttaw', have the freedom of speech and the right to vote except the discussion or talk affecting the non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty, speaking ill of other religion, affecting the interests of the Union and its citizens, violating

the allegiance to the Union. causing leakage of the security and confidential of the Union directly or indirectly, asking questions relating to the character or behaviour of any person, violation of the provisions of the Constitution el cetera. No action shall be taken against a Hluttaw representative under any other law except under this Law, in respect of the discussion, submission and asking questions at the Hluttaw or committees and bodies formed by the Hluttaw.

47. If the persons contained in sections 45 and 46 commit assault in exercising the above privileges, they shall be liable to punishment under the regulations, bye-laws, procedures of the Hluttaw or the existing laws.

Chapter XIII

Communication between the President and the Hluttaw

48. If the President intimates that he desires to attend and address the session of the Hluttaw, the Speaker shall invite the President and make necessary arrangements.

49. If the Hluttaw has something to intimate the President, it may intimate him by any of the following manners:

- (a) sending a message to the President through the Speaker after submitting a proposal to the Hluttaw and obtaining the approval;
- (b) sending a message to the President by the Speaker on behalf of the Hluttaw.

Chapter IX

Provisions Relating to the State of Emergency and the Hluttaw

50. The legislative functions of the Hluttaw' shall be deemed to be suspended commencing from the day on which the President declares the transferring of legislative, executive and judicial powers of the Union to the Commander-in-Chief of the Defence Services under section 418 of the Constitution. It shall be deemed that on the expiry of the term of the Hluttaw, the Hluttaw has been dissolved automatically.

51. If the President, on receipt of the report from the Commander-in-Chief of the Defence Services that he has completed the assigned duties, revokes the temporary suspension of the legislative functions of the Pyidaungsu Hluttaw', the Hluttaw, the Amyotha Hluttaw, all the Region or the State Hluttaws and relevant Leading Bodies under section 423 of the Constitution, due to non expiry' of the term of the Hluttaw, the Hluttaw shall proceed with the duties for the remaining term of the Hluttaw.

Chapter X

Prohibitions and Penalties

52. Whoever violates any of the following prohibitions shall, on conviction, be punished with imprisonment for a term not exceeding one year, or with fine not exceeding one hundred thousand kyats, or with both:

- (a) no person other than Hluttaw representatives who have the right to attend the session shall enter into the meeting hall of the Hluttaw without permission of the Speaker while the Hluttaw is in session;

- (b) no person shall enter into the meeting hall of the Hluttaw by saying fraudulent words or by impersonation while the Hluttaw is in session;
- (c) no person shall stay overnight in the stipulated premises of the Hluttaw' without permission of the Speaker while the Hluttaw is in session or not.

53. Whoever violates any of the following prohibitions shall, on conviction, be punished with imprisonment for a term not exceeding 2 years, or w'ith fine not exceeding two hundred thousand kyats, or w'ith both:

- (a) no person shall carry out a demonstration or disturbance by any means in the stipulated premises of the Hluttaw;
- (b) no person shall exert undue influence, inducement or threat to a person who is invited to discuss and inquire by the Hluttaw or a Hluttaw organization;
- (c) no person shall commit assault or disturbance to a Hluttaw representative in the meeting hall or the premises of the Hluttaw;
- (d) no person shall disturb or obstruct a service personnel assigned duties to perform the ftinctions of the Hluttaw matters or a person responsible for the security of the Hluttaw in discharging his duties;
- (e) no person shall submit the faked documents and evidences with fraudulent intention to the Hluttaw or a Hluttaw Organization;

- (f) no person shall speak, write, print, distribute or communicate by any means in order to leak out the documents, subjects, facts, figures, pictures and other documents that are to be kept confidential;
 - (g) no person except the person allowed shall bring arms in the meeting hall of the Hluttaw or the premises of the Hluttaw.
54. (a) If a Hluttaw representative violates a prohibition contained in sections 52 and 53, the Office of the Hluttaw shall carry out to prosecute at the relevant court after obtaining the permission of the Speaker.
- (b) If a person who is not a Hluttaw representative violates a prohibition contained in section 52 and 53, the Office of the Hluttaw shall carry out to prosecute at the relevant Court.
55. The offences contained in this Chapter are determined as cognizable offences.

Chapter XI

Miscellaneous

56. No proceedings shall be instituted in any court in respect of acts done under this Law and rules.
57. The matters allocated by the Pyidaungsu Hluttaw to the Hluttaw shall be carried out by the Hluttaw.
58. All office works and administrative matters of the Hluttaw shall be **undertaken by the Office of the Hluttaw.**

59. No proceedings shall be instituted in respect of the reports, documents and records of the Hluttaw circulated and published by or under the authority of the Hluttaw.

60. This Law may be amended, inserted or repealed by the Pyidaungsu Hluttaw formed in accord with the Constitution of the Republic of the Union of Myanmar. This Law shall remain in force in so far as it is not repealed by the Pyidaungsu Hluttaw.

61. In implementing the provisions contained in this Law:

- (a) the State Peace and Development Council may issue rules, regulations, bye-laws, notifications, orders, directives and procedures as may be necessary before the formation of the Hluttaw;
- (b) the Hluttaw may issue rules, regulations, bye-laws, notifications, orders, directives and procedures as may be necessary after the formation of the Hluttaw.

62. The Law Relating to the Pyithu Hluttaw (The Pyithu Hluttaw Law No. 9/1974) is hereby repealed.

(Sd.) Than Shwe

Senior General

Chairman

The State Peace and Development Council

The Union of Myanmar
The State Peace and Development Council
The Law Relating to the Amyotha Hluttaw

(The State Peace and Development Council Law No. 13 /2010)

The 13th Waxing Day of Thadinkyut, 1372 M.E.

(21st October, 2010)

Preamble

Since it is provided in Section 443 of the Constitution of the Republic of the Union of Myanmar that the State Peace and Development Council shall carry out the necessary preparatory works to implement the Constitution, it has become necessary to enact the relevant laws to enable performance of the legislative, administrative and judicial functions of the Union smoothly, to enable performance of works that are to be carried out when the various Hluttaws come into existence and to enable performance of the preparatory works in accord with law.

As such, the State Peace and Development Council hereby enacts this Law in accord with section 443 of the Constitution of the Republic of the Union of Myanmar, in order to implement the works relating to Hluttaw smoothly in convening the sessions of the Amyotha Hluttaw in accord with the Constitution of the Republic of the Union of Myanmar.

Chapter I

Title, Enforcement and Definition

1. (a) This Law shall be called **the Law relating to the Amyotha Hluttaw,**
 - (b) This Law shall come into force throughout the country commencing from the day of its promulgation.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) Constitution means the Constitution of the Republic of the Union of Myanmar;
 - (b) Hluttaw means the Amyotha Hluttaw formed under the Constitution for the purpose of this Law;
 - (c) Chairperson means the Hluttaw representative elected to supervise the Hluttaw session until the Hluttaw Speaker and the Deputy Speaker are elected when the first session of a term of Hluttaw commences;
 - (d) Speaker means the Hluttaw representative elected as the Speaker of the Hluttaw for a term of the Hluttaw;

- (e) **Deputy Speaker** means the Hluttaw representative elected as the Deputy Speaker of the Hluttaw for a term of Hluttaw;
- (f) **Hluttaw Representative** means the Hluttaw representative elected for the purpose of this Law under the Amyotha Hluttaw Election Law and the Hluttaw representative who is a Defence Services personnel nominated as a Amyotha Hluttaw representative by the Commander - in - Chief of the Defence Services in accord with law.
- (g) **Hluttaw Organizations** mean the committees, the commissions and the bodies formed by the Hluttaw under sections 21,23, 24 and 29 of this Law;
- (h) **Union Level Organization** means the Union Government, the National Defence and Security Council, the Financial Commission, the Supreme Court of the Union, the Constitutional Tribunal of the Union, the Union Election Commission, the Auditor General of the Union, the Union Civil Services Board formed under the Constitution, and as well as the committees, the commissions and the bodies formed by the Pyidaungsu Hluttaw, the Pyithu Hluttaw and the Amyotha Hluttaw;
- (i) **Election Law** means the Amyotha Hluttaw Election Law;

- (j) **Office of the Hluttaw** means the Office of the Hluttaw formed to carry out the various office work and administrative matters of the Pyidaungsu Hluttaw, the Pyithu Hluttaw and the Amyotha Hluttaw.

Chapter II

Hluttaw

Formation

3. The Hluttaw shall be formed with a maximum of 224 Hluttaw representatives as follows:

- (a) 168 Hluttaw representatives elected under the Constitution and the Election Laws;
- (b) 56 Hluttaw representatives who are Defence Services personnel nominated by the Commander - in - Chief of the Defence Services in accord with law.

Term of the Hluttaw

4. The term of the Hluttaw is the same as that of the Pyithu Hluttaw. The term of the Hluttaw also terminates on the day of expiry of the term of the Pyithu Hluttaw.

Chapter in Chairperson

5. When the first session of the Hluttaw of a term of the Hluttaw commences, the Hluttaw representatives shall elect a Hluttaw representative as the Chairperson as prescribed by the rules issued under this Law.

6. The Chairperson shall make an affirmation as a Hluttaw representative and a Chairperson in the presence of the Hluttaw in the prescribed manner and sign it.

7. The Chairperson shall supervise the session of the Hluttaw until the Speaker and the Deputy Speaker have been elected from among the Hluttaw representatives.

Chapter IV Hluttaw Representatives

Making Affirmation and Signing

8. (a) The Hluttaw representatives shall make affirmation as mentioned in Schedule IV of the Constitution and sign it in the presence of the Chairperson at the first regular session of the Hluttaw.
- (b) The Hluttaw representatives who have not made affirmation shall make affirmation and sign it in the presence of the Chairperson at the session of the Hluttaw which they firstly attend .

Duties

9. The duties of the Hluttaw representatives are as follows:
 - (a) safeguarding the Constitution and the existing laws;
 - (b) keeping the secrets relating to the State;
 - (c) emphasizing the interest of the Union in discussion relating to the bills and motions submitted to the Hluttaw;
 - (d) aiming and carrying out to enable to obtain and enjoy the fundamental rights of the citizens;
 - (e) performing other duties assigned by the Hluttaw.

Powers

10. The powers of the Hluttaw representatives are as follows:
 - (a) submitting bills in accord with the Constitution and the relevant laws;
 - (b) submitting motions and asking questions with the permission of the Speaker;
 - (c) asking question and discussion relating to the matters submitted to and discussed at the Hluttaw or the activities of the organizations formed under the Constitution and members or persons representing them;
 - (d) having freedom of speech and right to vote at the Hluttaw and Hluttaw organizations subject to the provisions contained in the Constitution and this Law;

- (e) having the right to be elected as the Chairperson of the Hluttaw, the Speaker or Deputy Speaker elected by the Hluttaw or having the right to resign from being so elected ;
- (f) having the right to participate as a member of Hluttaw organizations or the right to resign from being such a member;
- (g) having the right to resign from being a Hluttaw representative.

Ethics and Disciplines

11. The Hluttaw representatives shall abide by the following ethics and disciplines:

- (a) observing non-disintegration of the Union, non-disintegration of national solidarity, perpetuation of sovereignty;
- (b) observing the provisions contained in the Constitution, this Law and the existing laws;
- (c) behaving in conformity with the dignity of Hluttaw representatives;
- (d) fulfilling the duties of Hluttaw' representatives;
- (e) abstaining from seeking self-interest, corrupt practice and threat by abusing duties and powers conferred as a Hluttaw representative.

Rights and Privileges

12. The rights and privileges of Hluttaw representatives are as follows:

- (a) . having immunity from legal action being .taken under other law

except this Law in respect of submissions, discussions and performances at the Hluttaw and Hluttaw organizations;

- (b) being entitled to enjoy the stipulated emolument, accommodation allowance, meal allowance, travelling allowance and other allowances;
- (c) if the prior permission of the Speaker has not been obtained while attending the Hluttaw session;
 - (i) having immunity from being arrested;
 - (ii) having immunity from being summoned as a witness by any court;
- (d) having immunity from being arrested without prior permission of the Speaker through the head of the relevant organization, while attending a session of any Hluttaw organization;
- (e) having right to attend the sessions of the Hluttaw and Hluttaw organizations with the permission of the Speaker before being sentenced if he is arrested for any offence.

Chapter V

Speaker and Deputy Speaker of the Hluttaw

Election

13. The Hluttaw representatives shall elect a Speaker and a Deputy Speaker from among the Hluttaw representatives.

14. When the office of the Speaker or the Deputy Speaker becomes vacant, election in substitution shall be made at the nearest session of the Hluttaw.

Performance of Duty

15. The Speaker and the Deputy Speaker shall perform duties of the Speaker and the Deputy Speaker until the first session of the next term of the Hluttaw is held.

16. When the Speaker is unable to perform his duty or the case of recalling the Speaker arises in accord with law, the Deputy Speaker shall temporarily perform the duty of the Speaker.

17. If the Speaker or the Deputy Speaker is assigned duty in any Union level organization, the Speaker or the Deputy Speaker shall be deemed to have resigned from the said office.

Termination from Duty

18. If the Speaker or the Deputy' Speaker resigns, or has been ceased from being a Hluttaw representative or has no right to subsist as a Hluttaw representative or has been recalled from the duty of the Speaker or the Deputy Speaker by the Hluttaw, or has expired, he shall have ceased from being the Speaker or the Deputy Speaker.

19. The Speaker, the Deputy Speaker or both of the Speaker and Deputy Speaker may be recalled from duty by the Hluttaw in accord with the prescribed manner by any of the following causes:

- (a) violation of the allegiance of the Union;

- (b) violation of the provisions of the Constitution;
- (c) misconduct;
- (d) being unable to fulfil the duties assigned by law.

20. If the Speaker or the Deputy Speaker is recalled from duty due to any causes contained in section 19, he shall have ceased from being a Hluttaw representative.

Chapter VI

Hluttaw Organizations

Formation

21. The Hluttaw shall form the following Hluttaw Committees with the Hluttaw representatives:

- (a) Bill Committee;
- (b) Public Accounts Committee;
- (c) Hluttaw Rights Committee;
- (d) Scrutiny Committee for Guarantees, Pledges and Undertakings of the Government.

22. The Speaker shall select and submit the Hluttaw representatives who are to be included in each Hluttaw Committee. A Hluttaw representative may not participate in more than two Hluttaw Committees.

23. The Hluttaw:*-

- (a) shall form the Defence and Security Committee with the Hluttaw representatives who are Defence Services personnel for a limited period when the occasion arises to make studies and submit on

defence and security matters or military affairs.

- (b) may form the said Defence and Security Committee including suitable Hluttaw representatives also who are not the Defence Sendees personnel in accord with the requirement of work.

24. If there arises a need to study and submit other affairs, in addition to legislation, executive, national races affairs, economics, finance, social and foreign affairs, the Hlutiaw Committee may form the Hluttaw committees with the Hluttaw' representatives for a limited period.

Joint Committees

25. If a matter arises to co-ordinate with the Pyithu Hluttaw, the Hluttaw may elect and assign duties to its representatives who will be included in the said Committee to enable formation of a joint committee comprising an equal number of representatives from the Hluttaw' and the Pyithu Hluttaw. If it is necessary to carry out in the interval of Hluttaw sessions, the Hluttaw representatives from the two Hluttaw's who will be included in the Joint Committee shall be elected and assigned duties by coordinating between the Speakers and the approval obtain by submitting to the nearest session of the Hluttaw. The term of such Joint Committee shall be until the time it has submitted the report to the relevant Hluttav,\

26. If the Hluttav/ and the Pyithu Hluttaw have a matter to study, with the exception of matters to be performed by the committees contained in sections

21 and 23, the Speakers of such Hluttaws may co-ordinate mutually and form a Joint Committee comprising an equal number of representatives from the Hluttaw and the Pyithu Hluttaw. The Hluttaw may elect and assign duties to the Hluttaw representatives who are to be included in the said Committee. When it becomes necessary to carry out in the interval of the two Hluttaw sessions, the Speakers shall coordinate mutually and elect and assign the representatives from the two Hluttaws who will be included in the Joint Committee; and shall submit and obtain approval at the nearest session of the Hluttaw. The term of such Joint Committee shall be until the time it has submitted the report to the relevant Hluttaw.

Determining the Number of Members, Duties, Powers, Rights and Terms

27. The Hluttaw shall determine the number of members, duties, powers, rights and the terms of the Hluttaw Committees.

28. The Hluttaw Committees shall be responsible to the Hluttaw. If the Hluttaw is not in session, they shall be responsible to the Speaker.

Commissions and Bodies

29. If it is necessary to study the remaining matters other than those to be studied only by the Hluttaw committees, the Hluttaw may form commission and bodies with the Hluttaw representatives or by including suitable citizens.

30. In forming the commission and bodies contained in section 29, the Hluttaw shall also determine the number of members, duties, powers, rights and terms.

Chapter Vn

Sessions of the Hluttaw

Regular Sessions

31. (a) The commencing day of the term of the Hluttaw is the commencing day of the tenn of the Pyithu Hluttaw.
- (b) The first regular session of the term of the Hluttaw shall be convened within 7 days from the day of commencement of the term of such Hluttaw.
32. The first regular session of the first term of the Hluttaw shall be called and convened by the State Peace and Development Council.
33. The necessary' arrangements for convening the first regular session of the Hluttaw shall be carried out by the State Peace and Development Council.
34. Starting from the second regular session of the Hluttaw, the sessions of the Hluttaw shall be called and convened by the Speaker.
35. The first regular sessions for the forthcoming terms of the Hluttaw shall be called and convened by the Speaker who continues to perform his duties in accord with the provision of the Constitution.

36. The Speaker shall call and convene the regular session of the Hluttaw at least once a year. The maximum interval between regular sessions shall not exceed 12 months.

37. (a) The State Peace and Development Council shall form and assign duties to the Hluttaw Representatives Scrutiny Committee with suitable persons to scrutinize the Hluttaw representatives who attend the first regular session of the Hluttaw'.

(b) The Committee formed under sub-section (a) shall scrutinize and approve the Hluttaw representatives who attend the first regular session of the Hluttaw with the accreditation certificate issued by the Union Election Commission.

(c) The Hluttaw shall form and assign duties to the Hluttaw Representatives Scrutiny Committee with suitable Hluttaw representatives to scrutinize the Hluttaw representatives commencing from the second regular session of the Hluttaw.

Determination of the Date and Time of the Session and Quorum

38. The sessions of the Hluttaw other than the sessions convened before the election of the Speaker in the first regular session called and convened under section 32 shall be convened on the day and at the time determined by the Speaker.

39. On every first day of any session of the Hluttaw convened within a term of the Hluttaw, if more than half of the total number of the Hluttaw representatives who have the right to attend the Hluttaw session are present, it shall form a quorum. If a quorum is not formed at the session, it shall be adjourned.

40. At the sessions which are adjourned due to non-formation of the quorum under section 39, and at the sessions continued after formation of the quorum if at least one-third of the total number of Hluttaw representatives who have the right to attend the Hluttaw session are present, it shall form a quorum.

Matters to be carried out at the Session

41. The following matters are carried out at the Hluttaw session:

- (a) recording the address delivered by the President;
- (b) reading and recording the message sent by the President and other messages permitted by the Speaker;
- (c) submitting, discussing and deciding on a bill;
- (d) discussing and deciding on the matters to be carried out by the Hluttaw in accord with the provisions of the Constitution;
- (e) discussing, deciding and recording the reports submitted to the Hluttaw;
- (f) submitting a motion, discussing and deciding;
- (g) asking questions and answering;
- (h) performing matters approved by the Speaker.

Decision by Voting

42. Unless otherwise provided in the Constitution, a matter that shall be decided at the sessions of the Hluttaw shall be decided by a majority of votes of the Hluttaw representatives who are present and voting.

43. In carrying out under section 42, the Speaker or the Deputy Speaker discharging duties as. the Speaker shall not vote in the first intance, but shall have and exercise a casting vote only in the matter of an equality of votes.

44. In electing the Speaker and the Deputy' Speaker, all the Hluttaw representatives including the Chairperson shall vote and decide at the session of the Hluttaw in accord with the prescribed manners. The Chairperson is not entitled to. decide by exercising a casting vote.

Freedom of Speech and Right to Vote

45. The Hluttaw representatives have freedom of speech and right to vote at the Hluttaw or committee and bodies formed by the Hluttaw other than discussion or talk affecting non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty, speaking ill of other religion, affecting the interest of the Union and its citizens, violating the allegiance to the Union, causing leakage of the security and confidential of Union directly or indirectly, asking question relating to the character or behavior of any person., violation of the provisions of the Constitution, et cetera. No action shall be taken against a Hluttaw representative under any other law except under this Law in

respect of the discussion, submission and asking questions at the Hluttaw or committee and bodies formed by the Hluttaw.

46. The members or persons representing any Union level organizations formed under the Constitution who are invited to attend the session of the Hluttaw have the freedom of speech and right to vote at the Hluttaw or committee and bodies formed by the Hluttaw except the discussion or talk affecting non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty, speaking ill of other religion, affecting the interest of the Union and its citizens, violating the allegiance to the Union, causing leakage of the security and confidential of Union directly or indirectly, asking questions relating to the character or behavior of any person, violation of the provisions of the Constitution et cetera. No action shall be taken against a Hluttaw representative under any other law except under this Law in respect of the discussion, submission and asking questions at the Hluttaw or committee and bodies formed by the Hluttaw.

47 If the persons contained in sections 45 and 46 commit assault in exercising the above privileges, they shall be liable to punishment under the regulations, bye-laws, procedures of the Hluttaw or the existing laws.

Chapter VIII

Communication between the President and the Hluttaw

48. If the President intimates his desire to attend and address the session of the Hluttaw, the Speaker shall invite the President and make necessary arrangements.

49. If the Hluttaw has something to intimate the President, it may intimate him by any of the following manners:

- (a) sending as a message to the President through the Speaker after submitting a proposal to the Hluttaw and obtaining the approval;
- (b) sending a message to the President by the Speaker on behalf of the Hluttaw.

Chapter IX

Provisions Relating to the State of Emergency and the Hluttaw

50. The legislative functions of the Hluttaw shall be deemed to be suspended commencing from the day on which the President declares the transferring of legislative, executive and judicial powers of the Union to the Commander-in-Chief of the Defence Services under section 418 of the Constitution. It shall be deemed that on the expiry of the term of the Hluttaw, the Hluttaw has been dissolved automatically.

51. If the President, on receipt of the report from the Commander-in -Chief of the Defence Sendees that he has completed the assigned duties, revokes the

temporary suspension of the legislative functions of the Pyidaungsu Hluttaw, the Pyithu Hluttaw, the Hluttaw, all the Region or the State Hluttaws and relevant Leading Bodies under section 423 of the Constitution, due to non-expiry of the term of the Hluttaw, the Hluttaw shall proceed with the duties for the remaining term of the Hluttaw.

Chapter X

Prohibitions and Penalties

52. Whoever violates any of the following prohibitions shall, on conviction, be punished with imprisonment for a term not exceeding one year, or with fine not exceeding one hundred thousand kyats, or with both:

- (a) no person other than Hluttaw representatives who have the right to attend the session shall enter into the meeting hall of the Hluttaw without the permission of the Speaker, while the Hluttaw is in session;
- (b) no person shall enter into the meeting hall of the Hluttaw by saying fraudulent words or by impersonation, while the Hluttaw is in session;
- (c) no person shall stay overnight in the stipulated premises of the Hluttaw without permission of the Speaker while the Hluttaw is in session or not.

53. Whoever violates any of the following prohibitions shall, on conviction, be punished with imprisonment for a term not exceeding two years, or with fine not exceeding two hundred thousand kyats or with both:

- (a) no person shall carry out a demonstration or disturbance by any means in the stipulated premises of the Hluttaw;
- (b) no person shall exert, undue influence, inducement or threat to a person who is invited to discuss and inquire by the Hluttaw or a Hluttaw organization;
- (c) no person shall commit assault or disturbance to a Hluttaw representative in the meeting hall or the premises of the Hluttaw,
- (d) no person shall disturb or obstruct a service personnel assigned duties to perform the functions of the Hluttaw matters or a person responsible for the security of Hluttaw in discharging his duties;
- (e) no person shall submit the faked documents and evidences with fraudulent intention to the Hluttaw or a Hluttaw organization;
- (f) no person shall speak, write, print, distribute or communicate by any means in order to leak out the documents, subjects, facts, figures, pictures and other documents that are to be kept confidential;
- (g) no person except the person allowed shall bring arms in the meeting hall of the Hluttaw or the premises of the Hluttaw.

54. (a) If a Hluttaw representative violates any prohibition contained in sections 52 and 53, the Office of the Hluttaw shall carry out to prosecute at the relevant court after obtaining the permission of the Speaker:
- (b) If a person who is not a Hluttaw representative violates any prohibition contained in sections 52 and 53, the Office of the Hluttaw shall carry out to prosecute at the relevant court.
55. The offences contained in this Chapter are determined as cognizable offences.

Chapter XI

Miscellaneous

56. No proceedings shall be instituted at any court in respect of acts done under this Law and rules.
57. The matters allocated by the Pyidaungsu Hluttaw to the Hluttaw shall be carried put by the Hluttaw.
58. All office works and the administrative matters of the Hluttaw shall be undertaken by the Office of the Hluttaw.
59. No proceeding shall be instituted in respect of the reports, documents and records of the Hluttaw circulated and published by or under the authority of the Hluttaw.

60. This Law may be amended, inserted or repealed by the Pyidaungsu Hluttaw formed in accord with the Constitution of the Republic of the Union of Myanmar. This Law shall remain in force in so far as it is not repealed by the Pyidaungsu Hluttaw.

61. In implementing the provisions contained in this Law:

- (a) the State Peace and Development Council may issue rules, regulations bye-laws, notifications, orders, directives and procedures as may be necessary before the formation of the Hluttaw;
- (b) the Hluttaw may issue rules, regulations, bye-laws, notifications, orders, directives and procedures as may be necessary after the formation of the Hluttaw.

Sd/. Than Shwe

Senior General

Chairman

The State Peace and Development Council

The Union of Myanmar

The State Peace and Development Council

The Law Relating to Region or State Hluttaw

(The State Peace and Development Council Law No. 14 /2010)

The 13th Waxing Day of Thadinkyut, 1372 M.E.

(21st October ,2010)

Preamble

Since it is provided in Section 443 of the Constitution of the Republic of the Union of Myanmar that the State Peace and Development Council shall carry out the necessary' preparatory works to implement the Constitution it has become necessary to enact the relevant laws to enable performance of the legislative, administrative and judicial functions of the Union smoothly, to enable performance of works that are to be carried out when the various Hluttaws come into existence and to enable performance of the preparatory works in accord with law.

As such, the State Peace and Development Council hereby enacts this Law in accord with section 443 of the Constitution of the Republic of the Union of Myanmar, in order to implement the works relating to Hluttaw smoothly in convening the sessions of the Region or State Hluttaw under the Constitution of the Republic of the Union of Myanmar.

Chapter I

Title, Enforcement and Definition

1. (a) This Law shall be called **the Law Relating to Region or State Hluttaw.**
 (b) This Law shall come into force throughout the country commencing from the date of its promulgation.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **Constitution** means the Constitution of the Republic of the Union of Myanmar;
 - (b) **Hluttaw** means the Region or State Hluttaw formed under the Constitution for the purpose of this Law;
 - (c) **Chairperson** means the Hluttaw Representative elected to supervise the session of Hluttaw until the Hluttaw Speaker and Deputy Speaker have been elected when the first session of a term of the Hluttaw commences;
 - (d) **Speaker** means the Hluttaw representative elected as the Speaker of the Hluttaw for a term of the Hluttaw;
 - (e) **Deputy Speaker** means the Hluttaw representative elected as the Deputy Speaker of the Hluttaw for a term of the Hluttaw;
 - (f) **Hluttaw Representative** means the Hluttaw representative elected for the purpose of this Law under the Region or State

Hluttaw Election Law and Hluttaw Representative who is the Defence Sendees Personnel nominated as a Region or State Hluttaw representative by the Commander-in-Chief of Defence Services in accord with law;

- (g) Kluttaw Organizations mean the committees and bodies formed by the Hluttaw under Section 21 of this Law;
- (h) Region or State Level Organization means Region or State Government, High Court of Region or State and the Auditor-General of the Region or State formed under the Constitution and committees and bodies formed by the Region or State Hluttaw;
- (i) Election Law means the Region or State Hluttaw Election Law;
- (j) Office of the Hluttaw means the Administration Department of Region or State formed to carry out the various staff work and administrative matters of the Hluttaw.

Chapter II

Hluttaw

Formation

3. The Hluttaw shall be formed with the Hluttaw representatives as follows:
 - (a) representatives of the Hluttaw, two of whom are elected from each tov/nship in the Regions or the States;

- (b) representatives of the Region Hluttaw, each is elected from each national race determined by the authorities concerned as having a reasonable population which constitutes 0.1 percent and above of the population of the Union, of the remaining national races other than those who have already obtained the respective Region or a Self-Administered Area in that Region;
- (c) representative of the State Hluttaw, each is elected from each national race determined by the authorities concerned as having a reasonable population which constitutes 0.1 percent and above of the population of the Union, of the remaining national races other than those who have already obtained respective State or a Self-Administered Area in that State;
- (d) representatives who are the Defence Services personnel nominated by the Commander-in-Chief of the Defence Services in accord with law of a number equal to one-third of the total number of Hluttaw representatives elected under sub-sections (a) and (b) or (a) and (c).

Term

4. The term of the Hluttaw is the same as the term of the Pyithu Hluttaw. The term of the Hluttaw also expires on the day of the expiry of the term of the Pyithu Hluttaw.

Chapter 131

Chairperson

5. When the first session of the Hluttaw of a term of the Hluttaw commences, the Hluttaw representatives shall elect a Hluttaw representative as the Chairperson as stipulated by the rules issued under this Law.

6. The Chairperson shall make an affirmation as a Hluttaw representative and a Chairperson in the presence of the Hluttaw in the prescribed manner and sign it.

7. The Chairperson shall supervise the session of the Hluttaw until the Speaker and the Deputy Speaker have been elected from among the Hluttaw representatives.

Chapter IV

Hluttaw Representatives

Making Affirmation and Signing

8. (a) The Hluttaw representatives shall make affirmation as mentioned in Schedule IV of the Constitution and sign it in the presence of the Chairperson at the first regular session of the Hluttaw'.

(b) The Hluttaw representatives who have not made affirmation shall make affirmation and sign it in the presence of the Chairperson at the session of the Hluttaw which they first attend.

Duties

9. The duties of the Hluttaw representatives are as follows:
- (a) safeguarding the Constitution and existing laws;
 - (b) Keeping the secrets relating to the State;
 - (c) emphasizing the interest of the Union in discussion relating to the bills and motions submitted to the Hluttaw;
 - (d) aiming and carrying out to enable to obtain and enjoy the fundamental rights of the citizens;
 - (e) performing other duties assigned by the Hluttaw.

Powers

10. The powers of Hluttaw representatives are as follows:
- (a) **submitting** bills which are not contrary to section **198** of the **Constitution** in submitting bills in accord with the Constitution and relevant laws;
 - (b) submitting motions and asking question with the permission of the Speaker;
 - (c) asking question and discussion relating to the matters submitted to and discussed at the Hluttaw or the activities of the Region or State level organization and their members or persons representing them;

- (d) having freedom of speech and right to vote at the Hluttaw' and, Hluttaw' organizations subject to the provisions contained in the Constitution and this Law;
- (e) having the right to be elected as the Chairperson of the Hluttaw' and Speaker or Deputy Speaker elected by the Hluttaw or having the right to resign from being so elected;
- (f) having the right to participate as a member of Hluttaw organization or the right to resign from being such a member;
- (g) having the right to resign from being a Hluttaw representative.

Ethics and Disciplines

11. The Hluttaw representatives shall abide by the following ethics and disciplines:

- (a) observing non-disintegration of the Union, non-disintegration of national solidarity, perpetuation of sovereignty;
- (b) observing the provisions contained in the Constitution, this Law and the existing laws;
- (c) behaving in conformity with the dignity of the Hluttaw representatives;
- (d) performing the duties of the Hluttaw/ representative dutifully;
- (e) **abstaining from seeking self-interest, corrupt practice and threat by abusing duties and powers conferred as a Hluttaw' representative.**

Rights and Privileges

12. The rights and privileges of the Hluttaw representatives are as follows:

- (a) having immunity from legal action being taken under other law with the exception of this Law in respect of submissions, discussions and performances at the Hluttaw and Hluttaw organizations;
- (b) being entitled to enjoy the stipulated emolument, accommodation allowance, meal allowance, travelling allowance and other allowances;
- (c) if the prior permission of the Speaker has not been obtained while attending the Hluttaw session:
 - (i) having immunity from being arrested;
 - (ii) having immunity from being summoned as a witness by any court.
- (d) having immunity from being arrested without prior permission of the Speaker through the head of the relevant organization, while attending a session of any Hluttaw organization;
- (e) having right to attend the sessions of the Hluttaw and Hluttaw organizations with the permission of the Speaker before being sentenced if he is arrested for any offence.

Chapter V

Speaker and Deputy Speaker of the Hluttaw

Election

13. The Hluttaw representative shall elect a Speaker and a Deputy Speaker from among the Hluttaw representatives.

14.. When the office of the Speaker or Deputy Speaker becomes vacant, the election in substitution shall be made at the nearest session of the Hluttaw.

Performance of Duties

15. The Speaker and the Deputy Speaker shall perform duties of the Speaker and the Deputy Speaker until the first session of the next term of the Hluttaw is held.

16. When the Speaker is unable to perform his duty or the case of recalling the Speaker arises in accord with law. the Deputy Speaker shall temporarily perform the duty of the Speaker.

17. If the Speaker or the Deputy Speaker is assigned duty in any Region or State level organization, they shall be deemed to have resigned from the office of the Speaker and the Deputy Speaker.

Termination from Duty

18. If the Speaker or the Deputy Speaker resigns or has ceased to be a Hluttaw representative or has no right to subsist as the Hluttaw representative or is recalled from the duty of the Speaker or the Deputy Speaker or has expired, he shall have ceased from his office.

19. The Speaker, the Deputy Speaker or both of the Speaker and Deputy Speaker may be recalled from duty by the Hluttaw in accord with the prescribed manner for any of the following causes:

- (a) violating the allegiance to the Union;
- (b) violation of the provisions of the Constitution;
- (c) misconduct;
- (d) being unable to fulfil the duties assigned by law.

20. If the Speaker or the Deputy Speaker is recalled from duty due to any of the reasons contained in Section 19, he shall have ceased from being a Hluttaw representative.

Chapter VI

Hluttaw Organizations

Formation

21. The Hluttaw may, in order to study and submit the legislation and national races affair conferred by the Constitution, form the committees and bodies, when necessary, with the relevant Hluttaw representatives.

22. The Hluttaw may include suitable citizens in the committees and bodies formed under section 21.

Determining the Number of Members, Duties, Powers, Rights and Term

23. The Hluttaw shall determine the number of members, duties, powers, rights and term, when it forms the committees and bodies.

24. The Hluttaw organizations shall be responsible to the Hluttaw. They shall be responsible to the Speaker if the Hluttaw is not in session.

Chapter VII

Sessions of the Hluttaw

Regular Sessions

25. (a) The day of the commencement of the term of the Hluttaw is the day of the commencement of the term of the Pyithu Hluttaw.

(b) The first regular session of the Hluttaw shall be convened within fifteen days from the day of commencement of the term of the such Hluttaw.

26. The first regular session of the first term of Hluttaw shall be called and convened by the State Peace and Development Council.

27. The necessary arrangements for convening the first regular session of the Hluttaw shall be carried out by the State Peace and Development Council.

28. Commencing from the second regular session of the Hluttaw, the sessions of the Hluttaw shall be called and convened by the Speaker.

29. The first regular sessions for the forthcoming terms of the Hluttaw shall be called and convened by the Speaker who continues to perform duties in accord with the provision of the Constitution.

30. The Speaker shall call and convene the regular session of the Hluttaw at least once a year. The maximum interval between regular sessions shall not exceed 12 months.

31. (a) The State Peace and Development Council shall form and assign duties to the Hluttaw Representatives Scrutiny Committee with suitable persons to scrutinize the Hluttaw representatives who attend the first regular session of the Hluttaw;

(b) The Committee formed under sub-section (a) shall scrutinize and approve the Hluttaw representatives who attend the first regular session of the Hluttaw with the accreditation certificate issued by the Union Election Commission.

(c) The Hluttaw shall form and assign duties to the Hluttaw Representatives Scrutiny Committee with suitable Hluttaw representatives to scrutinize the Hluttaw representatives commencing from the second regular session of the Hluttaw.

Special Sessions and Emergency Sessions

3 2. The Speaker may call and convene a special or an emergency session of the Hluttaw if it is necessary.

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3 3. The Speaker shall call and convene a special or an emergency session of the Hluttaw as soon as possible when the Chief Minister of the Region or State informs to call and convene the session of Hluttaw.

34. The Speaker shall call and convene a special session as soon as possible if at least one-fourth of the total number of Hluttaw representatives request to call and convene the session of Hluttaw.

Determination of the date and time of the Session and Quorum

35. The session of the Hluttaw other than the sessions convened before the election of the Speaker at the first regular session called and convened under Section 26 shall be convened on the day and at the time determined by the Speaker.

36. On every first day of any session of the Hluttaw convened within a term of the Hluttaw if more than half of the total number of the Hluttaw representatives who have the right to attend the Hluttaw session, are present it shall form a quorum. If a quorum is not formed at the session, it shall be adjourned.

37. At the sessions which are adjourned due to non-formation of the quorum under section 36, and at the sessions continued after formation of the quorum, if at least one third of the total number of Hluttaw representatives who have the right to attend the Hluttaw session are present, it shall form a quorum .

Matters to be carried out at the Session

38. The following matters are carried out at the Hluttaw session:

- (a) recording the address delivered by the President;
- (b) reading and recording the message sent by the President and other messages permitted by the Speaker;

- (c) recording the address delivered by the Chief Minister of the Region or State;
- (d) submitting, discussing and deciding on a bill;
- (e) discussing and deciding on the matters to be undertaken by the Hluttaw in accord with the provisions of the Constitution and any existing law;
- (f) discussing, deciding and recording the reports submitted to the Hluttaw;
- (g) submitting a motion, discussing and deciding;
- (h) asking questions and answering;
- (i) undertaking matters approved by the Speaker.

39. Matters that are required to obtain decision, agreement and approval of the Hluttaw shall be carried out as follows:

- (a) if the Hluttaw is in session, it shall be decided at such session;
- (b) if the Hluttaw is not in session, it shall be decided at the nearest Hluttaw session;
- (c) a special session or an emergency session shall be convened to discuss and decide matters which need urgent action in the interest of the public.

Decision by Voting

40. Unless otherwise provided by the Constitution, a matter that shall be decided at the session of the Hluttaw shall be determined by a majority of votes^J of the Hluttaw representatives who are present and voting.

41. In carrying out under Section 40, the Speaker or the Deputy Speaker who is discharging duties as the Speaker shall not vote in the first instance, but shall have and exercise a casting vote in the matter of an equality of votes.

42. In electing the Speaker and the Deputy Speaker, all the Hluttaw representatives including the Chairperson shall vote and decide at the session of the Hluttaw in the prescribed manners. The Chairperson is not entitled to decide by exercising the casting vote.

Freedom of Speech and Right to Vote

43. The Hluttaw representatives shall, in discussing and speaking in the Hluttaw or committees and bodies formed by the Hluttaw have the freedom of speech and the right to vote except affecting non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty, speaking ill of other religion, affecting the interest of the Union and its citizens, violating the allegiance to the Union, causing leakage of the security and confidential of the Union directly or indirectly, asking questions relating to the character or m behavior of any person, violation of the provisions of the Constitution et cetera.

No action shall be taken against a Hluttaw representative under any other law except under this Law in respect of the discussion, submission and asking questions at the Hluttaw or Committees and bodies formed by the Hluttaw.

44. The members or persons representing any Union level organizations formed under the Constitution who are invited to attend the session of Hluttaw shall, in discussing and speaking in the Hluttaw or committee and bodies formed by the Hluttaw, have the freedom of speech and the right to vote except affecting the non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty, speaking ill of other religion, affecting the interest of the Union and its citizens, violating the allegiance to the Union , causing leakage of the security and confidential of the Union directly or indirectly, asking questions relating to the character or behavior of any person, violation of the provisions of the Constitution et cetera. No action shall be taken against a Hluttaw representative under any other law except under this Law in respect of the discussion, submission and asking questions at the Hluttaw or committees and bodies formed by the Hluttaw.

45. If the persons contained in sections 43 and 44 commit assault in exercising the above privileges, they shall be liable to punishment under the regulations, procedures of the Hluttaw or the existing laws.

Right of Submission of the Members of Region or State Level Organization

46. Members, who are representatives of the Hluttaw from among members representing any Region or State level organization, are entitled to explain, converse, discuss and vote on bills or matters relating to their organizations at the Hluttaw sessions.

47. Members, who are not representatives of the Hluttaw from among members representing any Region or State level organization, are entitled to explain, converse and discuss bills or matter relating to their organizations when they attend Hluttaw session with the permission of the Speaker.

Chapter VTII

Members of the Region or State Level Organization

Deciding the Number of Region or State Level Ministries and Number of Members

48. The Hluttaw shall give a decision relating to the proposal of the President for prescribing the number of the Ministries of the Region or State in accord with clause (1) of sub-section (c) of section 248 of the Constitution, the number of the Ministers of the Region or State in accord with clause (2) of sub-section (c) of section 248 and the number of Judges of the High Court of the Region or State to be appointed within the prescribed limit contained in clause (2) of sub-section (a) of section 308.

49. The Hluttaw shall give a decision relating to the proposal of the President desiring to amend, insert, add and reduce, from time to time, the number of the

Ministries of the Region or State and the number of the Ministers of the Region or State or the number of Justices of the High Court of the Region or State.

Obtaining the Approval to Appoint the Members of the Region or State Level Organization

50. The Speaker shall obtain the approval of Hluttaw relating to the proposal of the candidate list in accord with sub-section (b) of section 261 of the Constitution to appoint the Chief Minister of the Region or State by the President.

51. The Speaker shall obtain the approval of Hluttaw relating to the proposal of the candidate list in accord with clause (1) of sub-section (b) of section 308 of the Constitution to appoint the Chief Justice of the Region or State by the President.

52. The Speaker shall obtain the approval of Hluttaw relating to the proposal of the candidate list in accord with sub-section (b) of section 262, sub-section (a) of section 266, sub-section (a) of section 271, clause (1) of sub-section (b) of section 308 of the Constitution to appoint the following Region or State level persons by the Chief Minister of the Region or State:

- (a) the Ministers of the Region or State;
- (b) the Justices of the High Court of the Region or State;
- (c) the Advocate-General of the Region or State;
- (d) the Auditor-General of the Region or State.

53. The Hluttaw is not entitled to refuse the appointment of persons nominated under sections 50 and 51 by the President, the persons nominated under section 52 by the Chief Minister of the Region or State, to appoint and assign duty to the relevant person unless it can clearly prove that the relevant person does not fulfil the prescribed qualifications contained in the Constitution.

54. The President and the Chief Minister of the Region or State are entitled to submit again the new candidate list to the Hluttaw as a substitute of the person who has not been approved by the Hluttaw from among the nominated persons under sections 50, 51 and 52.

Affirmation

55. The Hluttaw shall cause the Chief Minister and Ministers of the Region or State, the Chief Justice and Justices of the High Court of the Region or State, the Advocate-General of the Region or State and the Auditor-General of the Region or State to be appointed with the approval of the Hluttaw under sections 50, 51 and 52, to make affirmation in the presence of the Speaker in the Hluttaw session.

Chapter IX

Legislation

Legislative Power

56. The Hluttaw is entitled to enact laws so as to come into force in the entire or any part of the Region or State relating to matters contained in the

Region or State Hluttaw Legislative List mentioned in Schedule II of the Constitution.

57. The Region or State level organizations are entitled to submit the bills relating to matters they administered from among the matters contained in the Region or State Legislative List mentioned in Schedule II of the Constitution to the Hluttaw in accord with the stipulated manners.

58. The Region or State government shall submit regional plan, annual budget and laws relating to taxation of the Region or State, which may be submitted only by them to the Hluttaw in accord with the stipulated manners.

59. The Hluttaw representatives are entitled to submit the bills relating to matters other than matters in respect of which the bill shall be submitted only by the Region or State Government as prescribed by Constitution from among matters contained in the Region or State Legislative List mentioned in Schedule II of the Constitution to the Hluttaw in accord with the stipulated manners.

Right to make Rules, Regulations, Bye-laws, Notifications, Orders, Directives and Procedures

60. When the Hluttaw enacts a law, it may:

- (a) confer power on any Region or State level organization to issue rules, regulations and bye-laws relating to the said law;
- (b) confer power on the respective organization or authority to issue notifications, orders, directives and procedures relating to the said law.

61. The **rules**, regulations, bye-laws, notifications, orders, directives and procedures made under the power conferred by any law shall be in conformity with the provisions of the Constitution and the provisions of the relevant law.

62. After **issuing any** rule, regulation or bye-law in accord with the law enacted by the Hluttaw, **the** relevant organization shall circulate and submit the said rule, regulation or **bye-law to** Hluttaw representatives at the nearest regular session of the Hluttaw under **the programme** permitted by the Speaker.

63. If it is found **that a** rule, regulation or bye-law is not in conformity with the provisions of **the** relevant law, Hluttaw representatives may submit a motion to annul or amend such **rule**, regulation or bye-law to the Hluttaw within 90 days from the day the said rule, regulation or bye-law is submitted and circulated.

64. If the Hluttaw decides to annul or amend any rule, regulation or bye-law, the matters previously taken under the rules, regulations or bye-laws made before such annulment or amendment shall not be affected.

Chapter X

Redelineation of Territorial Boundary

65. hi c anydng out under sub-sections (a) and (c) of section 53 of the Constitution as there arises a cause to redelineate the territorial boundary of a Region or State, if more than half of the total number of eligible voters residing within the relevant township cast votes-in-favour of redelineation ofthe territorial boundary, the consent of the relevant Hluttaw representatives involved in the territorial boundary shall be obtained.

66. If votes-in-favour of three-fourths and above of the total number of relevant Hluttaw representatives are obtained or if any relevant Hluttaw decides against redelineation of the territorial boundary, it shall be submitted to the Pyidaungsu Hluttaw to obtain the decision of the Pyidaungsu Hluttaw.

Chapter XI

Communication between the President, the Chief Minister of the Region or State and Hluttaw

67. If the President intimates his desire to attend and address the session of the Hluttaw, the Speaker shall invite the President and make necessary arrangements.

68. If the Hluttaw has something to intimate the President, it may intimate him by one of the following manners:

- (a) after submitting a proposal to the Hluttaw and obtaining the approval, sending it to the President through the Speaker as a message;
- (b) sending a message to the President by the Speaker on behalf of the Hluttaw.

69. If the Chief Minister of the Region or State proposes that he has desired to address the session of the Hluttaw, the Speaker shall make necessary arrangements.

Chapter XQ

Provisions Relating to the State of Emergency and the Hluttaw

70. It shall be deemed that the legislative functions of the Hliittaw shall be suspended commencing from the day on which the President declares the transferring of legislative, executive and judicial powers of the Union to the Commander-in-Chief of the Defence Services under section 418t>f the Constitution. It shall be deemed that on the expiry of the term of the Hluttaw, it has been dissolved automatically.

71. If the President, on receipt of the report from the Commander-in-Chief of the Defence Services that he has completed the assigned duties, revokes the temporary suspension of the legislative functions of the Pyidaungsu Hluttaw, the Pyithu Hluttaw, the Amyotha Hluttaw, all the Hluttaws and the relevant Leading Bodies due to non expiry of the term of the Hluttaw under section 423 of the Constitution, the Hluttaw shall proceed with the duties for the remaining term of the Hluttaw.

Chapter XIII

Prohibitions and Penalties

72. Whoever violates any of the following prohibitions shall, on conviction, be punished with imprisonment for a term not exceeding one year or with fine not exceeding one hundred thousand kyats or with both:

- (a) no person other than Hluttaw representatives who have the right to attend the session shall enter into the meeting hall of the Hluttaw without permission of the Speaker while the Hluttaw is in session;
- (b) no person shall enter into the meeting hall of the Hluttaw by saying fraudulent words or by impersonation while the Hluttaw is in session;
- (c) no person shall stay overnight in the stipulated premises of the Hluttaw without permission of the Speaker while the Hluttaw is in session or not.

73. Whoever violates any of the following prohibitions shall, on conviction, be punished with imprisonment for a term not exceeding two years or with fine not exceeding two hundred thousand kyats or with both:

- (a) no person shall carry out a demonstration or disturbance by any means' in the stipulated premises of the Hluttaw;
- (b) no person shall exert undue influence, inducement or threat to a person who is invited to discuss and inquire by the Hluttaw or a Hluttaw organization;
- (c) no person shall commit assault or disturbance to a Hluttaw representative in the meeting hall of the Hluttaw or in the premises of the Hluttaw;
- (d) no person shall disturb or obstruct a service personnel assigned duties to perform the functions of the Hluttaw matters or a person responsible for the security of the Hluttaw in discharging his duties;

- (e) no person shall submit the faked documents and evidences with fraudulent intention to the Hluttaw or a the Hluttaw organization;
 - (1) no person shall speak, write, print, distribute or communicate by any means in order to leak out the documents, subjects, facts, figures, pictures and other documents that are to be kept confidential;
 - (g) no person except the person allowed shall bring arms in the meeting hall of the Hluttaw or the premises of the Hluttaw.
74. (a) If a Hluttaw representative violates any prohibition contained in sections 72 and 73, the Office of the Hluttaw shall carry out to prosecute at the relevant court after obtaining the permission of the Speaker.
- (b) If a person who is not a Hluttaw representative violates any prohibition contained in sections 72 and 73, the Office of the Hluttaw shall carry out to prosecute at the relevant court.
75. The offences contained in this Chapter are determined as cognizable offences.

Chapter XTV

Miscellaneous

76. No proceeding shall be instituted in any court in respect of acts done under this Law and rules.

77. All office works and administrative matters of the Hluttaw shall be undertaken by the Office of the Hluttaw.

78. No proceeding shall be instituted in respect of the reports, documents and records of the Hluttavv circulated and published by or under the authority of the Hluttaw.

79. This Law may be amended, inserted or repealed by the Pyidaungsu Hluttaw formed in accord with the Constitution of the Republic of the Union of Myanmar. This Law shall remain in force in so far as it is repealed by the Pyidaungsu Hluttaw.

80. In implementing the provisions contained in this Law:

- (a) the State Peace and Development Council may issue rules, regulations, bye-laws, notifications, orders, directives and procedures as may be necessary before the formation of the Hluttaw;
- (b) the Hluttaw may issue rules, regulations, bye-laws, notifications, orders, directives and procedures as may be necessary after the formation of the Hluttaw.

(Sd.) Than Shwe

Senior General

Chairman

The State Peace and Development Council

The Union of Myanmar

The State Peace and Development Council

The Union Government Law

(The State Peace and Development Council Law No. 15/ 20)

The 13th Waxing of Thadinkyut 1372 M.E.

(21st October, 2010)

Preamble

Since it is provided in section 443 of the Constitution of the Republic of the Union of Myanmar that the State Peace and Development Council shall carry out the necessary preparatory works to implement the Constitution, it has become necessary to enact the relevant laws to enable performance of the legislative, administrative and judicial functions of the Union smoothly, to enable performance of works that are to be carried out when the various Hluttaws come into existence and to enable performance of the preparatory works in accord with law.

As such, the State Peace and Development Council hereby enacts this Law in accord with section 443 of the Constitution of the Republic of the Union of Myanmar, in order that the Union Government may carry out the administrative functions smoothly in accord with the Constitution of the Republic of the Union of Myanmar.

Chapter I

Title, Enforcement and Definition

1. (a) This Law shall be called **the Union Government Law**.
 (b) This Law shall come into force commencing from the day on which the Constitution comes into force.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **Constitution** means the Constitution of the Republic of the Union of Myanmar;
 - (b) **Union Government** means the Union Government formed under the Constitution and this Law;
 - (c) **Region or State Government** means the Government of the Region or State formed under the Constitution and the Region or State Government Law;
 - (d) **Nay Pyi Taw Council** means the Council formed under section 285 of the Constitution in the area stipulated under section 284 of the Constitution;
 - (e) **Self-administered Area** means the Self-administered Division or Self-administered Zone;
 - (f) **Hluttaw** means the Pyidaungsu Hluttaw, the Amyotha Hluttaw, the Pyithu Hluttaw and the Region or State Hluttaw.

Chapter II

Formation, Appointment and Assignment of Duty

Head of State

3. The Head of State and the Head of Union Administration shall be the President of the Union .

4. The President of the Union shall be responsible to the Pyidaungsu Hluttaw.

5. The President of the Union and the Vice-Presidents shall be elected in accord with the Law relating to the Election of the President of the Union and the Vice-Presidents.

Formation of the Union Government

6. (a) The Union Government shall be formed with the following persons:

- (i) President of the Union;
- (ii) Vice Presidents of the Union;
- (iii) Union Ministers;
- (iv) **Attorney** General of the Union.

(b) The Director General of the Office of the Union Government shall be the ex-officio secretary of the Union Government.

7. Any member of the Union Government contained in sub-section (a) of section 6:

- (a) shall, if he is a representative of any Hluttaw, a Civil Services personnel, a member of the Defence Services, a member of any political party, carry out according to the provisions contained in sections 63,64, sub-sections (i), (j) and (k) of section 232 and sub-sections (f),(g) and (h) of section 237.
- (b) shall, in carrying out under sub-section (a), have the right to carry out the party organizational works and territorial organizational works if it is in conformity with the provisions contained in sections 120 and 121 of the Constitution, commencing from the day of declaration by the Union Election Commission to hold the election in order that a citizen shall not lose the right to be elected as conferred under sub-section (a) of section 38 of the Constitution if the said person is a member of any political party, individual candidate or a citizen specifically appointed and assigned duty and if he will contest in the forthcoming general election.

Determining the Number of Ministries of the Union Government and the Union Ministers

8. The President of the Union may, with the approval of the Pyidaungsu Hluttaw:

- (a) determine, amend and add the Ministries of the Union Government;

- (b) determine, increase and decrease the stipulated number of the Union Ministers.

Formation of the Union Level Organizations

9. The President of the Union shall, in accord with the Constitution or the specific laws promulgated in accord with the Constitution, form the followings:

- (a) National Defence and Security Council;
- (b) Financial Commission;
- (c) Supreme Court of the Union;
- (d) Constitutional Tribunal of the Union;
- (e) Union Election Commission;
- (f) Union Civil Services Board.

Formation of the National Defence and Security Council

10. (a) The President of the Union shall form the National Defence and Security Council headed by himself in order to perform the duties conferred by the Constitution or any law with the following persons;
- (i) President of the Union;
 - (ii) Vice-President;
 - (iii) Vice-President;
 - (vi) Speaker of the Pyithu Hluttaw;

- (v) Speaker of the Amyotha Hluttaw;
 - (vi) Commander-in-Chief of the Defence Services;
 - (vii) Deputy Commander-in-Chief of the Defence Services;
 - (viii) Minister for the Ministry of Defence Services;
 - (ix) Minister for the Ministry of Foreign Affairs;
 - (x) Minister for the Ministry of Home Affairs;
 - (xi) Minister for the Ministry of Border Affairs.
- (b) The secretary of the Union Government shall be the ex-officio secretary of the National Defence and Security Council.

Formation of the Financial Commission

11. (a) The President of the Union shall form the Financial Commission with the following persons:

(i)	President of the Union	Chairman
(ii)	Vice-President	Vice Chairman
(iii)	Vice-President	Vice Chairman
(iv)	Attorney General of the Union	Member
(v)	Auditor General of the Union	Member
(vi)	Chief Ministers of the Regions and States	Members
(vii)	Chairperson of the Nay Pyi Taw Council	Member

- (viii) Union Minister for the Ministry of Secretary
Finance

- (b) the President shall issue and declare the formation of the Financial Commission.

Appointment and Assigning Duties to the Union Ministers

12. (a) In order to appoint the Union Ministers, the President of the Union shall:
 - (i) select the suitable persons from among representatives of any Hluttaw or from among those who are not Hluttaw' representatives who fulfill the qualifications contained in sub-section (a) of section 232 of the Constitution.
 - (ii) obtain the list of suitable members of the Defence Services nominated by the Commander-in-Chief of the Defence Services to appoint for the Ministries of Defence, Home Affairs and Border Affairs.
 - (iii) coordinate with the Commander-in-Chief of the Defence Services if he desires to appoint and assign duty to the members of the Defence Services as the Union Ministers in other Ministries, apart from the Ministries of Defence, Home Affairs and Border Affairs.

- (b) The list of the Union Ministers selected under sub-section (a) shall be compiled and obtained approval by submitting it to the Pyidaungsu Hluttaw.
- (c) The Pyidaungsu Hluttaw shall have no right to refuse to appoint and assign duty to the said person as the Union Minister if it cannot be proved clearly that the person nominated by the President of the Union is not qualified as a Union Minister.
- (d) There shall have the right to submit again the new nomination list instead of tire person who has not been approved by the Pyidaungsu Hluttaw.
- (e) The persons who have obtained the approval of the Pyidaungsu Hluttaw shall be appointed and assigned duties as the Union Ministers. In so appointing and assigning duty, the Ministry or Ministries in respect of which responsibility shall be taken by each Union Minister shall be prescribed.

13. The President of the Union shall intimate the Pyidaungsu Hluttaw whenever the Union Ministers are appointed and assigned duties mentioning the Ministries for which they are assigned duties.

14. The Union Minister shall be responsible to the President of the Union .

Appointment of and Assigning Duties to the Attorney General of the Union

15. (a) The President of the Union shall appoint and assign duty to any person from among the representatives of any Hluttaw or from among persons who are not the representatives of any Hluttaw as the Attorney General of the Union under section 237 of the Constitution after obtaining the approval of the Pyidaungsu Hluttaw for enabling to obtain legal advice and to assign legal duties.
- (b) The Attorney General of the Union shall be responsible to the President of the Union.

Appointment of and Assigning Duties to the Union Level Persons

16. The President Of the Union shall:
- (a) appoint and assign duty to the Commander-in-Chief of the Defence Services with the proposal and recommendation of the National Defence and Security Council;
- (b) appoint and assign duty to the following persons who fulfil the relevant qualifications under the Constitution or the specific laws promulgated in accord with the Constitution:
- (i) Chief Justice of the Union;
 - (ii) Chairperson of the Constitutional Tribunal of the Union;
 - (iii) Chairperson of the Union Election Commission;

- (iv) Auditor General of the Union;
- (v) Chairperson of the Union Civil Services Board;
- (vi) Judges of the Supreme Court of the Union;
- (vii) Members of the Constitutional Tribunal of the Union;
- (viii) Members of the Union Election Commission;
- (ix) Deputy Ministers;
- (x) Deputy Attorney General;
- (xi) Deputy Auditor General;
- (xii) Members of the Union Civil Services Board.

17. (a) The President of the Union shall:
- (i) co-ordinate with the Commander-in-Chief of the Defence Services if he desires to appoint the members of the Defence Services in appointing and assigning duties as the Deputy Ministers under section 234 of the Constitution. In appointing and assigning duties to the Deputy Ministers, the Ministries for which they are to be responsible shall be determined;
 - (ii) co-ordinate with the Commander-in-Chief of the Defence Services if he desires to appoint the members of the Defence Services in appointing and assigning duties as the Deputy Attorney General, the Deputy Auditor General and

the members of the Union Civil Services Board under sections 239, 244 and 246 of the Constitution.

The Deputy Ministers shall be responsible to the relevant Union Minister and the President of the Union through the relevant Union Minister.

If a person appointed as a Deputy Minister is a representative of any Hluttaw, a Civil Services personnel, a member of Defence Services or a member of any political party, it shall be carried out in accord with the provisions of sub-sections (i), (j) and (k) of section 232 of the Constitution.

If the Deputy Ministers, in carrying out under sub-section (c) are members of any political party, elected individual persons or a citizen appointed and assigned duty specifically and such person will contest in any forthcoming general election, in order not to lose the right to be elected as conferred to a citizen under sub-section (a) of section 38 of the Constitution, he shall have the right to carry out the party organizational works and territorial organizational works if it is in conformity with the provisions contained in sections 120 and 121 of the Constitution, commencing from the day of declaration by the Union Election Commission to hold the election.

Determining the Number of the Region or State Ministries and the Ministers

18. The President of the Union, with the approval of the relevant Region or State Hluttaw may:

- (a) determine, amend and add the Region or State Ministries;
- (b) determine the number of Region or State Ministers, increase and decrease the stipulated number.

Appointment of and Assigning Duties to the Region or State Level Persons

19. The President of the Union shall appoint and assign duty to the following persons in accord with the provisions of the Constitution:

- (a) Chief Ministers of the Region or State;
- (b) Chief Justices of the Region or State High Court;
- (c) Ministers of the Region or State;
- (d) Judges of the Region or State High Court;
- (e) Advocates General of the Region or State;
- (f) Auditors General of the Region or State;
- (g) Chairpersons of the Leading Bodies of the Self-Administered Division or the Chairpersons of the Leading Bodies of the Self-Administered Zone;

20. The President of the Union shall:

- (a) intimate the relevant Region or State Hluttaw and the Pyidaungsu Hluttaw the appointment of the Chief Ministers and Ministers of the Region or State;
- (b) in so intimating, mention the Ministries to which they are assigned duties according to each Minister of the Region or State.

Formation of the Nay Pyi Taw Council, Appointment of and Assigning Duties to the Chairperson and the Members Thereof

21. The President of the Union shall form a Nay Pyi Taw Council in accordance with clause (1) of sub-section (b) of section 285 of the Constitution and the Nay Pyi Taw Council Law. The number of members including the Chairperson of the Nay Pyi Taw Council shall be determined in accordance with law.

22. The President of the Union shall appoint and assign duties to the persons who fulfil the qualifications contained in sub-section (a) of section 285 of the Constitution as the Chairperson and members of the Nay Pyi Taw Council under clause (2) of sub-section (b) of section 285 of the Constitution and the Nay Pyi Taw Council Law.

Formation of the Advisory Body

- 23. (a) The President of the Union may, for obtaining necessary advices, form the advisory body with a suitable number of persons.

- (b) The emolument, allowance and insignia which are entitled to be enjoyed by the members of the advisory body formed under sub-section (a) shall be determined by the Union Government and incurred from its fund.

Formation of the Press Authority

- 24. (a) The President of the Union may form the Press Authority with a suitable number of persons;
- (b) The emolument, allowance and insignia which are entitled to be enjoyed by the members of the Press Authority formed under sub-section (a) shall be determined by the Union Government and incurred from its fund.

Chapter IH

Duties and Powers of the President of the Union and the Vice-Presidents

International, Regional or Bilateral Treaties Matters

- 25. The President of the Union, in accord with law:
 - (a) shall conclude, ratify, annul and withdraw from the international, regional or bilateral treaties which is entitled to carry out with the approval of the Pyidaungsu Hluttaw;
 - (b) may conclude, ratify, annul and withdraw from the international, regional or bilateral treaties which is entitled to carry out without the approval of the Pyidaungsu Hluttaw.

Diplomatic Matters

26. The President of the Union:

- (a) may establish and sever diplomatic relations with foreign countries with the approval of the Pyidaungsu Hluttaw;
- (b) may sever diplomatic relations with any foreign country after coordination with the National Defence and Security Council in situation which requires immediate action to sever diplomatic relations with any foreign country. However, his action shall be submitted to the Pyidaungsu Hluttaw for its approval;
- (c) may appoint and recall the diplomats of the Union;
- (d) may give consent on the appointment of foreign diplomats and send intimation to recall the foreign diplomats;
- (e) may accept the letters of accreditation of foreign diplomats.

Territorial Boundary Matters

27. The President of the Union shall carry out in accord with the provisions contained in section 52 of the Constitution if it is necessary to redelineate the territorial boundary of the Union.

28. The President of the Union shall carry out in accord with the provisions contained in section 53 of the Constitution if a cause arises to redelineate the territorial boundary of a Region or State.

29. If a cause arises to alter or form the territorial boundary or change the name of a village, village-tract, ward, town, township or district situated in the relevant Region, State, Self-Administered Division or Self-Administered Zone, the President of the Union shall carry out, upon the recommendation and submission of the Chief Minister of the relevant Region or State as may be necessary.

30. The President of the Union may alter and determine the districts and townships within Nay Pyi Taw which is the Union territory as may be necessary.

Military Matters

31. The President of the Union:

- (a) shall have the right to take appropriate military action, as may be necessary in co-ordination with the National Defence and Security Council formed in accord with the Constitution, in case of aggression against the Union;
- (b) shall submit his action so taken under sub section (a) to the Pyidaungsu Hluttaw session for approval if it is in session. If the Pyidaungsu Hluttaw is not in session, shall cause to call the emergency session of the Pyidaungsu Hluttaw and it shall be submitted and obtained the approval;
- (c) may declare war or make peace only with the approval of the Pyidaungsu Hluttaw.

Matters relating to Ordinance

32. (a) The President of the Union shall have the right to promulgate the ordinance for administrative matters, which require immediate action to be taken other than matters relating to the Union budget, during the interval between the sessions of the Pyidaungsu Hluttaw.
- (b) If the President of the Union has not revoked the ordinance promulgated under sub-section (a), he shall submit it to the nearest session of the Pyidaungsu Hluttaw held within 60 days from the day of the promulgation of the ordinance for its approval. If the session of the Pyidaungsu Hluttaw is not to be held within 60 days, shall cause to call a special session of the Pyidaungsu Hluttaw and obtained the approval.
- (c) If the approval of the Pyidaungsu Hluttaw is not obtained, the ordinance shall cease to have effect from the day on which it is not approved. The actions of the President of the Union taken under such ordinance before it ceased from effectiveness shall be valid.
- (d) The President of the Union may, with the approval of the Pyidaungsu Hluttaw, cause the ordinance to continue to be effective for the required period.
- (e) The President of the Union shall, notwithstanding that an ordinance has been already been revoked within 60 days after its

promulgation, submit it to the nearest session of the Pyidaungsu Hluttaw.

- (f) If an ordinance contains the provision on which the Pyidaungsu Hluttaw has no right to make a decision in accord with the Constitution, the said provision shall be void.

Matters relating to Promulgation as Law

- 33. (a) The President of the Union shall sign the Bills approved or deemed to be approved and sent by the Pyidaungsu Hluttaw, within 14 days after the day of receipt, and shall promulgate it as law.
- (b) The President of the Union may, within the stipulated period to sign and promulgate as law, send the Bill back to the Pyidaungsu Hluttaw together with his remarks.
- (c) If the President of the Union does not send the Bill back to the Pyidaungsu Hluttaw together with his remarks within the stipulated period to sign and promulgate as law or if the President of the Union does not sign the Bill and promulgate it, it shall become law on the day of the completion of the stipulated period, as if it has obtained the signature of the President of the Union.
- 34. (a) If the Bill is sent back to the Pyidaungsu Hluttaw under sub-section (b) of section 33, the Pyidaungsu Hluttaw may, after discussing and considering the remarks of the President of the Union, accept

the remarks of the President of the Union and decide to amend the Bill or decide to approve the Bill as it is without accepting the remarks of the President of the Union.

- (b) When the Bill which is amended in accord with the remarks of the President of the Union or the Bill which is approved as it is without accepting the remarks of the President of the Union is sent back to him by the decision of the Pyidaungsu Hluttaw, the President of the Union shall sign the Bill and promulgate it as law within seven days from the day of receiving the Bill back.
- (c) If the Bill sent back by the Pyidaungsu Hluttaw is not signed by the President of the Union within the stipulated period contained in sub-section (b), it shall become law on the day of the completion of the stipulated period, as if it has obtained the signature of the President of the Union.

Matters relating to Honorary Title and Award

35. The President of the Union may, under the specific laws enacted in accord with the Constitution,:

- (a) confer honorary titles and awards;
- (b) revoke the honorary titles and awards conferred.

Matters relating to the Head of Civil Services Organization

36. The President of the Union may, under the specific laws enacted in accord with the Constitution:

- (a) appoint heads of the Civil Services organization;
- (b) remove the heads of the Civil Services organization.

Matters relating to Pardon

37. The President of the Union has:

- (a) the power to grant a pardon.
- (b) the power to grant amnesty in accord with the recommendation of the National Defence and Security Council.

Matters relating to Delivering Address and Sending Message

38. The President of the Union has the right to deliver address and send message to the session of the Pyidaungsu Hluttaw or the session of the Pyithu Hluttaw or the Amyotha Hluttaw or the session of the Region or State Hluttaw or to the entire country relating to the policies and general situation of the Union from time to time.

Other Matters

39. The President of the Union may intimate the Speaker of the Pyidaungsu Hluttaw to call and convene an emergency or special session of the Pyidaungsu Hluttaw.

40. The President of the Union has the right to submit matters on the Constitution directly to the Constitutional Tribunal of the Union to obtain its interpretation, resolution and opinion of the Constitution.

41. The President of the Union may:

(a) allocate the functions and duties to be parried out by the Vice-Presidents and may alter the allocated duties .

(b) cause the other Vice-President to serve duty jointly and temporarily if a Vice-President is unable to serve duty due to any cause.

42. The President of the Union or the Vice-Presidents shall exercise the powers and carry out the duties and powers vested by the Constitution and other laws.

43. The President of the Union shall have no responsibility to explain before any Hluttaw, any Court for actions done in exercise of or as exercising the duties and powers vested in him under the Constitution or any law. However, this non-responsibility shall not apply to the provisions relating to the impeachment against the President contained in the Constitution.

Duties and Powers of the Vice-Presidents

44. The Vice-Presidents shall be responsible to the President of the Union and to the Pyidaungsu Hluttaw through the President of the Union.

45. The Vice-President who won the second highest votes when holding the election of the President of the Union shall serve the duties and functions of the President of the Union temporarily and jointly while the President is travelling abroad.

46. A Vice-President assigned duty by the President of the Union shall lead and scrutinize the budgets of the Union Ministries and the Union Level Organizations and the other Vice-President shall lead and scrutinize the budgets of the Region or State and submit their budget appropriation to the Financial Commission.

47. The Vice-Presidents shall carry out the functions allocated by the President of the Union.

Chapter IV

Duties and Powers of the Union Government

Executive Power of the Union Government

48. Subject to the provisions of the Constitution, the executive power of the Union extends also to administrative matters on which the Pyidaungsu Hluttaw has power to make law.

49. The Union Government preserves the stability of the Union, community peace and tranquillity and prevalence of law and order.

50. Subject to the provisions of the Constitution, the executive power of the Union shall be vested in the President of the Union. Because of this expression,

it shall not be deemed that the Pyidaungsu Hluttaw may not confer duties and powers upon any organization or individual in authority. Because of such expression, it shall also not be deemed that duties and powers conferred upon the relevant organization or relevant individual in authority under the existing laws are transferred to the President of the Union.

- 51.. (a) All executive actions of the Union Government shall be taken in the name of the President of the Union.
- (b) Except the matters prescribed by the Constitution to perform on his own discretion, the President of the Union has the right to make necessary rules on matters which the Union Government has the right to perform, to allocate the said matters to the Union Ministers and to allocate to the individual responsible to carry out under any law.
- (c) The orders issued and instruments executed in the name of the President of the Union shall be in accord with the manners contained in the rules prescribed by the President of the Union .
The validity of such orders or instruments shall not be called in question on the ground that they were not made by the President of the Union.
- (d) The President of the Union may, without prejudice to the generality of the provisions of sub-sections (a), (b) and (c), allocate his duties

regionally or according to the functions of the Government department.

52. The Union Government shall, with the exception of constitutional disputes and the disputes over territorial redelineation:

- (a) coordinate, settle and if necessary, decide relating to the administrative disputes arising between the Region and State, among Regions, among States, between Region or State and Self-Administered Area or among Self-Administered Areas;
- (b) coordinate, settle and if necessary, decide relating to the administrative disputes arising between the Region or State and the Union territory or between Self-Administered Area and Union territory.

53. The Union Government shall, co-operate and co-ordinate for the effective and successful implementation in implementing the functions by the Region Government, the State Government and the Leading Body of the Self-Administered Division or the leading Body of the Self-Administered Zone.

54. The Union Ministries shall, in carrying out the functions by their subordinate governmental departments and organizations, manage, guide, supervise and inspect to be in conformity with the provisions of the Constitution and the existing laws.

Planning and Financial Matters

5 5. The Union Government:

- (a) shall lay down the policies of the Union Government in accord with the provisions of the Constitution. The necessary plans shall be drawn in accord with the said policies and implemented with the approval of the Pyidaungsu Hluttaw;
- (b) shall draw the Union Budget Bill for the next financial year, based on the annual Union budget, after coordinating with the Financial Commission and submit to and obtain the approval of the Pyidaungsu Hluttaw in accord with the provisions of the Constitution;
- (c) shall carry out, as may be necessary as contained in the Budget Law promulgated by the Pyidaungsu Hluttaw;
- (d) shall submit again the Supplementary Appropriation Law to the Pyidaungsu Hluttaw and obtain its approval in accord with the provisions contained in the Constitution when it is necessary to estimate more receipts and to allow the expenditures other than the estimated receipts and allotted expenditure contained in the State Budget Law promulgated for the relevant financial year;
- (e) shall carry out, as may be necessary, as contained in the Supplementary Appropriation Law promulgated by the Pyidaungsu Hluttaw;

shall have the right to expend the normal expenditure only among the expenditures of next budget year within the framework of the normal expenditure included in the last enacted Budget Law of the Union by the Pyidaungsu Hluttaw if the Pyidaungsu Hluttaw is unable to promulgate the Union Budget Bill in time for the next financial year submitted under sub-section (b) before the end of the current financial year;

with the exception of the taxes and revenues listed in Schedule 5 of the Constitution for which the Regions or States have the right to collect, shall collect, all other taxes and revenues in accord with law, and if it is to collect designated categories of incomes, taxes and revenues to be collected by the Regions or States for the Union territories, collect them in accord with law, deposit them to the Union Fund and has the right to expend such Union Fund in accord with law;

- (i) may allow in accord with law when the Nay Pyi Taw Development Committee submits and requests through the Nay Pyi Taw Council for enabling the State to assist due to further need of fund as its own fund is not sufficient in undertaking the development of relevant towns;

(ii) may allow in accord with law when the Yangon City Development Committee and the Mandalay City Development Committee submit and request through the relevant Region Government for enabling by the Union to assist due to further need of fund as their own fund are not sufficient in undertaking the development of relevant towns.

(i) may decide the matters on local and foreign loans, economic assistances, investments and co-operations:

Matters relating to Business

5 6. The Union Government may, for the purpose of any economic enterprise stipulated to be carried out only by the Government, for the interest of the State :

- (a) allow the Region Government or State Government to carry out with the Union Government in joint-venture or to carry out under terms and conditions;
- (b) allow any cooperative organizations, economic organizations or any individual to carry out with the Union Government in joint-venture or to carry out under terms and conditions.

Submitting Bills

5 7. The Union Government:

- (a) shall submit the Bills relating to the National planning, annual budget and tax and revenue which only the Union Government can submit to the Pyidaungsu Hluttaw in accord with the prescribed manner;

- (b) may submit the necessary Bills to the Pyidaungsu Hluttaw relating to matters on which the Pyidaungsu Hluttaw is entitled to make law in accord with the provisions of the Constitution.

Relation with the Hluttaws

5 8. The Union Government:

- (a) may assign the Union Minister or Deputy Minister to give clarifications if the Pyidaungsu Hluttaw, the Amyotha Hluttaw, the Pyithu Hluttaw, and the committees, commissions and bodies formed by them invite and send the required facts to such committees;
- (b) may answer the questions of the Hluttaw representatives in accord with the stipulated terms and manners;
- (c) shall implement the decisions of the Pyidaungsu Hluttaw. Its performances shall be reported back to the Pyidaungsu Hluttaw;
- (d) shall submit to the Pyidaungsu Hluttaw in respect of the various situations of the State from time to time.

Other Matters

59. The Union Government:

- (a) may invite the members of the Region or State Government and members of the Leading Body of the Self-Administered Division or members of the Leading Body of the Self-Administered Zone to the sessions of the Union Government;

- (b) may form the Civil Services organizations relating to the Union as may be necessary, in accord with law. In so forming, the duties and powers shall be determined. The necessary civil services personnel may be appointed;
- (c) shall determine the salary and rates of wages of the civil services personnel, rates of duties, taxes and other necessary rates in accord with law;
- (d) shall determine, from time to time, the matters for which its decision is required;
- (e) shall carry out the functions and duties assigned by any existing law.

Sessions of the Union Government

- 60. The regular session of the Union Government shall normally be convened at least twice a month. If it is necessary, special session may be called and convened.
- 61. The President of the Union shall act as the Chairperson in the sessions
- 62. A member of the Union Government shall not fail to attend the session without valid cause. If he is unable to attend the session, he shall ask prior permission from the President of the Union with valid cause.
- 63. (a) The minutes of the session shall be recorded by the Office of the Union Government.

- (b) The minutes of the session shall be submitted and obtained the approval at the next session.
- (c) The decisions and the minutes of the session of the Union Government that are not yet issued are the confidentials of the State.

Chapter V

Duties and Powers of the Union Ministers and the Deputy Ministers

64. The Union Minister has the following duties and powers relating to the Ministry⁷ for which he is responsible:

- (a) conferring duties and powers to the Deputy Minister or the Deputy Ministers and Heads of Civil Services organizations;
- (b) coordinating and drawing plans and budgets;
- (c) taking responsibility to implement the works to be earned out systematically under the Union plans;
- (d) scrutinizing and supervising as to whether or not it is performed in conformity with the existing laws, rules, regulations, bye-laws, orders, directives, and procedures;
- (e) submitting reports to the Union Government relating to work performances;

- (f) submitting advices to the Union Government, if it is necessary, to amend after reviewing the set-up, the strength of civil services personnel, functions and duties;
- (g) carrying out other duties stipulated by the Union Government.

65. The Deputy Ministers have the following duties and powers relating to the Ministry for which they are responsible:

- (a) being responsible to the relevant Minister and the President of the Union through the Minister;
- (b) carrying out the works under the duties and powers conferred by the Minister;
- (c) leading departmental work group or groups according to the assignment by the Minister;
- (d) submitting the requirements, problems and performances of the works for which he is responsible to the Minister;
- (e) supervising to implement the works to be carried out systematically under National plans in accord with the duty assigned by the Minister;
- (if) scrutinizing and supervising as to whether or not it is carried out in conformity with the existing laws, rules, regulations, bye-laws, orders, directives and procedures;

- (g) carrying out other duties assigned by the Minister.

Chapter VI

Term of Office, Resignation from Office, Termination from Duties, Impeachment and Filling and Appointment in the Vacancy

Term of the office of the members of the Union Government

66. (a) The term of office of the President of the Union or the Vice-Presidents is live years.
- (b) When such term of office expires, the President of the Union and the Vice-Presidents shall continue to carry out their functions and duties until the time the new President of the Union has been elected.
- (c) The President of the Union and the Vice-Presidents shall not serve for more than two terms.
- (d) An interim period to serve as the President of the Union or the Vice-President shall not be counted as a term of office.
- (e) The person who has served up to two full terms of the office of the Vice-President shall not have the right to be elected as the President of the Union. The person who has served a full term of the office of the Vice-President may serve for another term of the office of Vice-President or two full terms of the office of the President of the Union

(I) If a vacancy is filled for the office of the President of the Union or the Vice-President for any cause, the term of office of the new President of the Union or the new Vice-President shall only be up to the expiry of the original term of office.

(g) The term of office of the Union Minister or the Deputy Minister and the Attorney General of the Union or the Deputy Attorney General is normally the same as that of the President of the Union.

Resignation from Office and Termination of Office of the Members of the Union Government

67. The President of the Union or any Vice-President shall be allowed to resign from office if he desires to do so on his own volition before the expiry of his term of office. Such resignation shall be intimated to the Speaker of the Pyidaungsu Hluttaw.

68. (a) The Union Minister or the Attorney General of the Union may resign from office if he desires to do so on his own volition due to any cause before the expiry of the term of office after submitting his desire to resign in writing to the President of the Union.

(b) The Deputy Minister may resign from office if he desires to do so as contained in sub-section (a) after submitting his desire to

resign in writing to the President of the Union through the relevant Union Minister.

- (c) The Deputy Attorney General may resign from office if he desires to do so as contained in sub-section (a) after submitting his desire to resign in writing to the President of the Union through the Attorney General of the Union.

69. The President of the Union:

- (a) may direct the Union Minister, the Attorney General of the Union, any Deputy Minister or Deputy Attorney General who cannot discharge his duty efficiently to resign. If he fails to comply as directed, he shall be terminated from the **duty**.
- (b) shall co-ordinate with the Commander-in-Chief of the Defence Services relating to the Defence Services personnel who is a Union Minister or Deputy Minister who has to be resign or be terminated from the duty.

Impeachment against the Members of the Union Government

70. If it is desired to impeach the President of the Union or Vice-Presidents for any cause contained in sub-section (a) of section 71 of the Constitution or to impeach any member of the Union Government for any cause contained in sub- section (a) of section 233, it shall be carried out in accord with sub-sections (b),(c),(d),(e),(f) and (g) of section 71 of the Constitution.

71. The President shall terminate such person from office when the relevant Hluttaws have taken action in accord with section 233 of the Constitution and the relevant Speaker of the Hluttaw had submitted to the President that he is unfit to continue in office due to impeachment by the representatives of the Amyotha Hluttaw or the Pyithu Hluttaw against the Union Minister or Attorney General of the Union in accord with the Constitution.

Filling the Vacant Office and Appointment of the Members of the Union Government

72. (a) If the office of the President of the Union becomes vacant due to resignation before the expiry of the term of office, death, permanent disability or any other cause, or if he is unable to serve his duty as he is being impeached, one of the Vice-Presidents who has won the second highest votes in the Presidential election, shall serve as temporary President.

(b) For enabling to elect the new President of the Union, it shall be carried out according to the manner contained in sub-sections (b),(c),(d) and (e) of section 73 of the Constitution.

73. If the office of a Vice-President becomes vacant due to resignation before the expiry of the term of office, death, permanent disability or any other cause, it shall be carried out according to the manner contained in sub-sections (f) and (g) of section 73 of the Constitution in order to elect in substitution.

74. (a) If the office of the Union Minister or the Attorney General of the Union becomes vacant due to resignation, termination from office, death, or any other cause, the President of the Union may appoint and assign duty to the new Union Minister or new Attorney General of the Union in accord with the provisions of the Constitution. The term of office of the new Union Minister or the new Attorney General of the Union who is appointed and assigned duty in substitution shall only be up to the expiry of the remaining term of the new President of the Union .
- (b) If the office of the President of the Union who appoints and assigns duty to the Union Ministers becomes vacant due to resignation before the expiry of the term of office, death or any other cause, the Union Ministers shall continue to carry out their duties until the new Ministers have been elected and assigned duty by the new President of the Union elected in substitution.
- (c) If the office of the President of the Union who appoints and assigns duty to the Attorney General of the Union becomes vacant due to resignation before the expiry of the term of office or death, or any other cause, the new President of the Union who is elected in substitution may continue to assign him or appoint and assign duty to a new Attorney General of the Union in accord with the provisions contained in the Constitution. If it is so appointed and

assigned duty, the Attorney General of the Union may be caused to continue to serve his functions and duties until the time the new Attorney General of the Union has been appointed and assigned duty.

The term of office of the new Union Minister and the new Attorney General of the Union assigned duty in substitution under sub-sections (b) and (c) shall only be for the remaining term of office of the new President of the Union .

The President of the Union shall submit his impeachment to the Speaker of the Pyidaungsu Hluttaw if he desires to impeach the following persons in accord with the Constitution:

- (i) Chief Justice of the Union or Judge of the Supreme Court of the Union:
- (ii) Chairperson or a member of the Constitutional Tribunal of the Union;
- (iii) Chairperson or a member of the Union Election Commission.

If the Speaker of the Pyidaungsu Hluttaw, after carrying out under sub-section (b) of section 302 of the Constitution, decides that the person who is impeached is unfit to continue to serve at the present office, such decision shall be submitted to the President of the Union.

- (c) The President of the Union shall, on receiving the submission under sub-section (b), terminate such person from office.
76. (a) The representatives of the Amyotha Hluttaw or the Pyithu Hluttaw who desire to impeach the following persons in accord with the Constitution may submit their impeachment to the relevant Speaker;
- (i) Chief Justice of the Union or Judge of the Supreme Court of the Union;
 - (ii) Chairperson or a member of the Constitutional Tribunal of the Union;
 - (iii) Auditor General of the Union.
- (b) The Speaker of the relevant Hluttaw shall, if the Chief Justice of the Union or Judge of the Supreme Court of the Union or the Chairperson or member of the Constitutional Tribunal of the Union is impeached, carry out under sub-section (c) of section 302 of the Constitution; or if the Auditor General of the Union is impeached, carry out under section 233 of the Constitution and if it is decided that the person impeached is unfit to continue to serve in office, the said decision shall be submitted to the President of the Union.
- (c) The President of the Union shall terminate the said person from office on receiving the report under sub-section (b).

77. The President of the Union may direct the Auditor General of the Union and Deputy Auditor General who cannot perform the duties assigned efficiently to resign. If they do not comply as directed, they shall be terminated from duty.

Filling the Vacant Office and Appointment of the Union Level Persons

78. (a) If the office of the Commander- in-Chief becomes vacant due to resignation, tennination from office, death or any other cause, the President of the Union may appoint and assign duty to the new in such vacant office under the Constitution or the specific laws promulgated in accord with the Constitution.

(b) If the office of any of the following persons become vacant due to resignation from office, termination from office, death or any other cause, the President of the Union may appoint and assign duty to the new in such vacant office under the Constitution or specific laws promulgated in accord with the Constitution. The term of office of the persons except the persons contained in clauses (i), (iii),(vi) and (viii)from among the persons so appointed and assigned duty, shall only be for the remaining term of office of the President of the Union:

- (i) Chief Justice of the Union;
- (ii) Chairperson of the Constitutional Tribunal of the Union;
- (iii) Chairperson of the Union Election Commission;

- (iv) Auditor General of the Union;
- (v) Chairperson of the Union Civil Services Board;
- (vi) Judges of the Supreme Court of the Union;
- (vii) Members of the Constitutional Tribunal of the Union;
- (viii) Members of the Union Election Commission;
- (ix) Deputy Ministers;
- (x) Deputy Attorney General;
- (xi) Deputy Auditor General;
- (xii) Members of the Union Civil Services Board.

Termination from Duty of the Region or State Level Persons

79. The President of the Union:

- (a) may direct the following persons who cannot carry out the duties assigned efficiently to resign from office. If it is not complied as directed, they shall be terminated from duty:
 - (i) Chief Minister of the Region or State;
 - (ii) Minister of the Region or State;
 - (iii) Advocate General of the Region or State;
 - (iv) Auditor General of the Region or State;
- (b) .if it is concerned with a member of the Defence Services who is the Region or State Minister and who is to be resigned or be

terminated from duty, it shall be carried out in coordination with the Commander-in-Chief of the Defence Services.

80. If it is decided and submitted that as any person contained in section 79 is impeached for any cause under sub-section (a) of section 263 of the constitution, after carrying out in accord with the provisions contained in sub-sections (b), (c), (d) and (e) of section 263 of the Constitution, and such person is unfit to continue to serve in the present office, the President of the Union shall terminate such person from office.

81. If it is decided and submitted that as any of the Chief Justice and members of the Region or State High Court is impeached for any cause contained in sub-section (a) of section 311 of the Constitution, after carrying out in accord with the provisions of sub-sections (b), (c), (d), (e), (f), (g), (h) and (i) of section 311 of the Constitution, and such person is unfit to continue to serve in the present office, the President of the Union shall terminate such person from office.

Filling and Appointment at the Vacant Office of the Region or State Level Persons

82. If the office of any of the following persons become vacant due to resignation, termination from office, death or any other cause, the President of the Union may fill the vacant office, appoint and assign duty in accord with the provisions of the Constitution. The term of the persons except the persons contained in sub-section (b) and (d) from among the persons so appointed and

assigned duty shall only be for the remaining term of office of the President of the Union:

- (a) Chief Ministers of the Region or State;
- (b) Chief Justices of the Region or State High Court;
- (c) Ministers of the Region or State;
- (d) Judges of the Region or State High Court;
- (e) Advocates General of the Region or State;
- (f) Auditors General of the Region or State;
- (g) Chairpersons of the Leading Bodies of the Self-Administered Division or Self-Administered Zone.

Termination from Duty and Filling and Appointment at the Vacant Office of the Chairperson or Members of the Nay Pyi Taw Council

83. The President of the Union:

- (a) may direct the Chairperson and the members of the Nay Pyi Taw Council who cannot discharge their duties efficiently to resign from office. If they fail to comply as directed, they shall be terminated from duty.
- (b) shall co-ordinate with the Commander-in-Chief of the Defence Services and carry out if it is concerned with a member of the Defence Services who is the member of the Nay Pyi Taw Council who has to resign from office or be terminated from duty.

84. If the office of the Chairperson or member of the Nay Pyi Taw Council becomes vacant due to resignation, termination from duty, death or any other cause, the President of the Union may appoint and assign duties, to a new Chairperson or new member of the Nay Pyi Taw Council in accord with the provisions of the Constitution. The term of office of the Chairperson or member of the Nay Pyi Taw Council newly appointed and assigned duties, shall only be for the remaining term of office of the President of the Union.

Chapter VII

Declaration of a State of Emergency

85. The President may promulgate an ordinance and declare a state of emergency after co-ordination with the National Defence and Security Council if there arises any of the following situations:

- (a) being aware that or being submitted by the relevant local administrative body that the administrative functions cannot be carried out in accord with the Constitution in a Region, State, Union territory or Self-Administered Area:
- (b) being aware that or being submitted by the relevant local administrative body that there arises or there is sufficient cause to so arise a state of emergency endangering the lives, shelter and property of the public in a Region, State, Union territory, Self-Administered Area or in any part thereof;

- (c) there arising or finding sufficient cause to so arise a state of emergency that may disintegrate the Union or disintegrate national solidarity or that may cause the loss of sovereignty, due to acts or attempts to take over the sovereignty of the Union by insurgency, violence and wrongful forcible means. »

86. The President of the Union, in the matter of declaration of a state of emergency due to the situation contained in sub-section (a) of section 85:

- (a) has the right to obtain and exercise the executive power of the relevant Region, State or Self-Administered Area;
- (b) may confer and cause to carry out the executive power contained in sub-section (a) by forming any appropriate body or on any suitable person:
- (c) in doing so, if it is necessary, has the right to exercise the legislative power only for the executive matters from among the matters that may be legislated by the respective Region, State or Self-Administered Areas. However, the legislative power shall not be conferred and caused to carry out on any body or any person.

87. In the matter of declaration of a state of emergency due to a situation contained in sub-section (b) of section 85, the President of the Union:

- (a) may declare a state of emergency in time after coordinating with the Commander-in-Chief of the Defence Services, the Deputy

Commander-in-Chief of the Defence Services, the Minister for the Ministry of Defence, the Minister for the Ministry of Home Affairs who are the members, if all the members of the National Defence and Security Council are unable to attend the meeting and shall submit such declaration to the National Defence and Security Council as soon as possible and obtain its approval;

may obtain the assistance of the Defence Services and carry out by the local authorities, their members and the civil services organizations and their members in carrying out their duties effectively in accord with the existing laws in order to restore its original situation speedily in an area where the declaration of a state of emergency is in effect;

may declare a military administrative order if it is necessary. In the said military administrative order, the executive powers and duties and the judicial powers and duties concerning community peace and tranquillity and prevalence of law and order shall be conferred on the Commander-in-Chief of the Defence Services. The Commander-in-Chief of the Defence Services may exercise the said powers and duties by himself or cause the same to be exercised by any suitable military authority.

88. The President of the Union, in declaring a state of emergency under sub-sections (a) and (b) of section 85 by promulgating an ordinance:

- (a) shall specify- the area and the duration in which the state of emergency is in effect in the said ordinance;
- (b) may, if it is necessary, restrict or suspend one or more fundamental rights contained in the Constitution of the citizens residing in the area where the state of emergency is in effect

89. (a) The President of the Union shall carry out, relating to the measures taken under sub-section (a) of section 85 and section 86, and sub-section (b) of section 85 and section 87 by declaring a state of emergency in accord with sub-sections (b), (c) and (e) of section 32.

- (b) If the Pyidaungsu Hluttaw approves the submission of the President of the Union under sub-section (a) and extends the duration of the ordinance, the said ordinance shall remain in force until the expiry of the extended duration.

90. The President of the Union in declaring a state of emergency by promulgating an ordinance under sub-section (c) of section 85:

- (a) shall state in the said ordinance that the area where the state of emergency is in effect is throughout the entire Nation and specified duration is one year from the day of promulgation:

- (b) shall declare the transfer of legislative, executive and judicial powers of the Union to the Commander-in-Chief of the Defence Services to enable him to carry out necessary measures in order to speedily restore the original situation in the Union. The legislative functions of all Hluttaws and Leading Bodies shall be deemed to be suspended from the day of such declaration. It shall be deemed that on the expiry of the term of the said Hluttaws, the relevant Hluttaws have been dissolved automatically;
- (c) it shall be deemed that, with the exception of the President of the Union and the Vice-Presidents, the members of the organizations appointed and assigned duties with the approval of the relevant Hluttaws, members of the Self-Administered Division Leading Bodies or Self-Administered Zone Leading Bodies, have been terminated from duty commencing from the day of transfer of the State power to the Commander-in-Chief of the Defence Services under sub-section (b).

91. The Commander-in-Chief of the Defence Services to whom the State power has been transferred under sub-section (b) of section 90 has the right to exercise the legislative, executive and judicial powers. The Commander-in-Chief of the Defence Services may exercise the legislative power either by himself or by forming a body including himself. The executive power and the judicial power may be delegated to and exercised by forming any suitable body or by any suitable person.

92. The Commander-in-Chief of the Defence Services may, during the period of the declaration of a state of emergency, restrict or suspend, as may be necessary, one or more fundamental rights of the citizens contained in the Constitution in the necessary area.

93. The President of the Union:

- (a) shall report the matter of transfer of the State power to the Commander-in-Chief of the Defence Services under sub-section (b) of section 90. to a regular session of the Pyidaungsu Hluttaw if it is in session, or to an emergency session of the Pyidaungsu Hluttaw by causing to summon it if it is not in regular session.
- (b) may, if the Commander-in Chief of the Defence Services submits to extend the stipulated duration by stating reasons that he has not completed in implementing the duties assigned to him. and after co-ordination with the National Defence and Security Council, normally allow for two extensions of stipulated duration for a term of six months at a time. Such matter of extension shall be reported to the emergency session of the Pyidaungsu Hluttaw by causing to summon it.

94. The President of the Union shall, on submission of a report by the Commander-in-Chief of the Defence Services that he has completed the duties assigned to him, declare the revocation of the ordinance transferring the State power to the Commander-in Chief of the Defence Services under sub-section (b) of section

90 after coordination with the National Defence and Security Council, commencing from the day of the submission of the report to an emergency session of the Pyidaungsu Hluttaw after causing to summon it if the term of the Pyidaungsu Hluttaw has not expired, or commencing from the day of receipt of the report of the Commander-in-Chief of the Defence Services if the term of the Pyidaungsu Hluttaw has expired.

95. The President of the Union shall, on receiving the report of the Commander-in-Chief of the Defence Services under section 94, revoke the temporary suspension of the legislative functions of all Hluttaws and Leading Bodies if the term of the Pyidaungsu Hluttaw has not expired. Thereafter, the new executive and judicial bodies contained in the Constitution shall be formed and assigned duties in accord with the Constitution. Such bodies shall carry out the duties only for the remaining term of the Hluttaw.

96. Notwithstanding that the term of the Pyidaungsu Hluttaw had expired, the President of the Union and the Vice-Presidents or the Speaker of the Pyithu Hluttaw and the Speaker of the Amyotha Hluttaw shall remain in their offices until the new President of the Union and the new Vice-Presidents, or the new Speaker of the Pyithu Hluttaw and the new Speaker of the Amyotha Hluttaw have been elected in accord with the Constitution.

97. The National Defence and Security Council, on the expiry of the term of the Pyidaungsu Hluttaw:

- (a) may, if the Commander-in Chief of the Defence Services submits to extend the stipulated duration by stating reasons that he has not completed the duties assigned to him, normally allow two extensions of the stipulated duration for a term of six months at a time.
- (b) shall, concerning the matter of the transfer of State power by the President of the Union to the Commander-in-Chief of the Defence Services by declaring a state of emergency under sub-section (c) of section 85 and section 90. declare the revocation of the ordinance transferring the State power to him under sub-section (b) of section 90. on receiving the report of the Commander-in-Chief of the Defence Services that he has completed the duties assigned to him.
- (c) exercise the legislative, executive and judicial powers before the Hluttaws are formed in accord with the Constitution.
- (d) has the right to exercise the State power until the new President of the Union has been elected and the Union level authorities have been formed in accord with the provisions of the Constitution. In so exercising as such, the legislative power shall be exercised by itself. The executive power and judicial power may be delegated to exercise by forming the suitable bodies or by any suitable person for the Union. Region or State and Self-Administered Area levels.

- (e) shall form and assign duties to various levels of the executive authorities, Self-Administered Division Leading Body or the Self-Administered Zone Leading Bodies and the Election Commission contained in the Constitution with persons who are in conformity with the relevant qualifications prescribed in the Constitution.
- (f) shall hold the general election in accord with the provisions of the Constitution within six months commencing from the day of cancellation of the ordinance under sub section (b).
- (g) the bodies formed under sub-section (e) shall continue to carry out their functions and duties until the legislative, executive and judicial bodies have been formed in accord with the Constitution after holding the general election.
- (h) shall exercise the State power in the name of the President of the Union.

98. The legitimate measures of any authorities, any of its members; or any civil services organizations or any of its member; or any military body, any of its member assigned powers and duties to take necessary' measures in order to speedily restore the security, stability, community peace and tranquillity and prevalence of law and order to its original state while a declaration of emergency is in operation or during the period in which the State power is being exercised by the Commander-in-chief of the Defence Services or during the period in which the State power is being

exercised by the National Defence and Security Council, shall be valid. No legal action shall be taken on such legitimate measures.

Chapter VIII

Miscellaneous

99. The preparatory' works carried out by the State Peace and Development Council before this Law comes into force, for the implementation of this Law shall be deemed to have been carried out in accord with the Constitution.

100. The President of the Union and the Vice-Presidents shall furnish a list of family assets under their control, namely, land houses, buildings, businesses, savings and other valuable things owned by the family together with their values to the Speaker of the Pyidaungsu Hluttaw'.

101. The persons appointed by the President of the Union with the approval of the Hluttaw' shall furnish a list of businesses and assets under his control together with their values to the President of the Union.

102. The Union government shall:

(a) form the Office of the Union Government to take responsibility and carry out the various staff works of the Union Government;

(b) determine the formation and duties of the Union Government.

103. This Law may be amended, inserted or repealed by the Pyidaungsu Hluttaw formed in accord with the Constitution of the Republic of the Union of Myanmar.

This Law shall remain in force so far as it is not repealed by the Pyidaungsu Hluttaw.

104. In implementing the provisions contained in this Law, the Union Government may issue rules, regulations, bye-laws, notifications, orders, directives and procedures as may be necessary.

105. The Council of Ministers Law (The Pyithu Hluttaw Law No. 11, 1974) is hereby repealed.

(Sd.)Than Shwe

Senior General

Chairman

The State Peace and Development Council

The Union of Myanmar

The State Peace and Development Council

The Region or State Government Law

(The State Peace and Development Council Law No. 16 / 2010)

The 13th Waxing Day of Thadingyut, 1372 M.E.

(21st October, 2010)

Preamble

Since it is provided in section 443 of the Constitution of the Republic of the Union of Myanmar that the State Peace and Development Council shall carry out the necessary preparatory works to implement the Constitution, it has become necessary to enact the relevant laws to enable performance of the legislative, administrative and judicial functions of the Union smoothly, to enable

performance of works that are to be carried out when the various Hluttaws come into existence and to enable performance of the preparatory works in accord with law.

As such, the State Peace and Development Council hereby enacts this Law in accord with section 443 of the Constitution of the Republic of the Union of Myanmar, in order to implement the administrative works by the Region or State Government smoothly under the Constitution of the Republic of the Union of Myanmar.

Chapter I

Title, Enforcement and Definition

1. (a) This Law shall be **called the Region or State Government Law**.
 (b) This Law shall come into force commencing from the day on which the Constitution comes into force.
2. The following expressions contained in this Law shall have the meanings given hereunder: -

■ - -

 - (a) **Constitution** means the Constitution of the Republic of the Union of Myanmar;
 - (b) **Region or State Government** means the Region or State Government formed under the Constitution and this Law;
 - (c) **Self-Administered Area** means the Self-Administered Division or Self-Administered Zone;
 - (d) **Hluttaw** means the relevant Region or State Hluttaw;
 - (e) **Chief Minister** means the Chief Minister of the relevant Region or State;
 - (f) **Minister** means the Minister of the relevant Region or State;
 - (g) **Advocate-General** means the Advocate-General of the relevant Region or State.

Chapter II

Formation, Appointment and Assigning Duty

Formation of the Region or State Government

3. (a) The Region or State Government shall be formed with the following persons:
 - (i) Chief Minister;
 - (ii) Ministers;
 - (iii) Advocate-General.
- (b) The Head of the General Administration Department of the Region or State is the ex-officio Secretary of the relevant Region or State Government

Determining the Number of Ministries and Ministers

4. The President, with the approval of the relevant Region or State Hluttaw:
 - (a) shall determine the number of Ministries of Region or State with a minimum of five to a maximum of ten in number. It may make changes and additions to the Ministries within such stipulated number;
 - (b) shall determine and assign duty to the number of Ministers of Region or State with a minimum of five to a maximum often in

number. It may increase and decrease the number of Ministers within such stipulated number. In determining and assigning duty to the Ministers, it shall assign duty to one Minister each as a Mayor for Yangon Region and Mandalay Region.

- (c) In the number of Ministers of the Region or State stipulated under sub-section (b), the Region or State Ministers of the National Races and the Chairpersons of the Leading Body of the Self-Administered Division or the Self-Administered Area who are the ex-officio Ministers of the Region or State shall not be included.

5. The President shall determine specifically the departments and organizations which shall be included in the Ministry of Region or State on the submission of the Government of the Region or State.

Appointment of and Assigning Duty to the Chief Minister

- 6. (a) The President shall elect a suitable Hluttaw representative from among the representatives of the relevant Region or State Hluttaw who fulfils the qualifications contained in sub-section (a) of section 261 of the Constitution and submit his nomination list to the Hluttaw, obtain its approval, appoint and assign duty to him as the Chief Minister of the relevant Region or State.

- (b) If it cannot be clearly proved that the relevant person does not fulfil the qualifications prescribed for the Chief Minister, the relevant Hluttaw shall not have the right to refuse the appointment of and assigning duty to a Hluttaw representative nominated by the President as the Chief Minister.
- (c) The President has the right to submit again the new nomination list in place of the person who has not obtained the approval of the relevant Hluttaw for the appointment of and assigning duty to the Chief Minister.

7. The Chief Minister shall be responsible to the President.

Appointment of and Assigning Duty to the Ministers

- 8. (a) The Chief Minister shall:
 - (i) select suitable persons who fulfil the qualifications contained in sub-section (a) of section 261 of the Constitution, from among the Hluttaw representatives or from among persons who are not Hluttaw representatives;
 - (ii) request for a list of suitable members of the Defence Services from the Commander-in-Chief of the Defence Services to enable assignment of duties for the security and border affairs;

- (iii) obtain a list of Chairperson from the Leading Body of the Self-Administered Division or Leading Body of the Self-Administered Zone situated in the relevant Region or State;
 - (iv) obtain from the relevant Election Commission the list of Hluttaw representatives elected to carry out the affairs of National races in the relevant Region or State.
- (b) The Chief Minister shall compile the list of persons selected by him under clause (i) of sub-section (a) and the list of the members of the Defence Services obtained from the Commander-in-Chief of the Defence Services under clause (ii) of sub-section (a) and submit them to the Hluttaw for its approval.
- (c) If it cannot be clear]]proved that the qualifications stipulated for the Ministers are not fulfilled the relevant Hluttaw shall not have the right to refuse the appointment of and assigning duty to the persons nominated by the Chief Minister as the Ministers.
- (d) The Chief Minister has the right to submit again to the relevant Hluttaw the new nomination list in place of the person who has not obtained the approval of the relevant Hluttaw- for the appointment and assigning duty as a Minister.
- (e) The Chief Minister shall, if he desires to assign duty to the members of the Defence Services as Ministers for duties other than duties for the security and border affairs, request the

nomination list from the Commander-in-Chief of the Defence Services and submit it to the President, with the approval of the relevant Hluttaw.

- (f) The Chief Minister shall submit to the President to enable appointment and assignment of duty to the persons who have been approved by the Hluttaw and the persons contained in the list of Chairpersons of the Leading Body of the Self-Administered Division or Self-Administered Zone and the list of representatives elected to carry out the affairs of National races as the Ministers.
- (g) The President shall appoint and assign duty to the persons submitted by the Chief Minister as Ministers. In doing so, the Ministry or Ministries for which each Minister shall be responsible, shall be determined in coordination with the relevant Chief Minister.

9. The President shall intimate to the Hluttaw and Pyidaungsu Hluttaw whenever the appointments of the Chief Minister and Ministers are made by mentioning the Ministries assigned to them.

10. (a) The President:

- (i) shall assign duty to the Chairpersons of the Self-Administered Division Leading Body and the Self-Administered Zone Leading Body who are the Ministers to carry out the affairs of the relevant Self-Administered Division or Self-Administered Zone;

(ii) shall assign duty to the Hluttaw representatives elected in order to earn' out the national races affairs and who are the Ministers to carry out the affairs of relevant national races:

(b) may assign duty to the Ministers of national races affairs and the Chairpersons of the Self-Administered Division or the Self-Administered Zone Leading Bodies for the duties of other Ministries in the Region or State Government jointly after coordinating with the Chief Minister:

(c) shall assign duties of other Ministries in the Region or State Government to the Chairperson of the Self-Administered Division or Self-Administered Zone Leading Body only if his consent is obtained. In so assigning separate duties, he shall resign from the office of the Chairperson of Self-Administered Division or Self-Administered Zone Leading Body to enable carrying out of the duties of the Region or State Ministry efficiently.

11, The President shall, in assigning duty as a Minister, reduce the limit of age prescribed in the Constitution for the following persons:

(a) Chairperson of the relevant Self-Administered Division Leading Body or Self-Administered Zone Leading Body;

- (b) Hluttaw representative elected to carry out the National Races affairs within the relevant Region or State.

12. The Ministers shall be responsible to the Chief Minister and to the President through the Chief Minister.

13. The Minister:

- (a) shall be deemed to have retired from office in accord with the existing Civil Services rules and regulations from the day of appointment and assigning duty as a Minister, if he is a Civil Services personnel;
- (b) It shall not be necessary to retire or resign from the Defence Services if he is a member of the Defence Services appointed and assigned duty as a Minister for the security and border affairs Ministries of the Region or State Governments.

Appointment of and Assigning Duty' to the Advocate General

14. (a) The Chief Minister shall submit to the President, with the approval of the Hluttaw, for enabling to assign duty to any person who fulfils the qualifications contained in sub-section (a) of section 266 of the Constitution from among the Hluttaw representatives or from those who are not the Hluttaw representatives as Advocate General to obtain legal advice and to assign duty' on legal matters. The President shall appoint and assign duty as Advocate General to a person submitted with the approval of the Hluttaw.

- (b) If it cannot be clearly proved that the qualifications stipulated for the Advocate-General are not fulfilled, the relevant Hluttaw shall not have the right to refuse the appointment of and assigning duty to a person nominated by the relevant Chief Minister as the Advocate-General.
- (c) The Chief Minister has the right to submit again to the relevant Hluttaw the new nomination list in place of the person who has not obtained approval of the relevant Hluttaw for the appointment of and assigning duty as the Advocate-General.

15. The Advocate-General shall:

- (a) be responsible to the President through the Chief Minister;
- (b) be responsible to the Union Attorney General and the Chief Minister

16. If the Advocate-General is a Civil Services personnel, it shall be deemed that he has retired from civil service in accord with the existing Civil Services rules and regulations from the day of assigning duty as Advocate-General.

Appointment and Assigning Duty to the Chief Justice of the High Court of the Region or State

17. (a) The President shall, in co-ordination with the Chief Justice of the Union and the relevant Chief Minister, prepare the nomination list for the appointment of the Chief Justice of the relevant High Court of the Region or State and the said nomination list shall be sent to the relevant Hluttaw.

- (b) If it cannot be clearly proved that the qualifications prescribed in section 310 of the Constitution for the Chief Justice of the High Court of the Region or State are not fulfilled, the relevant Hluttaw shall not have the right to refuse the person nominated by the President, in co-ordination with the Chief Justice of the Union and the relevant Chief Minister for the appointment of the Chief Justice of the High Court of the relevant Region or State.
- (c) The President shall have the right to submit again a new nomination list to the relevant Hluttaw in place of the person who is not approved by the relevant Hluttaw for the appointment of the Chief Justice of the High Court of the Region or State.
- (d) The President shall appoint and assign duty to the persons approved by the relevant Hluttaw as the Chief Justice of the High Court of the relevant Region or State.

Appointment and Assigning Duty to the Judges of the High Court of the Region or State

18. (a) The Chief Minister shall, in co-ordination with the Chief Justice of the Union, prepare the nomination list for the appointment (if the Judges of the High Court of the relevant Region or State and the said nomination lists shall be sent to the relevant Hluttaw.
- (b) If it cannot be clearly proved that the qualifications prescribed in section 310 of the Constitution for the Judges of the High Court

of the Region or State are not fulfilled, the relevant Hluttaw shall not have the right to refuse the persons nominated by the Chief Minister, in co-ordination with the Chief Justice of the Union for the appointment of the Judges of the High Court of the relevant Region or State.

- (c) The Chief Minister shall have the right to submit again a new nomination list to the relevant Hluttaw in place of the person who is not approved by the relevant Hluttaw for the appointment of the Judges of the High Court of the Region or State.
- (d) The President shall appoint and assign duty to the persons approved by the relevant Hluttaw as the Judges of the High Court of the relevant Region or State.

19. The Chief Justice of the High Court of the Region or State and the Judges of the High Court of the Region or State:

- (a) shall be free from party politics:
- (b) shall be deemed to have retired in accord with the existing Civil Services Regulations commencing from the day of the appointment as the Chief Justice of the High Court of the Region or State or Judge of the High Court of the Region or State if they are Civil Services personnel.

Appointment and Assigning Duty' to the Auditor-General of the Region or State

20. (a) The Chief Minister shall submit to the President for appointment and assigning duty to a person from among Hluttaw representatives or from among those who are not Hluttaw representatives who fulfils the qualifications contained in sub section (a) of Section 271 of the Constitution, with the approval of the Hluttaw of the relevant Region or State as the Auditor-General of the Region or State so as to audit the accounts of receipt and expenditure of the Region or State and report to the Hluttaw. The President shall appoint and assign duty to the person submitted with the approval of the Hluttaw as Auditor General of the Region or State.
- (b) If it cannot be clearly proved that the qualifications stipulated for the Auditor-General of the Region or State are not fulfilled, the relevant Hluttaw shall not have the right to refuse the appointment of and assigning duty to the person nominated by the Chief Minister of the relevant Region or State as the Auditor-General of the Region or State.
- (c) The Chief Minister has the right to submit again a new' nomination list to the relevant Hluttaw in place of the person who is not approved by the relevant Hluttaw' for the appointment of and assigning duty' to a person as the Auditor-General of the Region or State.

21. The Auditor-General of the Region or State shall:
- (a) be responsible to the President through the Chief Minister:
 - (b) be responsible to the Auditor-General of the Union and to the Chief Minister.
22. If the Auditor-General of the Region or State is a Civil Services personnel, it shall be deemed that he has retired from civil service according to the existing Civil Services rules and regulations from the day of assigning duty as the Auditor-General of the Region or State.

Chapter III

Duties and Powers of the Chief Minister

Matters Relating to the Promulgation as Law

23. (a) The Chief Minister shall sign the Bills approved by the Region or State Hluttaw within seven days from the day next to the day of receipt in accord with the stipulated manners and promulgate it as law.
- (b) The Chief Minister shall sign the Bills approved by the Leading Body of the Self-Administered Division or Self-Administered Zone within 14 days from the day next to the day of receipt and promulgate it as law.
- (c) If the Chief Minister does not sign and promulgate the Bill as law within the prescribed period contained in sub-sections (a) and (b)

to sign and promulgate as law by him, the Bill shall become a law as if the Chief Minister had signed it on the day of the completion of the stipulated period

- (d) The laws signed by the Chief Minister and the laws which are deemed to have been signed by him, shall be published in the Gazette. Unless a specific provision is contained in such law, the law shall come into force on the day of such promulgation.

Matters Relating to Territorial Boundary

24 If a cause arises to alter or form the territorial boundary or change the name of a village, village-tract, ward, town, township or district of a relevant Region, State, Self-Administered Division or Self-Administered Zone, the Chief Minister shall submit it with recommendation to the President.

Other Matters

25. The Chief Minister who is a member of the Financial Commission shall prepare the estimate budget or estimate for supplementary appropriation of his Region or State for the relevant financial year within the stipulated period and submit to the Financial Commission.

26. The Chief Minister shall have the right to submit matters to the Constitutional Tribunal of the Union in accord with the stipulated manners to obtain the interpretation, decision and opinion of the Constitutional Tribunal of the Union.

27. The Chief Minister may:

(a) intimate to the Speaker of the Hluttaw to summon an emergency session or a special session of the Hluttaw.

(b) may address the session of Hluttaw.

Chapter IV

Duties and Powers of the Members of the Government of the

Region or State

Executive Power of (he Region or State Government

28. Subject to the provisions of the Constitution, the executive power of the Region or State Government extends to the matters on which the Region or state Hluttaw has power to make laws. Moreover, it also extends to the matters on which the Region or State Government is permitted to carry out in accord with any Union Law.

29. The Region or State Government shall have the responsibility to assist the Union Government in the preservation of the stability of the Union, community peace and tranquillity and prevalence of law and order.

30. The Region or State Governments and the Leading Bodies of Self-Administered Division or Self-Administered Zone shall abide by the cooperation and co-ordination of the Union Government to carry out effectively and successfully the works that are to be carried out by them.

3 I The Region or State Government:

- fa) shall manage, guide, supervise and inspect the work performances of the Ministries of the Region or State and their subordinate Government departments and organizations in accord with the provisions of the Constitution and the existing law;
- (b) may supervise, inspect, cooperate and coordinate the work performances of the civil service organizations discharging duties in their Region or State in accord with law.

32. The Region or State Government:

- (a) shall comply with the cooperation, coordination, settlement and decisions made when necessary by the Union Government relating to disputes on administration arising between the Region and State, among Regions, among States, between the Region or State and Self-Administered Area;
- (b) shall comply with the cooperation, coordination, settlement and decisions made, when necessary by the Union Government relating to disputes on administration arising between the Region or State and the Union Territory.

Matters Relating to Planning and Finance

33. The Region or State Government shall, subject to the policies laid down by the Union Government and Union laws, implement the plans on works that are to be carried out within the Region or State with the approval of the Hluttaw.

34. The Region or State Government shall submit the estimate budget of the Region or State drawn by the Region or State Budget Department within the framework laid down by the Financial Commission according to the relevant financial year to the Hluttaw for enabling to discuss.

35. The Region or State Government shall, with the recommendation of the Chief Minister, submit to and obtain the approval of the Hluttaw on the estimate budget of the Region or State including the fund received from the Union Fund for its Region or State under the Union Budget Law or the Supplementary Appropriation Law after submitting and coordinating the estimate budget of the Region or State, which has been discussed in the Hluttaw to the Financial Commission.

36. The Region or State Government shall, in accord with the provisions of the Constitution, submit to the Hluttaw for enabling to promulgate the Region or State Budget Bill for the next financial year based on the annual Union Budget.

37. The Region or State Government shall, if the Region or State Budget Bill for the next financial year submitted under section 36 is unable to be promulgated by the Hluttaw before the end of the current financial year, have the right to expend only the general expenditure among the expenditure of the next budget year within the allotted framework of the general expenditure contained in the last enacted Budget law of the Region or State enacted.

Matters Relating to Taxes and Revenues

38. The Region or State Government shall;

- (a) collect the taxes and revenues contained in Schedule 5 of the Constitution in accord with law and deposit them to the Region or State fund;
- (b) deposit the fund supplemented from the Union fund, granted as a special matter and permitted as loan for the Regions or States under the Union Budget Law as the receipt to the Region or State fund.

39. The Region or State Government has the right to expend the funds of the Region or State obtained under section 38 in accord with law.

Other Matters

40. The Region or State Government may, with the approval of the Union Government, carry out any business stipulated only to be carried out by the Union Government jointly with the Union Government or in accord with the terms and conditions.

41. The Region or State Government may submit the necessary Bills relating to the matters contained in the Region or State Legislative List. Schedule 2 of the Constitution, in accord with the provisions of the Constitution to the Hluttaw.

42. The Region or State shall:

- (a) implement the administrative decisions passed by the Hluttaw from time to time. The actions taken shall be reported back to the Hluttaw;
- (b) submit the report relating to the various situation of its region to the Union Government and the Hluttaw.

43. The Region or State Government may, for enabling to implement the works to be earned out by itself in accord with the Union law for Civil Services and in co-ordination with the Union Government in advance:

- (a) form Civil Services Organizations relating to the Region or State as may be necessary;
- (b) appoint the necessary Civil Servants personnel.

44. The Region or State Government shall, if any of the following situations arise, submit to the President as soon as possible.

- (a) there arising a state of emergency under which it is unable to carry out the administrative functions in its Region or State, or in a Self-administered Area in its Region or State in accord with the provisions of the Constitution;
- (b) there arising or there is sufficient cause to so arise a state of emergency endangering the lives, shelter and property of the public in its Region or State, in Self-Administered Area in its Region or State, or in any part thereof.

45. The Region or State Government shall:

- (a) carry out the functions and duties assigned by the Union Government from time to time.
- (b) carry' out the functions and duties assigned by any existing law.

Sessions of the Region or State Government

46. The regular session of the Region or State Government shall be convened generally at least twice per month. The special session may be convened if it is necessary. •

47. The Chief Minister shall act as the Chairperson in the sessions of Government meetings.

48. The Chairpersons of the Leading Bodies of the Self-Administered Divisions Self-Administered Zones and the Ministers of National Races have the right to attend the session of Government meeting only when they are invited.

49. A member of the Region or State Government shall not fail to attend the meeting without reasonable cause. I f he is unable to attend the meeting, he shall ask permission from the Chief Minister in advance with valid ground.

- 50. (a) The minutes ofthe meeting shall be recorded by the Office of the Region or State Government.
- (b) The minutes ofthe meeting shall be submitted to and approved by the next meeting.

- (c) The decisions of the Region or State Government which have not been published and the minutes of the meeting are the confidential of the Union.

Chapter (V)

Term of Office, Resignation from Office, Termination from Office, Impeachment, Filling up and Appointing at the Vacant Office

Term of Office of the Members of the Region or State Government

51. The term of office of the Chief Minister, the Ministers and the Advocate General are the same as that of the President.

Resignation from Office and Termination from Office of the Members of the Region or State Government

- 52. (a) If the Chief Minister desires to resign from office on his own volition due to a certain cause before the expiry- of the term of office, he may do so by submitting his written resignation to the President.
- (b) If the Minister or the Advocate General desires to resign from office as contained in sub-section (a), he may do so by submitting his written resignation to the President through the relevant Chief Minister.
- 53. (a) If any of the Chief Minister, the Minister and the Advocate General cannot discharge his functions and duties efficiently, the President

may direct him to resign from office. If he fails to comply with the directive of the President, he shall be terminated from office,

- (b) The President shall coordinate with the Commander-in-Chief of the Defence Sendees if it is concerned with the Minister who is a member of. the Defence Sendees and who is to be resigned or terminated from office.

Impeachment against the Members of the Region or State Government

54. If any of the following persons is impeached due to any cause contained in sub-section (a) of section 263 of the Constitution, it shall be carried out in accord with provisions contained in sub-sections (b), (c), (d) and (e) of section 263 of the Constitution:

- (a) Chief Minister;
- (b) Minister;
- (c) Advocate General.

55. If the Hluttaw submits to the President the decision that the Chief Minister, the Minister, and the Advocate General who are impeached for any cause contained in sub-section (a) of section 263 of the Constitution is unfit to continue in office after carrying out the inquiry in accord with the provisions contained in sub-sections (b), (c) and (d) of section 263 of the Constitution, such person shall be terminated from office.

Filling up and Appointing at the Vacant Office of the Members of the Region or State Government

56. If the office of any of the following persons becomes vacant due to resignation, termination from office, death or any other cause, the President may fill up, appoint and assign duties at such vacant office in accord with the provisions of the Constitution. The term of office of the persons so appointed and assigned duties shall be for the remaining term of office of the President:

- (a) Chief Minister and Ministers;
- (b) Advocate General;
- (c) Chairperson of the Leading Body of the Self-Administered Division or Self-Administered Zone.

Performing Duties in the State of Emergency Period

57. It shall be deemed that the members of the organization appointed and assigned duties with the approval of the relevant Hluthlaw have been suspended from duty from the day of transferring of legislative, executive and judicial powers of the Union to the Commander-in-Chief of the Defence Services by the President under section 418 of the Constitution as the state of emergency arises according to section 417 of the Constitution.^{1—^}

58. If the President revokes the temporary suspension of the legislative functions of the relevant Hluthlaw under section 418 of the Constitution, the new executive and judicial bodies of the relevant Region or State contained in the

Constitution shall be formed and assigned duties in accord with section 423 of the Constitution and this Law. Such bodies shall carry out their duties only for the remaining term of the Hluttaw.

Chapter VI

Miscellaneous

59. The preparatory works carried out by the State Peace and Development Council to implement this law before this Law comes into force shall be deemed to have been carried out in accord with the Constitution.

60. In carrying out for the relevant cities development by the Yangon City Development Committee and the Mandalay City Development Committee, if they submit to enable assistance to be given by the Union as their own fund is not sufficient and more funds are required the relevant Region Government shall proceed to submit to the Union Government.

61. The General Administration Department of the Region or State is the Office of the relevant Region or State Government.

62. This Law may be amended, inserted or repealed by the Pyidaungsu Hluttaw formed in accord with the Constitution of the Republic of the Union of Myanmar. This Law shall remain in force in so far as they are not repealed by the Pyidaungsu Hluttaw.

In implementing the provisions contained in this law:

- (a) the Union Government may issue rules, regulations and bye-laws as may be necessary;
- (b) the relevant Region or State Government and the relevant Ministries of the Region or State may issue notifications, orders, directives and procedures as may be necessary.

(Sd)Than Shwe

Senior General

Chairman

The State Peace and Development Council

The Union of Myanmar
 The State Peace and Development Council
 The Self-Administered Division or Self-Administered Zone
 Leading Body Law
 (The State Peace and Development Council Law No. 17 / 2010)
 The 13th Waxing Day of Thadinkyut. 1372 M.F.
 (21st October, 2010)

Preamble

Since it is provided in section 443 of the Constitution of the Republic of the Union of Myanmar that the State Peace and Development Council shall carry out the necessary preparatory works to implement the Constitution, it has become necessary to enact the relevant laws to enable performance of the legislative, administrative and judicial functions of the Union smoothly, to enable performance of works that are to be carried out when the various Hluttaws come into existence and to enable performance of the preparatory works in accord with law.

As such, the State Peace and Development Council hereby enacts this Law in accord with section 443 of the Constitution of the Republic of the Union of Myanmar, in order to implement the works relating to administration by the Self-Administered Division or Self-Administered Zone Leading Body smoothly under the Constitution of the Republic of the Union of Myanmar.

Chapter I

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Title, Enforcement and Definition

1. (a) This Law shall be called **the Self-Administered Division or Self-Administered Zone Leading Body Law.**
- (b) This Law shall come into force commencing from the day on which the Constitution comes into force.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **Constitution** means the Constitution of the Republic of the Union of Myanmar;
 - (b) **Self-Administered Division and Self-Administered Zone** means the Self-Administered Division and the Self-Administered Zone stipulated in section 56 of the Constitution;
 - (c) **Self-Administered Area** means the Self-Administered Division or the Self-Administered Zone;
 - (d) **Leading Body** means the Self-Administered Division Leading Body or Self-Administered Zone Leading Body;
 - (e) **Chairperson of the Leading Body** means the relevant Chairperson of the Self-Administered Division Leading Body or the Self-Administered Zone Leading Body. Moreover, he is also the

Chairperson of the relevant Executive Committee of the Leading Body;

- (f) **Member of the Leading Body** means the member of the relevant Self-Administered Division Leading Body or Self-Administered Zone Leading Body.

Chapter II

Formation, Appointment and Assignment of Duties

Formation of the Leading Body

3. (a) The respective Leading Body is formed in the Self-Administered Division and the Self-Administered Zone;
- (b) The Leading Body shall comprise a minimum of 10 members.
4. The Leading Body shall be formed with the following persons:
 - (a) Region or State Hlutlaw representatives elected from townships in the Self-Administered Division or Self-Administered Zone;
 - (b) the Defence Services Personnel representatives nominated by the Commander-in-Chief of the Defence Services to assign duties relating to security or border affairs;
 - (c) additional representatives selected by persons contained in sub-section (a) and (b) in accord with section 10.

5. The Head of General Administration Department of the relevant Self-Administered Division or Self-Administered Zone is the *ex-officio* secretary of the Leading Body and the Executive Committee. He shall have no right to vote[^]

6. The Self-Administered Division and Self-Administered Zone are of equal status being the Self-Administered Areas.

Formation of the Scrutiny Body and Scrutinizing the Representatives

7. The State Peace and Development Council shall form and assign duties to the Scrutiny Body headed by the Secretary of the relevant Leading Body to enable scrutinizing of the representatives contained in sub-sections (a) and (b) of section 4 and to elect the Chairperson of the Leading Body.

8. The Scrutiny Body formed under section 7 shall, in scrutinizing the representatives contained in sub-sections (a) and (b) of section 4:

(a) scrutinize by the accreditation certificate issued by the Union Election Commission, if they are Region or State Hluttaw representatives elected from townships in the Self-Administered Division or Self-Administered Zone;

(b) scrutinize by the accreditation certificate issued by the Commander-in-Chief of the Defence Services, if they are Defence Services Personnel representatives nominated by the Commander-in-Chief of the Defence Services as the member of T .eadina Rodv.

Selection, Appointment and Assignment of Duties to Chairperson and Members of Leading Body

9. In selecting and appointing the Chairperson of the relevant Leading Body:
 - (a) Members of the Leading Body contained in sub-sections (a) and (b) of section 4 shall, after coordinating among themselves, select a suitable person as the Chairperson of the Leading Body from among the Region or State Hluttaw representatives elected from the townships in the Self-Administered Division or the Self-Administered Zone in accord with the provisions of Chapter III. The list of the person so elected shall be submitted to the President of the Union through the relevant Chief Minister of the Region or State;
 - (b) The President of the Union shall appoint and assign duties to the person who is nominated under sub-section (a) as the Chairperson of the relevant Leading Body;
 - (c) The President of the Union shall, in appointing and assigning duties to the Chairperson of the Leading Body, reduce the age limit stipulated in the Constitution.
10. The Chairperson of the Leading Body elected under section 9 and members of the Leading Body contained in sub-sections (a) and (b) of section 4 shall:
 - (a) from the remaining National races except the National races who have resided in the relevant Self-Administered Division or Self-

Administered Zone and have already obtained the relevant Self-Administered Division or the Self-Administered Zone, if the relevant authority determined having a suitable population of over 10.000 of national races elect and appoint each representative of the said National races as a member of the Leading Body in accord with the provisions of Chapter IV. The member of the Leading Body so elected shall have the prescribed qualifications of the Hluttaw representatives of the Region or State under section 169 of the Constitution:

- (b) if the number of members of the Leading Body is less than 10 members, elect and appoint the required number of members from those residing in the relevant Self-Administered Division or Self-Administered Zone and who have qualifications prescribed for the Region or State Hluttaw representatives contained in section 169 of the Constitution in accord with the provisions contained in Chapter V to fill up 10 members as they desire.

11. The Commander-in-Chief of the Defence Services may add and assign duties to the one-fourth of the total number of members of the Leading Body with the Defence Services personnel in the Leading Body as may be necessary.

12. The Defence Services personnel, nominated in accord with law by the Commander-in-Chief of the Defence Services, to be assigned as the members

of the Leading Body shall fulfil the qualifications of the Region or State Hluttaw representatives.

13. The Chairperson shall declare the list of the names of the members of the Leading Body after carrying out election of the Chairperson under Chapter III. election of the Leading Body members of the National races representative under Chapter IV and election and appointment to fill up the stipulated numbers of the members of Leading Body under Chapter V.

14. The Chairperson of the Leading Body shall make an affirmation before the members of the Leading Body and the members of the Leading Body shall do so before the Chairperson of the Leading Body according to Annexure (A).

15. The Chairperson of the Leading Body:

- (a) is the *ex-officio* Minister of the relevant Region or State;
- (b) shall be responsible to the Chief Minister of the relevant Region or State and to the President through the Chief Minister of the relevant Region or State.

16. The members of the Leading Body shall be responsible to their Chairperson of the Leading Body.

Formation of Executive Committee of the Leading Body

17. The Chairperson of the Leading Body shall select and form the Executive Committee of the Leading Body with a minimum of three persons to a maximum of five persons with the agreement of the Chief Minister of the Region or State

and with the approval of the Region or Slate Hluttaw to enable carrying out of the administrative functions of the Leading Body in full time.

18. The Chairperson of the Leading Body may allocate duties to the Executive Committee members of the Leading Body in each economic, social and management sector a her coordinating with the Executive Committee of the Leading Body to enable to carrying out of the duties and powers of the Leading Body effectively.

Chapter III

Election of the Chairperson of the Leading Body

Arranging to Elect the Chairperson of the Leading Body

19. In electing the Chairperson of the Leading Body by the representatives contained in sub-sections (a) and (b) of section 4:

- (a) the leader of the Scrutiny Body formed under section 7 shall earn out as the master of ceremony;
- (b) the master of ceremony shall make necessary arrangements to enable to election of the Chairperson of the Leading Body.

Manner to Elect the Chairperson of the Leading Body

20. (a) The representatives contained in sub-sections (a) and (b) of section 4 shall coordinate among them select and elect a suitable person as the Chairperson of the Leading Body from among the Hluttav/ representatives contained in sub-section (a) of section 4:

- (b) if the coordination and election under sub-section (a) is completed, the master of ceremony shall declare such person elected as being the Chairperson of the Leading Body.

21. If the Chairperson of the Leading Body can not be elected by coordination among themselves under section 20, it shall be carried out in the manner of secret voting as follows:

- (a) voting shall be made before the members of the Leading Body in the meeting room of the Leading Body;
- (b) in casting secret vote, the list of the names of the Region or State Hluttaw representatives contained in sub-section (a) of section 4 shall be prepared in alphabetical order;
- (c) the Scrutiny Body shall arrange for ballot papers, voting roll, documents and forms relating to voting, that are necessary for election. Specific places shall also be arranged in the meeting hall of the Leading Body to enable casting of secret vote;
- (d) the master of ceremony shall, before the voting commences, bring the ballot papers that are twice the number of the members of Leading Body who will cast vote, count and record the ballot papers before the members of the Leading Body and Scrutiny Body:

the Scrutiny Body shall show the ballot box before the members of the Leading Body to ensure that there is nothing in the ballot box and place the ballot box at the place visible by the members of the Leading Body;

a member of the Leading Body may, if he enters on the ballot paper erroneously, ask to cancel such ballot paper and change with the new ballot paper. The old ballot paper shall be destroyed by the said member of the Leading Body himself at such place where it is changed before the members of the Leading Body. The number of ballot papers destroyed shall be recorded by the master of ceremony in the stipulated form;

the members of the Leading Body shall cast secret vote at the stipulated place after signing in the stipulated form that he has received the ballot paper from the Scrutiny Body. In voting as such, make the right mark (☐) for the person in favour or the cross-mark (x) for the person against on the ballot paper clearly. Then, the voting paper shall be cast into the ballot box by himself; in carrying out counting the ballot papers, the master of ceremony shall cause the members of the Scrutiny Body to open the ballot box before the members of the Leading Body and draw out the ballot papers. Before opening the ballot box, if the ballot papers left outside the ballot box are found, the numbers of them shall be recorded and determined as cancelled vote;

- (i) the master of ceremony shall scrutinize whether or not the number of ballot papers issued to the members of the Leading Body is equal to the number of ballot papers drawn from the ballot box. If the number of ballot papers drawn and received from the ballot box is more than the ballot papers issued, the master of ceremony shall declare that voting is not valid and new voting shall be held to enable to electing of the Leading Body;
- (j) if the number of voting papers drawn and received from the ballot box is less than the number of ballot papers issued, the number of ballot papers in shortage or if there is no shortage of ballot paper the fact of no shortage shall be declared and the voting papers shall be counted.

22. In counting the ballot papers, if the following ballot papers are found it shall be declared that they are determined as cancelled votes:

- (a) ballot paper left outside the ballot box without casting into the ballot box;
- (b) ballot paper that has been cast in favour of more than one person;
- (c) ballot paper that has not been cast for anyone;
- (d) ballot paper on Which a mark is written so as to identify the voter;
- .(e) - ballot paper which cannot be known for whom it is voted;
- (1) faked ballot paper.-

23. (a) In carrying out to elect the Chairperson of the Leading Body under sections 21 and 22. if two or more persons are equal in the position of the person who obtained the highest numbers of votes-in-favour, the persons who obtained lesser votes shall be cancelled and voting shall be held for the persons who are equal in the number of votes according to sections 21, 22 and 24.
- (b) if two or more persons are equal again in the position of the person who obtained the highest number of votes in the second voting held under sub-section (a), the voting shall be suspended temporarily for three days excluding gazetted holidays;
- (c) when the voting is held again, the master of ceremony shall proceed to hold it by abiding in accord with sub-section (a) until the Chairperson can be elected.
24. The master of ceremony shall declare the person who obtained the highest number of votes-in-favour. It shall be submitted to the President of the Union through the Chief Minister of the Region or State to appoint and assign duties to such person as the Chairperson of the Leading Body.

Chapter JV

Election of the National Races Representative Leading Body Members

25. To enable election and appointment of each National race representative as the member of the Leading Body, under sub-section (a) of section 10. the

Chairperson of the Leading Body shall:

- (a) obtain the list of each National race as officially published and declared by the relevant authority, among the National races residing in the relevant Self-Administered Division or Self-Administered Zone, who will be entitled to have a representative each as a member of the Leading Body under sub-section (a) of section 10;
- (b) shall elect candidates preliminarily to be elected as the member of the Leading Body from the list of each National race obtained under sub-section (a) by the desire of the members of the Leading Body:
- (c) obtain the desire of the persons elected preliminarily as the member of the Leading Body under sub-section (b) as to whether or not they wish to perform the duty of the Leading Body.

26. The Chairperson and members of the Leading Body shall elect and appoint each National races representative from among the persons contained in preliminary list who have elected and obtained their desires under section 25 by coordination among themselves as members of the leading Body.

27. If the coordination among themselves under section 26 can not be reached, voting for the election of National races representative Leading Body member shall be held as contained in sections 21, 22 and 23 conducted by the Chairperson

of the Leading Body as the Chairman. In so voting, the Chairman shall vote together with the members of the Leading Body. The Chairman has no right of decision b) casting vote. The Chairman shall declare the selection of the person who obtained the highest number of vote as the National races representative Leading Body member.

28. The Chairperson and members of the Leading Body shall appoint and assign duties to the National races representative as the member of the Leading Body.

Chapter V

Election and Appointment to attain the Stipulated Number of the Members of the Leading Body

29. If the minimum number of the members of the Leading Body is less than 10 persons:

(a) the Chairperson and members of the Leading Body contained in sub-sections (a) and (b) of section 4 shall elect and appoint the required number as they desire to meet the minimum number of the members of the Leading Body as stipulated in sub-section (b) of section 10;

(b) if the election cannot be completed as they desire under sub-section (a), the election and appointment shall be made in the manner of secret voting contained in sections 21.22 and 23.

Chapter VI

Duties and Powers of the Chairperson of the Leading Body

Submission and Declaration of the Bill

30. The Chairperson of the Leading Body shall submit the bill approved by the Leading Body to the Chief Minister of the relevant Region or State to enable signing and publishing as a law within 14 days from the next day of the day on which the Chief Minister of the relevant Region or State receives it.

31. The law signed by the Chief Minister of the relevant Region or State shall be published in the official gazette by the Office of the Leading Body of the relevant Self-Administered Division or Self-Administered Zone.

Carrying out the Local Affairs Duties and Other Ministerial Duties

32. The Chairperson of the Leading Body shall:

- (a) carry out the affairs of his relevant Self-Administered Division or Self-Administered Zone assigned by the President of the Union being the *ex-officio* Minister of the relevant Region or State:
- (b) withdraw from the office of the Chairperson of the Leading Body to carry out duties of the Ministry of the Region or State Government effectively, if he voluntarily accepts to carry out the duties of the other Ministerial duties of the Government of the Region or State, specifically assigned by the President of the Union in coordination with the Chief Minister of the Region or State.

33. If the office of the Chairperson becomes vacant as the Chairperson withdraws from the office of the Chairperson to carry out oilier Ministerial duties of the Government of the Region or State under sub-section (b) of section 32, a new Chairperson shall be re-elected and appointed in acobrd with the provisions contained in section 9 of this Law.

Other Matters

34. The Chairperson of the Leading Body is entitled to submit to the Constitutional Tribunal of the Union the matters to obtain its interpretation, resolution and opinion in accord with the stipulated manners.

35. The Chairperson of the Leading Body:

- (a) shall earn' out the implementation, coordination, supervision and guidance ofthe functions ofthe Leading Body:
- (b) shall carry out the allocation and determining ofthe functions of the members of the Leading Body according to individual or body and coordination if it is necessary:
- (c) may call and convene the meetings of the Leading Body as may be necessary.

36. The Chairperson of the Leading Body shall convene the first session of the future terms ofthe Leading Body and carry out the duties as the Chairperson until the new Chairperson ofthe Leading Body has been elected and appointed.

Chapter VII

Duties and Powers of the Leading Body and Executive Committee of the Leading Body

Duties and Powers of the Leading Body

37. The right to enact law: The Leading Body has the right to enact law relating to the matters contained in the Legislative List as prescribed in Schedule III of the Constitution. To enable approval of the said laws by the Leading Body:

- (a) the Chairperson or each member of the Leading Body is entitled to submit the bill to the Leading Body on behalf of the Leading Body;
- (b) the bill shall be submitted to the meeting of the Leading Body on the day prescribed by the Chairperson of the Leading Body;
- (c) the bill shall be read out and submitted to the meeting of the Leading Body by the Chairperson himself or the person assigned duties by him or the member of the Leading Body who submits the bill;
- (d) in drafting the bill, co-ordination may be made with the Law Office of the relevant Self-Administered Area;
- (e) the bill submitted under sub-section (a) shall be discussed and negotiated at the meeting of the Leading Body and obtain the approval by the majority votes of the members of the Leading Body.

Duties and Powers of the Executive Committee of the Leading Body

3 The Executive Committee of the Leading Body is the administrative body of the relevant Self-Administered Division or Self-Administered Zone. The said Committee shall:

- (a) be responsible to the Leading Body;
- (b) carry out the administrative functions of the Leading Body;
- (c) submit their performances to the nearest meeting of the Leading Body.

39. Administration: Unless contrary to the provisions of the Constitution, as the self-administrative power of the Leading Body extends to the following matters, the Executive Committee is entitled to carry out such matters by being responsible to the Leading Body:

- (a) matters allowed to be carried out by the Leading Body under any law enacted by the Pyidaungsu Hluttaw;
- (b) matters allowed to be carried out by the Leading Body under any law enacted by the relevant Region or State Hluttaw.

40. Submission of Emergency Situation: The Executive Committee of the Leading Body shall submit urgently to the Chief Minister of the relevant Region or State if any of the following situations arise. In respect of the said submission, it shall be submitted to and approval obtained urgently from the

Leading Body:

- (a) an emergency situation arising in which the administrative functions cannot be carried out in accord with the provisions of the Constitution in its Self-Administered Area;
- (b) an emergency situation endangering the lives, shelter and property of the public in its Self-Administered Area or any part thereof arising or having sufficient reason to arise.

41. Financial Matters: The Executive Committee of the Leading Body:

- (a) shall draw the annual budget for the next financial year and obtain the approval of the Leading Body, negotiate and obtain the agreement of the relevant Region or State Government in accord with the provisions of the Constitution;
- (b) have the right to expend the finance sanctioned under the Region or State Budget Law relating to its Leading Body in accord with the stipulated financial regulations;
- (c) have the right to expend within the framework of sanctioned normal expenditure provided in the last Budget Law enacted by the Region or State Hluttaw if the budget sanction can not be obtained in time from the relevant Region or State Government as the relevant Region or State Hluttaw cannot enact the Budget Law for the coming budget year before the expiry of the current budget year.

42. Communication between the Union Government, Region or State Government

The Executive Committee of the Leading Body shall:

- (a) carry out in accord with the coordination of the Union Government for the effective and successful implementation of its functions;
- (b) submit the report relating to the general situations of its territory to the Union Government and relevant Region or State Government.

43. Compliance relating to Disputes: The Executive Committee of the Leading Body shall:

- (a) comply with the co-ordination and, if it is necessary, decision of the Union Government relating to the administrative disputes arising between a Region or State and a Self-Administered Area, or between each Self-Administered Area;
- (b) comply with the co-ordination and, if it is necessary, decision of the Union Government relating to the administrative disputes arising between a Self-Administrative Area and a Union Territory.

44. Multi-purpose Development Matters: The Executive Committee of the Leading Body shall draw work-programmes to implement multi-purpose development within its territory subject to the policies adopted by the Union Government and coordinate with the relevant Region or State Government.

45. Civil Services Matters: The Executive Committee of the Leading Body may supervise, cooperate and coordinate the functions of civil-services organizations which are performing duties within its territory in accord with law'.

46. Other Matters: The Executive Committee of the Leading Body shall:

- (a) assist in preserving the stability of the Union, community peace and tranquility and prevalence of law and order;
- (b) perform the functions and duties assigned from time to time by the Union Government and the Region or State Government;
- (c) perform the functions and duties assigned by any existing law.

Holding the Meetings of the Leading Body

47. The regular session of the Leading Body shall be convened at least twice a year normally. If it is necessary, a special session may be convened.

48. (a) In a term of the Leading Body, if the first session is attended by 75 per cent of the total number of members of the Leading Body who have the right to attend, it shall form a quorum:
- (b) in the continued sessions, if it is attended by more than half of the total number of members of the Leading Body who have the right to attend, it shall form a quorum.

49. (a) The Chairperson of the Leading Body shall act as the Chairman of the meetings.

- (b) If the Chairperson of the Leading Body is unable to attend the meeting, a member of the Leading Body assigned by the Chairperson of the Leading Body shall act as the Chairman at the meeting.

50. A member of the Leading Body shall not fail to attend the meeting without valid cause. If he cannot attend the meeting, he shall ask[^]or leave in advance from the Chairperson of the Leading Body with valid cause.

51. If a member of the Leading Body fails to attend the meeting of the Leading Body without the permission of the Chairperson of the Leading Body for at least five days consecutively excluding the days on which the meeting is adjourned:

- (a) if he is a Region or State Hluttaw representative Leading Body member, the Chairperson of the Leading Body shall submit to the relevant Speaker of Region or State Hluttaw to enable terminating him from being a member of the Leading Body;
- (b) if he is a Defence Services personnel Leading Body member, the Chairperson of the Leading Body shall submit to the Chief Minister of relevant Region or State in coordination with the Commander-in-Chief of the Defence Services to enable terminating him from being a member of the Leading Body;
- (c) if he is a member of the Leading Body except the members of the Leading Body contained in sub-sections (a) and (b), the Chair-

person of the Leading Body shall carry out to terminate him from being a member of the Leading Body.

52. (a) The records of meetings shall be kept at the Office of the Leading Body.
- (b) The resolutions of the meeting shall be submitted to the Chairperson of the Leading Body for signature within 3 days after the day on which the meeting is ended.
- (c) Resolutions and meeting minutes of the Leading Body which has not been issued are confidential of the Union.

Chapter VIII

Term of the Office, Resigning from Office, Termination from Office and Taking Action, impeachment and Filling the Vacant Office

The Term of the Office of the Chairperson and Members of the Leading Body

53. (a) The term of office of the Chairperson is the same as the term of office of the President of the Union .
- (b) The term of office of the members of the Leading Body is the same as the term of the relevant Region or State Hluttaw.
- (c) The term of office of the new Chairperson of the Leading Body who is substituted in the vacant office of the Chairperson shall be only for the remaining term of the President of the Union.,

- (d) The term of the new member of the Leading Body who is substituted in the vacant office of the member of the Leading Body is only for the remaining term of the relevant Region or State Hluttaw.

Resigning from Office of the Chairperson and Members of the Leading Body

54. When the Chairperson and members of the Leading Body desire to resign from the office of their own volition before the expiry of the term for any reason:

- (a) if he is a Chairperson of the Leading Body, he may resign from office by submitting in writing to the President through the Chief Minister of the Region or State stating that he desires to resign as such;
- (b) if he is a Region or State Hluttaw representative Leading Body member, he may resign from office by submitting in writing to the Speaker of the relevant Region or State Hluttaw through the Chairperson of the Leading Body stating that he desires to resign as such;
- (c) if he is a Defence Services personnel Leading Body member, he shall submit and obtain the approval of the Commander-in-Chief of the Defence Services that he desires to resign as such in accord with the Defence Services procedure;

- (d) if they are other members of the Leading Body except the members of the Leading Body contained in sub-sections (b) and (c) they may resign from office by submitting in writing to the Chairperson of the Leading Bod}' stating that they desire to resign as such.

If the Chairperson of the Leading Body:

- (a) resigns from the office of the Region or State Hluttaw representative, it shall be deemed that he has resigned from the office of the Minister of the relevant Region or State Hluttaw, office of the Chairperson of the Leading Body and office of the chairman of the Executive Committee of the Leading Body;
- (b) if he resigns from the Leading Body, it shall be deemed that he has resigned from the office of the Minister of the relevant Region or State, office of the relevant Region or State Hluttaw representative and the office of the Chairman of the respective committee of the Leading Body;
- (c) if he continues to serve as a member of the Leading Body although he has resigned from the office of the Chairperson of the Leading Body, it shall be deemed that he has resigned from the office of the Minister of the relevant Region or State and office of the Chainnan of the Executive Committee of the Leading

- (d) if he resigns from the office of the Minister of the relevant Region or State, it shall be deemed that he has resigned from the office of the Chairperson of the relevant Leading Body and office of the Chairman of the Executive Committee of the Leading Body.

56. If a member of the Leading Body contained in sub-section (a) of section 4:

- (a) resigns from the office of Region or State Hluttaw representative, it shall be deemed that he has resigned from the office of a member of the Leading Body;
- (b) resigns from the office of a member of the Leading Body, it shall be deemed that he has resigned from the office of the relevant Region or State Hluttaw representative.

Termination from Duty and Taking Action against the Chairperson of the Leading Body

57. (a) If a Chairperson of the Leading Body cannot carry out his duties efficiently, the President of the Union may direct him to resign from office. If the directive of the President of the Union is not abided by, he shall be terminated from duty;
- (b) If a Chairperson of the Leading Body is terminated from duty under sub-section (a), it shall be deemed that he has been terminated from the office of the Minister of the relevant Region or State

and the office of Chairman of the Executive Committee of the Leading Body.

Impeachment of the Chairperson Of the Leading Body

58. If a Chairperson of the Leading Body is impeached for any reason contained in sub-section (a) of section 263 of the Constitution, it shall be carried out in accord with the provisions of sub-sections (b), (c), (d) and (e) of section 263 of the Constitution.

Termination from Duty and Taking Action against the members of the Leading Body

59. There is the right to take action against a member of the Leading Body for any of the following causes:

- (a) high treason;
- (b) violation of any provision of the Constitution;
- (c) misconduct;
- (d) being disqualified for the representative of Region or State Hluttaw as prescribed in the Constitution;
- (e) inefficient discharge of duties assigned by law.

60. The Chairperson of the Leading Body shall submit to the Speaker of the relevant Region or State Hluttaw with reason that the Region or State Hluttaw representative Leading Body member who has involved with any matter contained in section 59 should be caused to resign from, office by mentioning reason.

61. The Chairperson of the Leading Body shall submit to the Commander-in-Chief of the Defence Services through the Chief Minister of the Region or State, his opinion by mentioning reason, relating to the Defence Services Leading Body member who has involved with any matter contained in section 59.

62. (a) The Chairperson of the Leading Body shall, after coordinating with the members of Leading Body contained in original election and filling up in accord with sub-sections (a) and (b) of section 4, direct the members of the Leading Body who are elected and filled up in accord with section 10 and have involved in the matter contained in sub-section (e) of section 59, to resign from office. If the directive is not abided by, the member of the Leading Body shall be terminated from the duty;
- (b) If any matter arises to take action for any cause contained in sub-sections (a), (b), (c) and (d) of section 59 against a member of the Leading Body elected and appointed under section 10:
- (i) the Chairperson of the Leading Body shall form an Inquiry Body comprising suitable Leading Body members to make inquiry. In so forming, the time limit for inquiry shall be determined as may be appropriate;
- (ii) the Inquiry Body shall submit the findings to the Leading Body together with consideration and opinion within the stipulated time:

- (iii) the Leading Body shall decide whether the matter to take action based on the findings submitted by the Inquiry Body is correct or not;
- (iv) if the matter to take action is decided as correct, the Chairperson of the Leading Body shall terminate such member of the Leading Body from duty. If it is decided that it is not correct, he shall be caused to proceed with serving the duty.

Filling up and Appointment of the Vacant Office of the Chairperson, Members of the Leading Body and the Executive Committee Members of the Leading **Body**

63. If the office of the Chairperson of the leading Body becomes vacant due to the resignation from office, being terminated from duty, death or any other cause, the President of the Union shall appoint and assign duties to any suitable person from among the Leading Body members contained in sub-section (a) of section 4 as the temporary Chairperson of the Leading Body. The President of the Union shall fill up and appoint the Chairperson of the Leading Body in accord with the provisions of the Constitution and sections 9 and 10 of this Law when the Region or State Hluttaw representative is re-elected relating to such vacant office.

64. If the office of a member of the Leading Body or a member of the Executive Committee of the Leading Body becomes vacant due to the resignation from office, being terminated from duty, death or any other cause, the vacant office may be filled up and appointed in accord with the provisions of the Constitution and this Law.

65. If the office of a Region or State Hluttaw representative becomes vacant the Chairperson of the Leading Body shall intimate to the relevant election sub-commission.

Chapter IX

The Provision relating to Emergency Period and the Leading Body

66. It shall be deemed that the legislative functions of the Leading Bodies have been suspended from the day of declaration that the legislative, executive and judicial powers of the Union are transferred to the Commander-in-Chief of the Defence Services under section 418 of the Constitution due to the occurrence of the emergency situation under section 417 of the Constitution. When the term of the relevant Region or State Hluttaw expires, the relevant Leading Bodies shall be deemed to have been dissolved automatically.

67. It shall be deemed that the members of the Leading Body have been terminated from duty from the day of causing transfer of legislative, executive and judicial powers of the Union to the Commander-in-Chief of the Defence

Services by the President of the Union under section 418 of the Constitution due to the occurrence of emergency situation under section 417 of the Constitution.

68. If the President of the Union cancels under section 423 of the Constitution, the temporary suspension of the legislative functions of the relevant Leading Bodies under section 418 of the Constitution, the new members of the Leading Body shall be formed and assigned duties in accord with the provisions of the Constitution and this Law. Such members of the Leading Body shall carry out duties only for the remaining term of the Leading Body.

Chapter X

Miscellaneous

69. The functions undertaken in advance by the State Peace and Development Council for the implementation of this Law before it has come into force shall be deemed to have been undertaken in accord with the Constitution.

70. The General Administration Department of the Self-Administered Division or Self-Administered Zone is the office of the Leading Body of the relevant Self-Administered Division or Self-Administered Zone.

71. This Law may be amended, added or repealed by the Pyidaungsu Hluttaw formed in accord with the Constitution of the Republic of the Union of Myanmar. This Law shall remain in force in so far as it is not repealed by the Pyidaungsu Hluttaw.

72. In implementing the provisions of this Law, the Leading Body may:
- (a) issue necessary rules, regulations and bye-laws, with the approval of the relevant Region or State Government;
 - (b) issue necessary notifications, orders, directives and procedures.

Sd./ Than Shwe

Senior General

Chairman

The State Peace and Development Council

Annexure(A)

“ I _____ shall safeguard the Constitution of the Union and abide by the laws of the Union. I shall be loyal to the Republic of the Union of Myanmar and its citizens. I shall steadfastly adhere to the non-disintegration of the Union, non-disintegration of the National solidarity, and perpetuation of sovereignty. Moreover, I solemnly make affirmation that I shall undertake the duties and obligations honestly and uprightly that I will serve now.”

The Union of Myanmar
 The State Peace and Development Council
 The Nay Pyi Taw Council Law
 (The State Peace and Development Council Law No. 18 /2010)
 The 13^h Waxing of Thadinkyut, 1372 M.E.
 (21st October, 2010)

Preamble

Since it is provided in section 443 of the Constitution of the Republic of the Union of Myanmar that the State Peace and Development Council shall carry out the necessary preparatory works to implement the Constitution, it has become necessary to enact the relevant laws to enable performance of the legislative, administrative and judicial functions of the Union smoothly, to enable performance of works that are to be carried out when the various Hluttaws come into existence and to enable performance of the preparatory works in accord with law.

As such, the State Peace and Development Council hereby enacts this Law in accord with section 443 of the Constitution of the Republic of the Union of Myanmar, in order to implement the works relating to administration smoothly by the Nay Pyi Taw Council under the Constitution of the Republic of the Union of Myanmar.

Chapter I

Title, Enforcement and Definition

1. (a) This Law shall be called **the Nay Pyi Taw Council Law**.
(b) This Law shall come into force from the day on which the Constitution comes into force.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **Constitution** means the Constitution of the Republic of the Union of Myanmar;
 - (b) **Nay Pyi Taw** means the Nay Pyi Taw which is the Union Territory under sub-section (a) of section 284 of the Constitution;
 - (c) **Council** means the Nay Pyi Taw Council formed under the Constitution and this Law;
 - (d) **Chairperson of the Council** means the Chairperson of the Nay Pyi Taw Council appointed and assigned duties under the Constitution and this Law;
 - (e) **Member of the Council** means the member of the Nay Pyi Taw Council appointed and assigned duties under the Constitution and this Law.

Chapter II

Formation, Appointment and Assigning Duties

Formation of the Council

3. (a) The President of the Union shall form a Council comprising a minimum of 5 members to a maximum of 10 members including the Chairperson of the Council:
- (b) The Chairperson of the Council is the ex-officio Mayor of Nay Pyi Taw.
- (c) The Head of the General Administration Department of Nay Pyi Taw is the ex-officio Secretary of the Council.

Appointment and Assigning Duties to the Chairperson and Members of the Council

4. The President of the Union shall appoint and assign duty to a Chairperson and members of the Council from among the persons who fulfil the following qualifications:
 - (a) person who has attained 35 years of age;
 - (b) person who has qualifications stipulated for the Pyithu Hluttaw representatives as prescribed in section 120 of the Constitution, with the exception of age limit;
 - (c) person who has not infringed the provisions mentioned in section 121 of the Constitution which disqualify a person from standing for election as Pyithu Hluttaw representatives;

- (d) person who has also fulfilled other qualifications prescribed by the President.

5. The President of the Union shall obtain the nomination of suitable Defence Services personnel who fulfil the prescribed qualification to enable assigning duty as the council member or members from the Commander - in - Chief of the Defence Services for coordination of security matters of Nay Pyi Taw.

6. If the Chairperson and members of the Council:

- (a) are representatives of any Hluttaw, Civil Services personnel, Defence Services personnel or members of any political party, it shall be carried out according to the provisions of sub-sections (d), (e), (f), and (g) of section 285 of the Constitution;

- (b) in carrying out under sub-section (a), are members of any political party or elected individual candidates or a citizen specifically appointed and assigned duties and if such person who will contest in any forthcoming general election, in order not to lose the right to be elected conferred on a citizen under sub-section (a) of section 38 of the Constitution, are entitled to carry out the works of party organization and territorial organization relating to election in conformity with the provisions contained in sections 120 and 121 of the Constitution, commencing from the day of the announcement to hold the election by the Union Election Commission.

7. (a) The Chairperson of the Council shall be responsible to the President of the Union.
- (b) The members of the Council shall be responsible to the Chairperson of the Council and to the President of the Union through the Chairperson of the Council.

Chapter in

Duties and Powers of the Council

Matters Relating to Administration

8. The Council:
 - (a) has duty to assist in preserving the stability of the State, community peace and tranquility and prevalence of law and order;
 - (b) shall implement the matters relating to the general administration of Nay Pyi Taw;
 - (c) shall comply with the coordination and settlement and decision as necessary by the Union Government in respect of disputes relating to the administration between the Region or State and Nay Pyi Taw, and between the Self-Administered Area and Nay Pyi Taw;
 - (d) shall submit the report to the President of the Union in respect of the various situations of its area.

Matters Relating to Planning, Finance and Taxation

9. The Council:

- (a) may supervise and coordinate the projects relating to the works to be implemented by the relevant government department, organization within Nay Pyi Taw in accord with the guidance of the President, subject to the policies adopted by the Union Government or the Union laws;
- (b) shall submit to the President of the Union by drawing work plans to enable implementation for the all-round development within its area, subject to the policies of the Union Government;
- (c) shall submit to the Union Government by drawing the annual budget in order to include it in the Union Budget Law;
- (d) is entitled to expend the relevant allotted budget contained in the Union Budget Law in accord with the stipulated financial regulations;
- (e) is entitled to expend only ordinary expenditure among the expenditures of the next budget year, within the allotment of ordinary expenditure contained in the latest Union Budget Law enacted by the Pyidaungsu Hluttaw' if the Pyidaungsu Hluttaw is unable to enact the bill of the Union Budget Law for the next budget year in time until the end of the current budget year.

- (f) shall proceed to submit and request the Union Government, if the Nay Pyi Taw Development Committee submits to enable support by the Union, as its own budget is not sufficient in carrying out the development of Nay Pyi Taw and additional fund is required;

10. If it is necessary to collect stipulated categories of incomes, taxes and revenues by the Region or State within Nay Pyi Taw, these shall be deposited to the Union Fund after collecting them in accord with sub-section (b) of section 231 of the Constitution.

Matters Relating to the Territorial Boundary

11. The Council shall recommend and submit to the President of the Union if the necessity arises to redelineate and form the territorial boundary or to alter the name of the village, village-tract, ward, town, township or district within Nay Pyi Taw.

Submission of Bills

12. The Council shall have the right to prepare and submit the bill in accord with the stipulated manners, to the Pyidaungsu Hluttaw for enabling enactment by the Pyidaungsu Hluttaw if it is necessary to enact a law for Nay Pyi Taw relating to the matter for which legislative power is vested in the Region or State Hluttaw, Self-Administered Division Leading Body or Self-Administered Zone Leading Body.

Other Matters

13. The Council:

- (a) shall coordinate with the relevant security organizations in carrying out the matters relating to security within Nay Pyi Taw;
- (b) may carry out coordination and cooperation as may be necessary in carrying out the implementation of the works of the relevant government departments and organizations within Nay Pyi Taw;
- (c) shall supervise and guide the conservation and protection of natural environment and all-round development within Nay Pyi Taw;
- (d) shall carry out organizing for the protection and prevention of natural disasters within Nay Pyi Taw and supervise the rescue works if such disasters occur;
- (e) may supervise, inspect and coordinate, in accord with law, the performances of civil services organizations performing duties within Nay Pyi Taw;
- (f) shall perform duties assigned by the Constitution or existing laws;

- (g) shall perform duties assigned by the President in accord with law.

14. The Nay Pyi Taw Council shall submit to the President of the Union as soon as possible if any of the following situations arises:

- (a) a state of emergency arising in which the administrative works in its area cannot be carried out in accord with the provisions of the Constitution:
- (b) a state of emergency endangering the lives, shelter and property of the public in its area arising or having sufficient cause to so arise.

Meetings of the Council

15. The regular session of the council shall be held at least twice per month generally. If it is necessary, special session may be held.

16. The Chairperson of the Council shall act as the Chairman at the meeting.

17. (a) The Office of the Nay Pyi Taw' Council shall record the resolutions of the meeting.

(b) The records of the meeting shall be submitted to the next meeting and obtained the approval.

(c) The resolutions of the Council which have not been issued and records of the meeting are confidential of the Union.

Chapter IV

Term of Office, Resignation from Office, Termination from Duty and
Filling the Vacancy and Appointment

Term of Office of the Chairperson and Members of the Council

18. The term of office of the Chairperson and members of the Council is the same as the term of office of the President of the Union.

Resignation from Office and Termination from Duty of the Chairperson
and Members of the Council

19. (a) If the Chairperson of the Council desires to resign from office on his own volition for any cause before the expiry of the term of office, he may resign from office after submitting his desire to resign as such in writing to the President of the Union.
- (b) If any member of the Council desires to resign from office as contained in sub-section (a), he may resign from office after submitting his desire to resign as such in writing to the President of the Union through the Chairperson of the Council.
20. (a) If the Chairperson or any member of the Council cannot discharge his assigned duties efficiently, the President of the Union may direct him to resign from office. If he fails to comply with the directive of the President of the Union, he shall be terminated from his duty.

- (b) If it is concerned with the Defence Services personnel who is the member of the Council and who is to resign or be terminated from duty, the President of the Union shall coordinate with the Commander-in-Chief of the Defence Services.

Filling the Vacancy and Appointment of the Chairperson and Members of the Council

21. If the office of the Chairperson or any member of the Council becomes vacant due to resignation, termination from duty, death or any other cause, the President of the Union may appoint and assign duties to a new Chairperson or member of the Council in accord with the provisions of the Constitution and this Law. The term of office of the newly appointed Chairperson or member of the Council shall be for the remaining term of office of the President of the Union.

Chapter V

Miscellaneous

22. The preparatory works carried out by the State Peace and Development Council before this Law comes into force to implement this Law, shall be deemed to have been carried out in accord with the Constitution.

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23. The General Administration Department of Nay Pyi Taw shall carry out the various office works of the Council.

24. The members of the Council shall carry out the duties and powers allocated by the Chairperson of the Council.

25. This Law may be amended, inserted or repealed by the Pyidaungsu Hluttaw formed in accord with the Constimtion of the Republic ofthe Union of Myanmar. This Law shall remain in force in so far as it is not repealed by the Pyidaungsu Hluttaw.

26. In implementing the provisions contained in this Law. the Council may:

- (a) issue necessary rules, regulations and bye-laws with the approval of the President of the Union;
- (b) issue necessary notifications, orders, directives and procedures.

(Sd.) ThanShwe

Senior Genera

Chairman

The State Peace and Development Council

The Union of Myanmar
The State Peace and Development Council
The Law Relating to the Election of the President of the Union and
Vice- Presidents
(The State Peace and Development Council Law No. 19 / 2010)
The 5th Waning of Thadinkyut, 1372 M.E
(28^h October, 2010)

Preamble

Since it is provided in section 443 of the Constitution of the Republic of the Union of Myanmar that the State Peace and Development Council shall carry out the necessary preparatory works to implement the Constitution, it has become necessary to enact the relevant laws to enable performance of the legislative, administrative and judicial functions of the Union smoothly, to enable performance of works that are to be carried out when the various Hluttaws come into existence and to enable performance of the preparatory works in accord with law.

As such, the State Peace and Development Council hereby enacts this Law in accord with section 443 of the Constitution of the Republic of the Union of Myanmar, to elect the President and Vice-Presidents in accord with the Constitution of the Republic of the Union of Myanmar.

Chapter I

Title, Enforcement and Definition

1. (a) This Law shall be called the Law Relating to the Election of the President of the Union and Vice-Presidents.
- (b) This Law shall come into force commencing from the day on which the Constitution comes into force.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) Constitution means the Constitution of the Republic of the Union of Myanmar;
 - (b) President of the Union means the President of the Republic of the Union of Myanmar;
 - (c) Vice-Presidents mean the Vice-Presidents of the Republic of the Union of Myanmar;
 - (d) Speaker means the Chairperson of the Pyithu Hluttaw or the Chairperson of the Amyotha Hluttaw who serves as the Speaker of the Pyidaungsu Hluttaw;
 - (e) Deputy' Speaker means the Deputy Chairperson of the Pyithu Hluttaw or the Deputy Chairperson of the Amyotha Hluttaw who serves as the Deputy Speaker of the Pyidaungsu Hluttaw;

- (f) Representative of the Pyidaungsu Hluttaw means the representatives of the Pyithu Hluttaw and the representatives of the Amyotha Hluttaw included in the Pyidaungsu Hluttaw.

Chapter II

Qualifications of the President of the Union and Vice-Presidents

3. To enable to be elected as the President of the Union and Vice-Presidents, the following qualifications shall be fulfilled:

- (a) being a person loyal to the Union and its citizens;
- (b) being a citizen of Myanmar, and he and both parents being born of Myanmar National race in the territory under the jurisdiction of the Union;
- (c) being the elected person having attained at least 45 years of age;
- (d) being well acquainted with the affairs of the Union such as political, administrative, economic and military;
- (e) being a person who has resided continuously in the Union for at least 20 years up to the time of being elected as President;

Proviso: An official period of stay in a foreign country with the permission of the Union shall be counted as a residing period in the Union;

- (f) himself, one of the parents, the spouse, one of the legitimate children or their spouses not owing allegiance to a foreign power,

not being subject of a foreign power or citizen of a foreign country. They shall not be persons entitled to enjoy the rights and privileges of a subject of a foreign government or citizen of a foreign country;

- (g) being fulfilled with the prescribed qualifications of the President of the Union, in addition to the qualifications prescribed to stand for election to the Hluttaw.

Chapter III

The Election of the President of the Union and Vice-Presidents

4. (a) The President of the Union shall be elected by the Presidential Electoral College.
- (b) The Presidential Electoral College shall be formed with three groups of the Pyidaungsu Hluttaw representatives as follows;
 - (i) group formed with elected Pyithu Hluttaw representatives in the Pyithu Hluttaw elected on the basis of township and population;
 - (ii) group formed with elected Amyotha Hluttaw representatives in the Amyotha Hluttaw elected by an equal number of representatives from the Regions and States;
 - (iii) group formed with elected the Defence Services personnel Pyithu Hluttaw and Amyotha Hluttaw representatives nominated by the Commander-in-Chief of the Defence Services for the Pyithu Hluttaw and the Amyotha Hluttaw.

Each such group shall elect each Vice-President from among the Hlutlaw representatives or from among persons who are not Hlutlaw representatives.

The Pyidaungsu Hluttaw and a Body comprising the Heads and Deputy Heads of the two Hluttaws in the Pyidaungsu Hluttaw shall scrutinize as to whether or not the Vice-Presidents are fulfilled with the qualifications prescribed for the President of the Union.

The Presidential Electoral College comprising all the Pyidaungsu Hluttaw/ representatives shall vote and elect one of three Vice-Presidents who are Presidential candidates, as the President of the Union.

In electing the President of the Union, the Speaker who supervises the election shall not have the right to exercise the casting vote. He shall cast vote together with other members of Electoral College.

In electing the Vice-Presidents:

- (i) the Speaker of the Pyithu Hluttaw who supervises the election of the Vice-President by the group formed with elected Pyithu Hluttaw.' representatives in the Pyithu Hluttaw elected on the basis of township and population shall not have the right to exercise the casting vote . He shall cast vote together With other members of the Electoral

- (ii) the Speaker of the Amyotha Hluttaw who supervises the election of the Vice-President by the group formed with elected Amyotha Hluttaw representatives in the Amyotha Hluttaw eJeciecLby an equal number of representatives from the Regions and States shall not have the right to exercise the casting vote. He shall cast vote together with other members of the Electoral College.
- (iii) the group formed with the Defence Services personnel Hluttaw representatives of the two Hluttaws of Pyithu Hluttaw and Amyotha Hluttaw shall elect a Vice-President under the leadership ofthe Commander-in-Chief of the Defence Sendeeds.

Chapter IV

Electing for the Vacant Office of President of the Union or Vice-President

6. If theoffice of the President of the Union becomes vacant before the expiry of the termdue to resignation, or death or permanent disability or any ot r cause, one of the two Vice-Presidents w ho has won the second highest votes in the Presidential election shall serve as the acting President.

- 7. (a) The acting President shall intimate to the Speaker the vacancy of the office of the President ofthe Union under section 6.

- (b) The Speaker shall cause the Presidential Electoral College to elect for the vacancy of the office of the President of the Union in accord with section 4 if he receives the intimation from the acting President.

8. If the office of any Vice-President becomes vacant before the expiry of the term of office due to resignation or death or permanent disability or any other cause, the group formed with Hluttaw representatives that had elected such Vice-President, shall elect a Vice-President in accord with the stipulations. The Vice-President who is so newly elected shall be the last in the order of seniority of the Vice-President.

Chapter V

Miscellaneous

9. This Law may be amended, inserted or repealed by the Pyidaungsu Hluttaw formed in accord with the Constitution of the Republic of the Union of Myanmar. This Law- shall remain in force in so far as it is not repealed by the Pyidaungsu Hluttaw'.

10. In implementing the provisions contained in this Law. the State Peace and Development Council may issue rules, regulations, bye-law's, notifications, orders, directives and procedures as may be necessary.

(Sd.)Than Shwe

Senior General

Chairman

The State Peace and Development Council

Union of Myanmar

The State Peace and Development Council

The Union Judiciary' Law

(The State Peace and Development Council Law No. 20 / 2010)

The 5th Waning Day of Thadingyut, 1372 M.E.

(28^h October. 2010)

Preamble

Since it is provided in Section 443 of the Constitution of the Republic of the Union of Myanmar that the State Peace and Development Council shall carry out the necessary preparatory works to implement the Constitution, it has become necessary to enact the relevant laws to enable performance of the legislative, administrative and judicial functions of the Union smoothly, to enable performance of works that are to be carried out when the various Hluttaws come into existence and to enable performance of the preparatory works in accord with law.

As such, the State Peace and Development Council hereby enacts this Law in accord with section 443 of the Constitution of the Republic of the Union of Myanmar, in order to implement the judicial works smoothly in accord with the Constitution of the Republic of the Union of Myanmar.

Chapter I

Title, Enforcement and Definition

- (a) This Law shall be called the Union Judiciary Law.
- (b) This Law shall come into force commencing from the day on which the Constitution comes into force.

The following expressions contained in this Law shall have the meanings hereunder:

- (a) Constitution means the Constitution of the Republic of the Union of Myanmar.
- (b) Original case means a case adjudicated by a relevant court under the original jurisdiction.
- (c) Appeal case means a case appealed to the Appeal Court against the judgment, decree or order passed by a Court in accord with law.
- (d) Revision case means a case opened by a Revisional Court to review judgment or order passed by a court in accord with law.
- (e) Special appeal case means a case admitted for special appeal against the final judgment, decree or order passed by the Supreme Court of the Union by exercising its original jurisdiction or appellate jurisdiction or revisional jurisdiction.

Chapter II

Judicial Principles

3. The administration of justice shall be based upon the following principles:

- (a) to administer justice independently according to law;
- (b) to dispense justice in open Court unless otherwise prohibited by law;
- (c) to obtain the right of defence and the right of appeal in cases according to law;
- (d) to support in building of rule of law and regional peace and tranquillity by protecting and safeguarding the interests of the people;
- (e) to educate the people to understand and abide by the law and nurture the habit of abiding by the law by the people;
- (f) to cause to compound and complete the cases within the framework of law for the settlement of cases among the public;
- (g) to aim at reforming moral character in meting out punishment to offender.

4. No penal law shall have retrospective effect.

5. Any person who committed an offence shall be convicted only under the relevant existing law at the time of its commission. Moreover, he shall not be sentenced with a penalty more than that which is applicable under the said law.

6. If a person is convicted or acquitted by a competent court for an offence, he shall not be retried for such offence unless a superior Court sets aside such convicting or acquitting judgment and passes order for retrial.

Chapter III

Supreme Court of the Union

Formation

7. A Supreme Court of the Union is formed in accord with the provisions of the Constitution in the Republic of the Union of Myanmar.

8. Without affecting the jurisdiction of the Courts-Martial and the Constitutional Tribunal of the Union, the Supreme Court of the Union is the highest Court of the Union.

9. The Head of the Supreme Court of the Union shall be called the Chief Justice of the Union.

10. The Supreme Court of the Union shall sit in Nay Pyi Taw. If it is necessary, it may also sit at any other suitable place within the country.

Jurisdictions

11. Only the Supreme Court of the Union has original jurisdiction in the following matters:

- (a) matters arising out of bilateral treaties concluded by the Union;
- (b) other disputes between the Union Government and the Region or Stale Government except the Constitutional problems;

(c) other disputes among the Regions, among the States, between the Region and the State and between the Union Territory and the Region or the State except Constitutional problems:

(d) piracy, offences committed at international water or airspace, offences committed at ground or international water or airspace by violating the international law;

(e). cases prescribed under any law.

12. Subject to any provision of the Constitution or any other law. the Supreme Court of the Union, has the jurisdiction on:

(a) the appeal against the judgment, decree or order passed by the Supreme Court of the Union by exercising its original jurisdiction.

(b) the appeal against the judgment, decree or order passed by the High Court of the Region or the State.

(c) the appeal against the judgment, decree or order passed by other Court in accord with law.

13. The Supreme Court of the Union has the jurisdiction on revision in accord with law against the judgment or order passed by a Court.

14. The Supreme Court of the Union has the jurisdiction on confirming death sentence and appeal against the death sentence.

15. The Supreme Court of the Union:

(a) has the jurisdiction on a case transferred to it by its own decision:

- (b) has the jurisdiction for the transfer of a case from a Court to any other Court.

16. The Supreme Court of the Union:

- (a) has the power to issue the following writs;
 - (i) Writ of Habeas Corpus;
 - (i i) Writ of Mandamus;
 - (iii) Writ of Prohibition;
 - (iv) Writ of Quo Warranto;
 - (v) Writ of Certiorari.
- (b) shall suspend the applications for the issue of writ in the areas where the state of emergency is declared.
- (c) At the time of the occurrence of the following situation, the right to claim the rights contained in section 377 of the Constitution shall not be suspended unless it is required for public security;
 - (i) in time of war;
 - (ii) in time of foreign aggression;
 - (iii) in time of insurrection.

17. The power to issue writs by the Supreme Court of the Union shall not affect the power of other Courts to issue order that has the nature of writs vested according to the existing laws.

18. The judgments of the Supreme Court of the Union in all cases are final and conclusive and there shall be no right to appeal against them. However, the judgment, decree or order passed by the Supreme Court of the Union in the exercise of its original jurisdictions is entitled to be appealed against in order not to lose the right of appeal in accord with sub-section (c) of section 19 of the Constitution.

19. Special appeal may be allowed against the final and conclusive judgment, decree or order passed by the Supreme Court of the Union in the exercise of its original jurisdiction or appellate jurisdiction or revisional jurisdiction in accord with the procedures.

20. Except the case adjudicated by the special Appeal Court or the Full Bench, if the Chief Justice of the Union considers, that any problem on which action should be taken for the benefit of the public has arisen in any case finally adjudicated by the Supreme Court of the Union, he may cause the retrial of such problem by the special Appeal Court or by the Full Bench.

21. The Supreme Court of the Union may, in exercising its jurisdiction, cause to adjudicate by one judge or by more than one judge as stipulated by the Chief Justice of the Union.

22. (a) Being the highest Court of the Union, the Supreme Court of the Union is the Court of final appeal.

(b) The Judgments of the Supreme Court of the Union which comprises the Chief Justice of the Union are final and conclusive in all cases and there shall be no right of appeal against them.

Duties and Powers

23. The Supreme Court of the Union;

(a) shall supervise all Courts in the Union;

(b) may direct to adjudicate the important cases of the High Court of the Region or State, Courts of Self-Administered Division, Self-Administered Zone and District Courts by a bench consisting of more than one judge.

24. The Supreme Court of the Union is entitled to submit the bills relating to the judiciary to the Pyidaungsu Hluttaw in accord with the stipulated manners.

Appointing and Assigning Duties

25. From a minimum of 7 to a maximum of 11 judges, including the Chief Justice may be appointed in the Supreme Court of the Union .

26. The President shall appoint a person who fulfils the qualifications contained in section 301 of the Constitution and section 30 of this Law as the Chief Justice of the Union, with the approval of the Pyidaungsu Hluttaw.

27. The President shall, in co-ordination with the Chief Justice of the Union, appoint the persons who fulfil the qualifications contained in section 301 of the Constitution and section 30 of this Law as the Judges of the Supreme Court of the Union, with the approval of the Pyidaungsu Hluttaw.

28. The Chief Justice of the Union or the Judges of the Supreme Court of the Union shall be free from party politics.

29. If the Chief Justice of the Union or any Judge of the Supreme Court of the Union:

- (a) is a Civil Sendees Personnel, it shall be carried out in accord with the provisions of sub-section (b) of section 300 of the Constitution:
- (b) is a person who will contest in any forthcoming general election, if it is in conformity with the provisions of sections 120 and 121 of the Constitution, he is emit led to cany' out the works of electoral parly-organization and territory organization, commencing from Lhe day of the announcement of the Union Election Commission to hold election, in order not to lose the right of being elected given under sub-section (a) of section 38 of the Constitution.

Qualifications

30. The Chief Justice of the Union and Judges of the Supreme Court of the Union shall fulfil the following qualifications:

- (a) be a person not younger than 50 years of age and not older than 70 years of age;
- (b) be a person who has qualifications, prescribed in section 120 of the Constitution for Pyithu Hluttaw representatives v/ith the exception of the age limit:

be a person who has not infringed the provisions of section 121 of the Constitution which disqualify him from standing for election as a Pyithu Hluttaw representative;

(i) be a person who has served as a Judge of the High Court of the Region or State for a minimum of five years:

or

(ii) be a person who has served as a Judicial Officer or a Law Officer not lower than that of the Region or State level for a minimum of 10 years;

or

(iii) be a person who has practised as an Advocate for a minimum of 20 years;

or

(iv) be a person who, in the opinion of the President, is an eminent jurist;

be a person loyal to the Union and its citizens;

be a person who is not a member of a political party;

be a person who is not a Hluttaw representative.

Term of Office

31. The Chief Justice of the Union and Judges of the Supreme Court of the Union shall hold office up to 70 years of age, unless any of the following causes occurs;

- (a) resigning from office on his own volition;
- (b) being impeached in accord with the provisions of the Constitution and terminated from office;
- (c) being found to be unable to continue in service due to permanent physical or mental disability according to the examination of the medical board stipulated by law;
- (d) death.

Filling and Appointing at the Vacant Office

32. If the Office of the Chief Justice of the Union or Judge of the Supreme Court of the Union is vacant for any cause contained in section 31, the President may appoint and assign duties to the new Chief Justice of the Union or new Judge of the Supreme Court of the Union, in accordance with the relevant provisions of the Constitution for the appointment of Chief Justice of the Union or Judges of the Supreme Court of the Union.

Impeachment

33. If it is necessary to impeach the Chief Justice of the Union and Judges of the Supreme Court of the Union, it shall be carried out in accord with the provisions of the Constitution.

Chapter IV

High Courts of the Region or the State

Formation

34. The High Court of the Region is formed in the Region and the High Court of the State is formed in the State in accord with the provisions of the Constitution.

35. The Head of the High Court of the Region or the State shall be called the Chief Justice of the High Court of the Region or the State.

36. (a) For the purpose of the judicial matter, the High Court of Mandalay Region is the High Court of the Courts situated in Nay Pyi Taw.

(b) If any area within the Region or the State is designated as a Union Territory', for the purpose of the judicial matter, the High Court of the relevant Region or State is the High Court of the Courts situated in the said Union Territory-'.

37. The High Court of the Region or State shall sit in the city where the Government establishes office in the Region or State. If it is necessary', it may also sit in any suitable place in the Region or State.

Jurisdictions

38. The High Courts of the Region or State have the following jurisdictions in accord with law:

(a) adjudicating on the original case;

- (b) adjudicating on the appeal case:
- (c) adjudicating on the revision case;
- (d) adjudicating on the cases prescribed by any law.

39. The High Court of the Region or State has the appellate jurisdiction on the judgment, decree and order passed by the Court of the Self-Administered Division, Court of the Self-Administered Zone or the District Court and the revisional jurisdiction on the judgment and order in accord with law.

40. The High Court of the Region or State has the jurisdiction:

- (a) to adjudicate on a case transferred to it by its own decision within its jurisdiction of the Region or State ;
- (b) to adjudicate on transfer of a case from any court to any other court within its jurisdiction of the Region or State.

41. The High Court of the Region or State may, in exercising its jurisdiction, adjudicate on cases by a judge or a bench consisting of more than one judge as determined by the Chief Justice of the Region or State.

Duties and Powers

42. The High Court of the Region or State shall supervise the judicial matters of the following Courts within its jurisdiction of the Region or the State in accord with the guidance of the Supreme Court of the Union:

- (a) if there is no Self-Administered Area in the Region or State:
 - (i) District Courts;

- (ii) Township Courts.
- (b) if there is Self-Administered Area in the Region or State:
 - (i) in the Self-Administered Division:
 - (aa) Court of the Self-Administered Division;
 - (bb) District Courts;
 - (cc) Township Courts.
 - (ii) in the Self-Administered Zone:
 - (aa) Court of the Self-Administered Zone;
 - (bb) Township Courts.
 - (iii) in the remaining areas:
 - (aa) District Courts;
 - (bb) Township Courts.
- (c) in the Union Territory':
 - (i) District Courts;
 - (ii) Township Courts.
- (d) other Courts established by law.

Appointing and Assigning Duties

43. From a minimum of 3 to a maximum of 7 judges of the High Court of the Region or State including the Chief Justice of the High Court of the Region or State may be appointed in each High Court of the Region or State.

44. The President shall, in co-ordination with the Chief Justice of the Union, relevant Chief Minister of the Region or State, appoint a person who fulfils the qualifications under section 310 of the Constitution and section 48 of this Law as the Chief Justice of the relevant Region or State, with the approval of the Region or State Hluttaw.

45. The President shall appoint the persons in respect of whom the Chief Minister of the Region or State co-ordinates with the Chief Justice of the Union, and who fulfil the qualifications under section 310 of the Constitution and section 48 of this Law as the Judges of the High Court of the Region or State, with the approval of the Region or State Hluttaw.

46. The Chief Justices of the High Court of the Region or State and Judges of the High Court of the Region or State shall be free from party politics.

47. If any Chief Justice of the High Court of the Region or State and Judge of the High Court of the Region or State:

- (a) is a Civil Servant's Personnel, it shall be carried out as prescribed in sub-section (b) of section 309 of the Constitution.
- (b) is a person who will contest in the forthcoming general election if it is in conformity with the provisions of sections 120 and 121 of the Constitution, he is entitled to carry out the works of electoral party-organization and territory organization, commencing from the day of the announcement of the Union Election Commission

to hold election, in order not to lose the right of being elected given under sub-section (a) of section 38 of the Constitution.

Qualifications

48. The Chief Justices of the High Court of the Region or State and Judges of the High Court of the Region or State shall fulfil the following qualifications:

- (a) be a person not younger than 45 years of age and not older than 65 years of age;
- (b) be a person who has the qualifications, prescribed under section 20 of the Constitution for the Pyithu Hluttaw representatives with the exception of the age limit;
- (c) be a person who has not infringed the provisions of section 121 of the Constitution which disqualify him from standing for election as a Pyithu Hluttaw representatives;
- (d) (i) be a person who has served as a Judicial Officer or Law Officer not lower than that of the Region or State level for a minimum of five years or as a Judicial Officer or Law Officer not lower than that of the District level for a minimum of 10 years:
or
(ii) be a person who has practised as an Advocate for a minimum of 15 years;
or

- (iii) be a person who, in the opinion of the President, is an eminent jurist;
- (e) be a person loyal to the Union and its citizens;
- (f) be a person who is not a member of a political party;
- (g) be a person who is not a Hluttaw representative.

Term of Office

49. The Chief Justices of the High Court of the Region or State and the Judges shall hold office up to 65 years of age, unless any of the following causes occurs:

- (a) resigning from office on his own volition;
- (b) being impeached in accord with the provisions of the Constitution and terminated from office;
- (c) being found to be unable to continue in service due to permanent physical or mental disability according to the examination of the medical board stipulated by law;
- (d) death.

Filling and Appointing at the Vacant Office

50. If the Office of the Chief Justice of the High Court of the Region or State or Judge of the High Court of the Region or State is vacant for any cause contained in section 49, the President may appoint and assign duties to the new Chief Justice of the High Court of the Region or State or Judge of the High Court of the Region or State in accord with the relevant provisions of the

Constitution relating to the appointment of the Chief Justice of the High Court of the Region or State or Judge of the High Court of the Region or State.

Impeachment

51. If it is necessary to impeach the Chief Justice of the High Court of the Region or State or Judges of the High Court of the Region or State it shall be carried out in accord with the provisions of the Constitution.

Chapter V

Courts

Formation

52. The following levels of Courts are formed in the Region or State, in accord with the provisions of the Constitution:

- (a) Court of Self-Administered Division;
- (b) Court of Self-Administered Zone;
- (c) District Courts;
- (d) Township Courts;
- (e) other Courts established by law.

Jurisdictions

53. The Court of Self-Administered Division, Self-Administered Zone and District Courts have the jurisdiction according to law, on the original criminal cases and original civil cases and the cases prescribed by any law.

54. The Court of Self-Administered Division. Self-Administered Zone and District Courts have the appellate jurisdiction according to law on judgment, decree, order passed by the Township Courts and other Courts constituted by law and the revisional jurisdiction on judgment, order in accord with law.

55. The Court of Self-Administered Division, Self-Administered Zone and District Courts have the jurisdiction:

(a) to adjudicate on the case transferred to it by its own decision within its jurisdiction of the Self-Administered Division or Self-Administered Zone or District.

(b) to adjudicate on the case transferred from any Court to any other Court within its jurisdiction of the Self-Administered Division or Self-Administered Zone or District.

56. The Township Courts have the jurisdiction on the original criminal cases and original civil cases and the cases prescribed by any law.

57. The other Courts constituted by law have the jurisdiction on the cases stipulated by law.

Duties and Powers

58. The Courts of Self-Administered Division. Courts of Self-Administered Zone and District Courts, shall supervise the judicial matters of all Township Courts within its relevant jurisdiction in accordance with the guidance of the Supreme Court of the Union, High Court of the Region or State.

Chapter VI

Matters relating to the Constitution

59. In hearing a case by a Court, if a dispute arises as to whether the provision contained in any law is contrary to or in conformity with the Constitution or not;

- (a) if no resolution has been made by the Constitutional Tribunal of the Union on the said dispute, the said Court shall stay the trial and submit its opinion to the Constitutional Tribunal of the Union in accord with the stipulated manners and obtain a resolution:
- (b) in respect of the said dispute, the resolution of the Constitutional Tribunal of the Union shall apply to all the said cases.

60. The Chief Justice of the Union is entitled to submit matters directly to the Constitutional Tribunal of the Union, to obtain interpretation, resolution and opinion of the Constitutional Tribunal of the Union.

Chapter VII

Miscellaneous

61. The preparatory work done by the State Peace and Development Council before this Law comes into force for the implementation of this Law shall be deemed to have been carried out in accord with the Constitution.

F.7.9A 62. After this law came into force, the Supreme Court of the Union, the High Court of the Region or State and Courts which have the jurisdiction in accord with the provisions of this Law shall adjudicate on the original case, appeal case, revision case and miscellaneous applications.

63. The Supreme Court of the Union shall prescribe the jurisdiction of the Courts of Self-Administered Division, Courts of Self-Administered Zone, District Courts, Township Courts and other Courts established by law to adjudicate on the criminal cases and civil cases.

64. The Supreme Court of the Union shall carry out conferring of the jurisdiction, prescribing of the duties to the Judicial Officers to carry out as Judge in the Courts of Self-Administered Division. Courts of Self-Administered Zone. District Courts, Township Courts and other Courts established by law.

65. The Chief Justice of the Union and Judges of the Supreme Court of the Union are entitled:

- (a) to explain, converse and discuss in respect of the bills or matters relevant to the Supreme Court of the Union when they are attending the session of the Pyidaungsu Hluttaw with the permission of the Speaker of the Pyidaungsu Hluttaw, when they are attending the session of the Pyithu Hluttaw with the permission of the Speaker of the Pyithu Hluttaw. and when they are attending the session of the Amyotha Hluttaw with the permission of the Speaker of the Amyotha Hluttaw;
- (b) to explain, converse and discuss in respect of the bills or matters relevant to the Supreme Court of the Union, when they are attending ^ the sessions of the Pyithu Hluttaw or Amyotha Hluttaw ,r> committees, commissions and bodies, with the permission of the Head of the said committee, commission or body.

66. The Chief Justice of the Union may submit, from time to time, important judicial situation relating to the Union or the public, either in the session of the Pyidaungsu Hluttaw or the session of the Pyithu Hluttaw or the Amyotha Hluttaw.

67. The Chief Justice of the Union and Judges of the Supreme Court of the Union may inspect prisons, prisoner camps and police lock-ups throughout the Union, for enabling convicted persons and those under detention to enjoy lawful rights to which they are entitled and for preventing undue delay in the trial of cases.

68. The Chief Justices and Judges of the High Court of the Region or State, Judges of the Court of Self-Administered Division, Self-Administered Zone and Judges of the District Courts may inspect prisons, prisoner camps and police lock-ups within their jurisdiction, for enabling convicted persons and those under detention to enjoy lawful rights to which they are entitled and for preventing undue delay in the trial of cases.

69. The Chief Justices and Judges of the High Court of the Region or State are entitled to explain, converse and discuss on the matters relating to the High Court of the Region or State when they are attending the Hluttaw sessions, with the permission of the Speaker of the Region Hluttaw or the State Hluttaw.

70. All courts existing on the day of coming into force of this Constitution shall continue to exercise their jurisdiction until courts established by the Constitution come into existence. The pending civil cases, criminal cases and revenue cases in the said Courts shall be disposed of in accord with laws applied at the time of initiation of the trial.

71. The existing rules, rulings, procedures, notifications, orders, directives and manuals may continue to be applied in so far as they are not contrary to the Constitution or this Law.

72. This Law may be amended, inserted or repealed by the Pyidaungsu Hluttaw formed in accord with the Constitution of the Republic of the Union of Myanmar. This Law shall remain in force in so far as it is not repealed by the Pyidaungsu Hluttaw.

73. The Supreme Court of the Union may issue rules, regulations, notifications, orders, directives, procedures and manuals as may be necessary.

74. The Judiciary Law, 2000 (The State Peace and Development Council Law No. 5/2000) is hereby repealed.

(Sd.)Than Shwe

Senior General

Chairman

The State Peace and Development Council

The Union of Myanmar

The State Peace and Development Council

The Constitutional Tribunal of the Union Law

(The State Peace and Development Council Law No. 21 / 2010)

The 5th waning Day of Thadinkyut 1372 M.E.

(28th October, 2010)

Preamble

Since it is provided in Section 443 of the Constitution of the Republic of the Union of Myanmar that the State Peace and Development Council shall carry out the necessary preparatory works to implement the Constitution, it has become necessary to enact the relevant laws to enable performance of the legislative, administrative and judicial functions of the Union smoothly, to enable performance of works that are to be carried out when the various Hluttaws come into existence and to enable performance of the preparatory works in accord with law.

As such, the State Peace and Development Council hereby enacts this Law in accord with section 443 of the Constitution of the Republic of the Union of Myanmar, in order to enable formation of the Constitutional Tribunal, to enable determination of the duties and powers of the Tribunal and the manners to communicate with the Tribunal in accord with the Constitution of the Republic of the Union of Myanmar.

Chapter I

Title, Enforcement and Definition

1. (a) This Law shall be called the **Constitutional Tribunal of the Union Law**.
 (b) This Law shall come into force commencing from the day on which the Constitution comes into force.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) Constitution means the Constitution of the Republic of the Union of Myanmar;
 - (b) **Hluttaw Representative** means the Pyithu Hluttaw representative, Amyetha Hluttaw representative and Region or State Hluttaw representative;
 - (c) Tribunal means the Constitutional Tribunal of the Union formed under the Constitution;
 - (d) Chairperson means the Chairperson of the Constitutional Tribunal of the Union;
 - (e) Member means the member of the Constitutional Tribunal of the Union;
 - (f) Court means the Supreme Court of the Union, High Courts of the Region or State, Self-Administered Division Courts, Self-

Administered Zone Courts, District Courts. Township Courts and other Courts established by law';

- (g) **Self-Administered Area** means the Self-Administered Division or Self-Administered Zone.

Chapter II

Formation , Appointing and Assigning Duties of the Tribunal

Formation of the Tribunal

3. The Tribunal shall be formed with nine members including the Chairperson.

4. (a) The President, the Speaker of the Pyithu Hluttaw and the Speaker of the Amyotha Hluttaw shall elect three members each from among the Hluttaw representatives or from among persons who are not the Hluttaw representatives, who fulfil the following qualifications;

- (i) person who has attained 50 years of age;
- (ii) person who fulfils the qualifications prescribed in section 120 of the Constitution for the Pyithu Hluttaw representatives with the exception of the age limit;
- (iii) person who has not infringed the provisions prescribed in section 121 of the Constitution which disqualify for standing in election as the Pyithu Hluttaw representatives;

(iv) (aa) person who has carried out as a Judge of the High Court of the Region or State for a minimum of five years

or

(bb) person who has served as a Judicial Officer or a Law Officer not lower than that of the Region or State level for a minimum of 10 years

or

(cc) person who has practised as an advocate for a minimum of 20 years;

(v) person who has political, administrative, economic and security outlook:

(vi) person loyal to the Union and its citizens.

among the persons elected by the President, although one is not in conformity with the provisions of clause (4) of sub-section

(a), the person who is considered as an eminent jurist may be elected;

since it is provided in the Constitution that the members under sub-section (e) of section 333 shall not be the members of a political party and the members under sub-section (f) shall not be Hluttaw representatives, if a person elected as a member under

section 330 of the Constitution is a member of a political party, he shall not take part in the party's activities and if he is a Hluttaw representative, he shall be deemed to have resigned from being the Hluttaw representative. Moreover, if he is a Civil Services personnel, he shall be deemed to have resigned from being the Civil Services personnel.

5. The Speaker of the Pyithu Hluttaw and the Speaker of the Amyotha Hluttaw shall send the list of members elected by them in accord with the provisions of section 4 to the President.

Appointing and Assigning Duties

6. The President shall submit the list of total nine members elected in accord with the provision of section 4 and the name of a member from among them to be assigned as the Chairperson to the Pyidaungsu Hluttaw and obtain its approval.

7. The Pyidaungsu Hluttaw shall not have the right to refuse the persons nominated by the President for appointing and assigning duty as the Chairperson or members of the Constitutional Tribunal, if it cannot clearly prove that they do not fulfil the qualification of the member of the Tribunal.

8. If the Pyidaungsu Hluttaw refuse the persons nominated by the President under section 6 by clearly proving that they do not fulfil the qualification contained in section 4, the President is entitled to submit the new nomination list again in place of the said person.

9. When submitting the new nomination list under section 8. if the member who is not approved by the Pyidaungsu Hluttaw, is a member elected by the President, the President; or is a member elected by the Speaker of the Pyithu Hluttaw, the Speaker of the Pyithu Hluttaw; or is a member elected by the Speaker of the Amyotha Hluttaw, the Speaker of the Amyolha Hluttaw is entitled to submit the new nomination list again in accord with the provisions of sections 4,5 and 6.

10. The President shall appoint and assign duties to the Chairperson and members approved by the Pyidaungsu Hluttaw as the Chairperson and members of the Constitutional Tribunal.

11. If the Chairperson or any member is a member of a political party or an individual being elected or a citizen being specifically appointed and assigned duties, and such person will contest in the forthcoming general election, if it is in conformity with the provisions of sections 120 and 121 of the Constitution, he is entitled to carry out the works of electoral party organization and territorial organization, commencing from the day of the announcement of the Union Election Commission to hold election, in order not to lose the right of being elected given to a citizen under sub-section (a) of section 38 of the Constitution.

Chapter III

Functions and Duties of the Constitutional Tribunal

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12. The functions and duties of the Constitutional Tribunal are as follows:

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- (a) interpreting the provisions of the Constitution;

scrutinizing whether or not the laws promulgated by the Pyidaungsu Hluttaw, the Region Hluttaws, the State Hluttaws or Leading Bodies of the Self-Administered Division and Self-Administered Zone are in conformity with the Constitution;

scrutinizing whether or not the measures of the administrative authorities of the Union, the Regions, the States and the Self-Administered Areas are in conformity with the Constitution:

deciding on Constitutional disputes arising between the Union and a Region, between the Union and a State, between a Region and a State, among the Regions, among the States, between a Region or a State and a Self-Administered Area, and among the Self-Administered Areas;

deciding on disputes arising in relation to the rights and duties of the Union and the Region, State or Self-Administered Area, in implementing the Union law by the Region, State or Self-Administered Area:

scrutinizing and deciding on matters intimated by the President in relation to the Union territory;

deciding on a dispute submitted under section 323 of the Constitution and section 17 of this Law in relation to a pending trial of the Court:

- (h) performing the functions and duties assigned by laws enacted by the Pyidaungsu Hluttaw.

Chapter IV

Submission (o obtain the interpretation, decision and opinion of the Constitutional Tribunal

13. The following persons are entitled to submit directly to the Constitutional Tribunal if matters arise to obtain the interpretation, decision and opinion of the Constitutional Tribunal:

- (a) the President;
- (b) the Speaker of the Pyidaungsu Hluttaw;
- (c) the Speaker of the Pyithu Hluttaw;
- (d) the Speaker of the Amyotha Hluttaw;
- (e) the Chief Justice of the Union;
- (f) the Chairperson of the Union Election Commission.

14. The following persons or the organizations are entitled to submit to the Constitutional Tribunal to obtain the interpretation, decision and opinion of the Constitutional Tribunal in accord with the manner contained in section 15:

- (a) the Chief Minister of the Region or State;
- (b) the Speaker of the Region or State Hluttaw;
- (c) the Chairperson of the Leading Body of the Self-Administered Division or the Leading Body of the Self-Administered Zone;

- (d) the number of representatives being at least of 10 percent of all the representatives of the Pyithu Hluttaw or Amyotha Hluttaw.

15. In respect of the matters to obtain the interpretation, decision and opinion of the Constitutional Tribunal:

- (a) if he is a Chief Minister of the Region or State, his submission shall be sent to the Constitutional Tribunal through the President;
- (b) if he is a Speaker of the Region or State, his submission shall be sent to the Constitutional Tribunal through the Speaker of the Pyidaungsu Hluttaw;
- (c) if he is a Chairperson of the Leading Body of the Self-Administered Division or Self-Administered **Zone**, his submission shall be sent to the Constitutional Tribunal through the relevant Chief Minister of the Region or State and the President;
- (d) if it is a number of representatives being at least 10 percent of all the Pyithu Hluttaw or Amyotha Hluttaw' representatives, their submissions shall be sent to the Constitutional Tribunal through the relevant Speaker of the Hluttaw'.

- 16. (a) In submitting matters to obtain the interpretation, decision and opinion of the Constitutional Tribunal by the persons contained in sections 13 or 14 in accord with the stipulated manner valid documents, papers shall be attached clearly and completely.

- (b) In submitting under sub-section (a), the facts that are desired to be decided shall be clearly mentioned.

17. In trying a case by a Court, if a dispute arises as to whether or not the provision contained in any law contradicts or conforms to the Constitution and if no decision has been made by the Constitutional Tribunal on the said dispute, the said Court shall stay the trial and submit the dispute urgently with its own opinion to the Chief Justice of the Union. The Chief Justice of the Union shall submit such submission to the Constitutional Tribunal with his opinion.

Chapter V

Scrutiny, Hearing and Passing Final Decision

Scrutiny

18. The Chairperson shall form the Scrutiny Body comprising a person from the members elected by the President, a person from the members elected by the Speaker of the Pyithu Hluttaw and a person from the members elected by the Speaker of the Amyotha Hluttaw to scrutinize and submit the submission under sections 16 or 17.

19. In respect of the submission, the Scrutiny Body shall:

- (a) scrutinize as to whether or not the relevant facts and valid documents, papers are clearly and completely attached. In such scrutiny, if it is found not complete, shall cause the requirements to be,subinitted within the stipulated time.

- (b) if there is a person or department, organization to re-explain, shall inform the same with a copy of the submission, and shall give the right to submit the relevant facts and valid documents, papers within the stipulated time.
- (c) submit to the Constitutional Tribunal for hearing, when the requirements are completed.

Hearing

20. All the members including the Chairperson shall hear and decide in relation to the submission. In doing so. if all the members cannot attend due to any duty or any other cause, the submission shall be heard by at least six members including the Chairperson.

21. In hearing at the Constitutional Tribunal:

- (a) the hearing date shall be announced in advance;
- (b) the Chairperson or a member assigned by the Chairperson shall read out the matter of hearing in brief;
- (c) may hear the argument of the relevant persons relating to the submission;
- (d) shall hear in public, except a matter that may be detrimental to the secret of the Union or the security of the Union;
- (e) may invite the technical expert and obtain his opinion and advice;

- . (f) may apply relevant provisions from the Code of Civil Procedure, the Code of Criminal Procedure and the Evidence Act as may be appropriate and carry out.
- (g) shall carry out to Complete the hearing on submission as quickly as possible;
- (h) shall record the daily performance of the Constitutional Tribunal relating to the submission and keep it signed by the Chairperson or any member.

Passing Final Decision

22. The Constitutional Tribunal:

- (a) shall arrange and carry out in order to pass the final decision after hearing as quickly as possible.
- (b) shall announce the day of final decision in advance.
- (c) shall pass the final decision of the Constitutional Tribunal by the consent of more than half of the members including the Chairperson. Such decision shall be signed by the Chairperson on behalf of the Constitutional Tribunal and read out in public by the Chairperson or a member assigned by the Chairperson.

Chapter VI

Effect of the Decision of the Constitutional Tribunal

23. The decision of the Constitutional Tribunal is final and conclusive.

24. The decision passed by the Constitutional Tribunal relating to the matter submitted by a Court under sub-section (g) of section 12 shall be applied to all cases.

25. The decisions of the Constitutional Tribunal shall have effect on the relevant Government departments, organizations and persons or on the respective region.

Chapter VII

Impeachment, Term of Office, Resignation from Office, Termination from Duty and Filling and Appointing at the Vacant Office

26. In respect of the impeachment against the Chairperson and any member, it shall be carried out in accord with the provisions of section 334 of the Constitution.

27. The term of the Constitutional Tribunal shall be five years, the same as that of the Pyidaungsu Hluttaw. However, although its term has expired, the Constitutional Tribunal currently carrying out duties shall continue to carry out its functions and duties till the President forms a new Constitutional Tribunal.

28. (a) If the Chairperson desires to resign from office on his own volition, due to any cause before the expiry of the term, he may resign from office after submitting his resignation in writing to the President.

- (b) If any member desires to resign from office as contained in sub-section (a), he may resign from office after submitting his resignation in writing to the President through the Chairperson.

29. When the Chairperson or a member is impeached for any cause contained in section 334 of the Constitution, after carrying out in accord with sub-section (b) or (c) of section 302 of the Constitution by the relevant person and if the Pyidaungsu Hluttaw decides that it is unfit to continue to serve at the present office, the President shall terminate the alleged Chairperson or a member from office.

30. If the office of the Chairperson or member becomes vacant due to any cause, the President may, in accord with the Constitution and the provisions of this Law, appoint and assign duties to the new Chairperson or member who fulfils the qualifications contained in section 4.

Chapter VIII

Miscellaneous

31. The preparatory measures carried out by the State Peace and Development Council for the implementation of this Law before this Law comes into force shall be deemed to have been carried out in accord with the Constitution.

32. The venue of the Constitutional Tribunal is Nay Pyi Taw. If it is necessary, the Chairperson may cause the Tribunal to sit at any other suitable place.

33. No civil or criminal proceeding shall be instituted or action taken against the Chairperson or any member in respect of measures done on duty in good faith.

34. If it is necessary, the Constitutional Tribunal may invite the Attorney-General of the Union as the *amicus curiae*. If the Attorney-General cannot attend in person, he may cause to send a suitable person who is not lower than that of the Director of the Office of the Attorney General of the Union to carry out on his behalf.

35. The decisions passed by the Constitutional Tribunal shall be published in the Union Gazette. They shall be compiled and published to enable to quote and apply them as the ruling.

36. The Chairperson shall, with the approval of the Union Government, form the staff office to be responsible and implement various office works of the Tribunal.

37. This Law may be amended, inserted or repealed by the Pyidaungsu Hluttaw formed in accord with the Constitution of the Republic of the Union of Myanmar. This Law shall remain in force in so far as it is not repealed by the Pyidaungsu Hluttaw.

38. In implementing the provisions of this Law, the Constitutional Tribunal may issue necessary rules, notifications, orders, directives and procedures.

(Sd) Than Shwe

Senior General

Chairman

The State Peace and Development Council

Union of Myanmar

The State Peace and Development Council

The Attorney-General of the Union Law

(The State Peace and Development Council Law No. 22 / 2010)

The 5th Waning Day of Thadinkyut 1372 M.E.

(28th October, 2010)

Preamble

Since it is provided in Section 443 of the Constitution of the Republic of the Union of Myanmar that the State Peace and Development Council shall carry out the necessary preparatory works to implement the Constitution, it has become necessary to enact the relevant law/s to enable performance of the legislative, administrative and judicial functions of the Union smoothly, to enable performance of works that are to be carried out when the various Hluttaws come into existence and to enable performance of the preparatory works in accord with law'.

As such, the State Peace and Development Council hereby enacts this Law in accord with section 443 of the Constitution of the Republic of the Union of Myanmar, in order to determine the duties and powers of the Attorney-General of the Union and Advocate-General of the Region or State and duties and powers of the Law Officers at various levels of Law/ Office.

Chapter I

Title, Enforcement and Definition

1. (a) This Law shall be called **the Attorney-General of the Union Law**.
 (b) This Law shall come into force commencing from the day on which the Constitution comes into force.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **Constitution** means the Constitution of the Republic of the Union of Myanmar.
 - (b) **Hluttaw** means the Pyidaungsu Hluttaw, Pyithu Hluttaw, Amyotha Hluttaw and Region Hluttaw or State Hluttaw.
 - (c) **Union level Organization** means the Union Government, National Defence and Security Council, Financial Commission, Supreme Court of the Union, Constitutional Tribunal of the Union, Union Election Commission, Auditor-General of the Union and the Union Civil Services Board or committee, commission and body formed by the Pyidaungsu Hluttaw, Pyithu Hluttaw and Amyotha Hluttaw in accord with the Constitution.
 - (d) **The Region or State Level Organization** means the Region or State Government, High Court of the Region or State, Region or State Auditor-General and committee and body formed by the Region or State Hluttaw in accord with the Constitution.

- (e) **Original Case** means a case adjudicated firstly by a relevant Court under the original jurisdiction.
- (f) **Appeal case** means a case appealed to the appeal Court on the judgment, decree or order passed by a Court in accord with law.
- (g) **Revision case** means a case opened by a revisional Court to review a judgment or order passed by a Court in accord with law.
- (h) **Special Appeal case** means a case admitted for special appeal by the Supreme Court of the Union on the final judgment, decree or order passed by the Supreme Court of the Union by exercising its original jurisdiction or appellate jurisdiction or revisional jurisdiction.

Chapter Et

Formation of the Office of the Attorney-General of the Union and Various levels of Law Office.

3. The Office of the Attorney-General of the Union and various levels of
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Law Office are formed as follows:

- (a) Office of the Attorney-General of the Union;
- (b) Office of the Advocate-General of Region or State and under their supervision, within the relevant Region or State:

- (i) if there is no Self-Administered Area:
 - (aa) District Law Offices;
 - (bb) Township Law Offices.
- (ii) if there is Self-Administered Area:
 - (aa) In the Self-Administered Division:
 - Self-Administered Division Law Office:
 - District Law Offices;
 - Township Law Offices.
 - (bb) In the Self-Administered Zone:
 - Self-Administered Zone Law Office;
 - Township Law Offices;
 - (cc) In the remaining areas:
 - District Law Offices;
 - Township Law Offices.
- (c) In the Union Territory:
 - (i) District Law Offices;
 - (ii) Township Law Offices.
- (d) Other Law Offices established by law.

Chapter III

The Attorney-General of the Union and the Deputy Attorney-General

Appointing and Assigning Duties

4. The Attorney-General of the Union shall be called the Attorney-General of the Union.

5. The President shall, with the approval of the Pyidaungsu Hluttaw, appoint a person from among Hluttaw Representatives or from among those who are not the Hluttaw Representatives who fulfil the qualifications contained in sub-section (a) of section 237 of the Constitution and section 10 of this Law as the Attorney-General of the Union to obtain legal advice and assign duties on legal matters.

6. The President shall appoint, on his own volition, the persons from among the Hluttaw Representatives or from among those who are not the Hluttaw Representatives who fulfil the qualifications of sub-section (a) of section 239 of the Constitution and section 11 of this Law, as Deputy Attorney-General to assist the Attorney-General of the Union.

7. If the Attorney-General of the Union and Deputy Attorney-General:

- (a) are representatives of any Hluttaw or Civil Services personnel or members of a political part)', it shall be carried out according to the provisions contained in sub-sections (f), (g) and (h) of section 237 and sub-section (c) of section 239 of the Constitution.

- (b) in carrying out under sub-section (a), if a person is a member of a political party or an independently elected person or a citizen specifically appointed and assigned duty, and if such person is a person who will contest in the forthcoming general election, if it is in conformity with the provisions of sections 120 and 121 of the Constitution, he is entitled to carry out the works of electoral party-organization and territorial organization, commencing from the day of the announcement of the Union Election Commission to hold election, in order not to lose the right of being elected given to a citizen under sub-section (a) of section 38 of the Constitution.

8 The Attorney-General of the Union:

- (a) is a member of the Union Government;
- (b) is responsible to the President of the Union.

9. The Deputy Attorney-General shall be responsible to the Attorney-General of the Union and also to the President through the Attorney-General of the Union.

Qualifications

10. The Attorney-General of the Union shall fulfil the following qualifications:

- (a) person who has attained 45 years of age;

- (b) person who fulfils the qualifications, of the Pyithu Hluttaw representatives mentioned in section 120 of the Constitution with the exception of the age limit;
- (c) person who has not infringed the provisions in section 121 of the Constitution, which disqualify a person from standing for election as Pyithu Hluttaw representatives;
- (d)
 - (i) person who has served as a Judge of the High Court of the Region or State for a minimum of five years;
 - or
 - (ii) person who has served as a judicial officer or law officer not lower than that of the Region or State level for a minimum of 10 years;
 - or
 - (iii) person who has practised as an advocate for a minimum of 20 years;
 - or
 - (iv) person who is, in the opinion of the President, an eminent jurist;
- (e) person who is loyal to the Union and its citizens.

The Deputy Attorney-General shall fulfil the following qualifications:

- (a) person who has attained 40 years of age;

person who fulfils the qualifications, entitled to be elected as Pyithu Hluttaw representatives mentioned in section 120 of the Constitution with the exception of the age limit;

person who has not infringed the provisions contained in section 121 of the Constitution, which disqualify a person from standing for election as Pyithu Hluttaw representatives;

(i) person who has served as a Judge of the High Court of the Region or State for a minimum of five years;

or

(ii) person who has served as a judicial officer or law officer not lower than that of the Region or State level for a minimum of 10 years;

or

(iii) person who has practised as an advocate for a minimum of 15 years;

or

(iv) person who is, in the opinion of the President, an eminent jurist;

person who is loyal to the Union and its citizens.

Duties and Powers of the Attorney-General of the Union

12. The duties of the Attorney-General are as follows:
- (a) performing the duties of member of the Union Government;
 - (b) submitting the unusual situation relating to the legal matters, from time to time, at the session of the Pyidaungsu Hluttaw or the session of the Pyithu Hluttaw or Amyotha Hluttaw;
 - (c) tendering legal advice when so requested by the President of the Union, the Speaker of the Pyidaungsu Hluttaw, the Speaker of the Pyithu Hluttaw or the Speaker of the Amyotha Hluttaw, any organization of the Pyidaungsu level, any Ministiy of the Union or Nay Pyi Taw Council;
 - (d) appearing on behalf of the State in original, appeal, revision and special appeal cases relating to the Union under the jurisdiction of the Supreme Court of the Union;
 - (e) appearing on behalf of the State in applications to issue writs to the Supreme Court of the Union;
 - (f) prosecuting criminal cases at the Court in accord with law;
 - (g) appearing in criminal cases on behalf of the Union;
 - (h) appearing on behalf of the Union in original civil case, civil appeal case, civil revision case and special civil appeal case in which the Union is involved as the plaintiff or defendant;

- (i) filing appeal or revision, if it is necessary to file appeal or revision to the Supreme Court of the Union on judgment, order or decision passed by any High Court of the Region or State, in cases relating to the Union;
- (j) translating laws;
- (k) tendering legal advice to the Union level organizations on matters relating to international, regional or bilateral or multilateral treaties;
- (l) tendering legal advice to the Union level organizations on matters relating to memorandums of understanding, memorandums of agreement, local and foreign investment instruments and other instruments;
- (m) tendering legal advice when so requested by the Advocate-General of the Region or State on matter relating to a legal problem;
- (n) guiding and supervising the law/ officers of the Office of the Attorney-General of the Union and various levels of Law Office;
- (o) submitting bills relating to the Office of the Attorney General of the Union to the Pyidaungsu Hluttaw in accord with the stipulated manners;
- (p) carrying out other duties stipulated by the provisions of the Constitution or existing laws and rules or rules, procedures, orders and directives issued under this Law;

- (q) carrying out other duties assigned by the Union Government or any law.

13. The powers of the Attorney-General of the Union are as follows:

- (a) determining the duties and powers of the Deputy Attorney-General;
- (b) carrying out in accord with law if it is necessary to withdraw the entire case, any charge or any accused in a criminal case filed at the Court;
- (c) making decision to close the criminal cases that cannot be prosecuted at the Court;
- (d) filing appeal against acquittal order in accord with law to the Supreme Court of the Union if it is considered appropriate to file appeal against an acquittal order in criminal case passed by the High Court of the Region or State;
- (e) calling for necessary orders, decisions, directives, activities, proceedings and other documents from the relevant Union level organizations if it is necessary to scrutinize relating to the legal matters;
- (f) guiding and supervising the relevant Advocate-General of the Region or State, relating to the work performances of the various levels of Law Office in the Region or State as may be necessary;

- (g) giving consent in writing under the Code of Civil Procedure in order to institute a suit regarding public charities.

14. The Attorney-General of the Union may delegate the duties and powers conferred on him under sections 12 and 13 to the Deputy Attorney-General, Advocate-General of the Region or State and the Law Officers of the various levels of Law Office.

Duties and Powers of the Deputy Attorney-General

15. The Deputy Attorney-General shall exercise and perform the duties and powers assigned by the Attorney-General of the Union.

Term of Office

16. The term of Office of the Attorney-General of the Union and the Deputy Attorney-General is the same as that of the President.

Resignation from Office

- 17. (a) If the Attorney-General of the Union desires to resign from office on his own volition for any cause before the expiry of the term of office, he may resign from office by submitting his desire to resign in writing to the President;
- (b) If the Deputy Attorney-General desires to resign as contained in sub-section (a), he may resign from office by submitting his desire to resign in writing to the President through the Attorney-General of the Union.

Termination from Duty

18. The President may direct the Attorney-General of the Union or the Deputy Attorney-General to resign if he cannot discharge his duties efficiently. If the directive of the President is not complied with, he shall be terminated from duties.

Filling and Appointing at the Vacant Office

19. If the Office of the Attorney-General of the Union or the Deputy Attorney-General becomes vacant due to resignation, termination from office, death or any other cause, the President may appoint and assign duties to a new Attorney-General of the Union or Deputy Attorney-General in accord with the relevant provisions of the Constitution for the appointment of the Attorney-General of the Union or the Deputy Attorney-General. The term of office of the new Attorney-General of the Union or the Deputy Attorney-General appointed and assigned duties as such shall be for the remaining term of office of the President.

Impeachment

20. If it is necessary to impeach the Attorney-General of the Union, it shall be carried out in accord with the provisions of the Constitution.

Chapter IV

Advocate-General of the Region or State

Appointing and Assigning Duties

21. The Advocate-General of the Region or State shall be called the Advocate-general of the Region or Advocate-General of the State.

22. When the Chief Minister of the Region or State, with the approval of the Region or State Hluttaw, submits to enable appointment of any person from among the Hluttaw representatives or from among those who are not the Hluttaw representatives who fulfil the qualifications contained in sub-section (a) of section 266 of the Constitution and section 25 of this Law as the Advocate-General of the Region or State to obtain legal advice and to assign legal duties, the President shall appoint such person as relevant Advocate-General of the Region or State.

23. If the Advocate-General of the Region or State:

- (a) is a Civil Services Personnel, it shall be carried out in accord with the provisions of clause (1) of sub-section (n) of section 262 of the Constitution.
- (b) is a person who will contest in the forthcoming general election, if it is in conformity with the provisions of sections 120 and 121 of the Constitution, he is entitled to carry out the works of electoral party-organization and territorial organization, commencing from the day of the announcement of the Union Election Commission to hold election, in order not to lose the right of being elected given to a citizen under sub-section (a) of section 38 of the Constitution.

24. The Advocate-General of the Region or State:

- (a) is a member of the relevant Region or State Government;
- (b) shall be responsible to the Attorney-General of the Union or to the relevant Chief Minister of the Region or State;
- (c) shall be responsible to the President through the Chief Minister of the Region or State.

Qualifications

25. The Advocate-General of the Region or State shall fulfil the following qualifications:

- (a) person who has attained 40 years of age;
- (b) person who fulfils the qualifications, of the Pyithu Hluttaw representatives stipulated in section 120 of the Constitution with the exception of the age limit;
- (c) person who has not infringed the provisions mentioned in section 121 of the Constitution, which disqualify a person from standing for election as Pyithu Hluttaw representatives;
- (d) (i) person who has served as a judicial officer or law officer not lower than that of the Region or State level for a minimum of five years, or person who has served as a judicial officer or law officer not lower than that of the District level for a minimum of 10 years;

or

- (ii) person who has practised as an advocate for a minimum of 15 years;
- (e) person who is loyal to the Union and its citizens.

Duties and Powers

26. The duties of the Advocate-General of the Region or State are as follows:
- (a) performing the duties of a member of the relevant Region or State Government;
 - (b) submitting the unusual situation relating to legal matters at the session of the relevant Region or State Hluttaw from time to time;
 - (c) tendering legal advice when so requested by the relevant Chief Minister of the Region or State, the Speaker of the Region or State Hluttaw, any Region or State level organization, any Ministry of Region or State or Leading Body of the Self-Administered Division or Zone;
 - (d) appearing on behalf of the State in cases relating to the Union on original, appeal and revision cases under the jurisdiction of the relevant High Court of the Region or State;
 - (e) prosecuting criminal cases at the Court in accord with law;
 - (f) appearing in criminal cases on behalf of the Union;
 - (g) appearing on behalf of the Union in original civil case, civil appeal and civil revision in which the Union is involved as the plaintiff or defendant;

submitting to the Attorney-General of the Union to file appeal or revision if it is necessary to file appeal or revision in cases relating to the Union to the Supreme Court of the Union on judgment, order or decision passed by the relevant High Court of the Region or State;

requesting legal advice on legal matters from the Attorney-General of the Union if it is necessary;

issuing necessary orders and directives with the approval of the Attorney-General of the Union to implement the duties and powers conferred on him;

tendering necessary legal advice when so requested by the Committees and Bodies formed relating to the legislation in the relevant Hluttaw, for matters contained in the Region or State Hluttaw Legislative List prescribed in Schedule 2;

supervising the various levels of Law Office in the relevant Region or State;

carrying out functions as are assigned in accord with law by the Attorney-General of the Union or relevant Chief Minister of the Region or State;

carrying out other duties prescribed by any existing law’.

27. The powers of the Advocate-General of the Region or State are as follows:

- (a) carrying out in accord with law, if it is necessary, to withdraw the entire case, any charge or any accused in a criminal case filed at the Court;
- (b) making decision, in accord with the stipulations, to close the criminal cases which cannot be prosecuted;
- (c) filing appeal against acquittal order, in accord with law to the High Court of the Region or State if it is considered appropriate to file appeal against an acquittal order in criminal cases of various levels of Court in relevant Region or State;
- (d) calling for necessary orders, decisions, directives, activities, proceedings and other documents from the relevant Region or State level organizations if it is necessary to scrutinize relating to the legal matters.

28. The relevant Advocate-General of the Region or State may delegate to the Law Officers in his Region or State, the duties and powers conferred on him under sections 26 and 27.

Term of Office

29. The term of Office of the Advocate-General of the Region or State is the same as that of the President.

Resignation from Office

30. If any Advocate-General of the Region or State desires to resign from office on his own volition for any cause before the expiry' of the term of office, he may resign from office by submitting his desire to resign in writing to the President through the relevant Chief Minister.

Termination from Duty

31. The President may direct the Advocate-General of the Region or State to resign if he cannot discharge his duties efficiently. If the directive of the President is not complied with, he shall be terminated from duties.

Filling and Appointing at the Vacant office

32. If the Office of the Advocate-General of the Region or State becomes vacant due to resignation, termination from Office, death or any other cause, the President may appoint and assign duties to a new Advocate-General of the Region or State in accord with the relevant provisions of the Constitution relating to the appointment of the Advocate-General of the Region or State. The term of office of the newly substituted person shall be for the remaining term of office of the President.

Impeachment

33. If it is necessary' to impeach the Advocate-General of the Region or State, it shall be carried out in accord with the provisions of the Constitution.

Chapter V

Functions and Duties of the Law Officers

Law Officers of the Office of the Attorney-General of the Union

34. The Law Officers of the Office of the Attorney-General of the Union shall carry out the functions and duties delegated by the Attorney-General of the Union in accord with the stipulations.

35. The Law Officers of the Office of the Attorney-General of the Union shall carry out compiling and publishing of law books and law manuals in accord with the stipulations.

Law Officers at the Various Levels of Law Office

36. The Law Officers at the various levels of Law Office shall, in accordance with the stipulations, carry out the following functions and duties:

- (a) tendering legal advice when so requested by any relevant Government department and organization;
- (b) scrutinizing and tendering legal advice on criminal cases to be in conformity with law before prosecution;
- (c) prosecuting criminal cases at the Courts in accord with law;
- (d) appearing in criminal cases on behalf of the Union;
- (e) tendering legal advice and appearing on behalf of the Union in original civil case, civil appeal case, civil revision case and special civil appeal case in which the Union is involved ^ the plaintiff or defendant;

scrutinizing and submitting as to whether or not the relevant prosecuting body complies with the legal advice tendered by the Law Office;

scrutinizing as to whether or not the request of remand by the prosecuting body is in conformity with the existing laws, orders and directives;

scrutinizing the case for sound construction before prosecuting at the relevant Court by the prosecuting body;

scrutinizing and making decision, in accord with the stipulations as to whether or not the entire case or any charge or any accused in the criminal case filed at the Court should be withdrawn;

scrutinizing and making decision, in accord with the stipulations, relating to closing of the criminal cases which cannot be prosecuted;

making decision to tender a pardon from being prosecuted to an approver in accord with the Code of Criminal Procedure who is accused of a criminal offence before prosecuting at the Court in criminal cases:

hiring a lawyer to appear for the accused in poverty who is accused of a criminal offence punishable with death;

supervising the lawyer hired by the complainant, in accord with the stipulations, in criminal cases in which the Law Officer appears;

- (n) filing revision to the relevant Court, if it is necessary to file revision on any judgment, order or decision of the Court in cases relating to the Union;
- (o) . submitting in accord with the stipulations if it is considered that an appeal should be filed against the acquittal order passed by the Court in a criminal case;
- (p) carrying out other duties assigned by the Attorney-General of the Union and relevant Advocate-General of the Region or State.

Chapter VI

Miscellaneous

37. The preparatory work carried out by the State Peace and Development Council, before this Law comes into force for the implementation of this Law, shall be deemed to have been carried out in accord with the Constitution.

3 8. The Attomey)-General and the Deputy Attorney-General appointed under the Attorney General Law, 2001 shall continue to carry out their duties and powers up to the day of the appointment of the Attorney-General of the Union and the Deputy' Attorney-General under this Law.

39. The rules, notifications, orders, directives and procedures issued under the Attorney General Law, 2001 may be applied in so far as they are not contrary to the provisions of the Constitution and this Law.

40. This Law may be amended, inserted or repealed by the Pyidaungsu Hluttaw, formed in accord with the Constitution of the Republic of the Union of Myanmar. This Law is in force in so far as it is not repealed by the Pyidaungsu Hluttaw.

41. In implementing the provisions contained in this Law, the Attorney-General of the Union may:

- (a) with approval of the Union Government, issue such rules as may be necessary;
- (I) issue such notifications, orders, directives and procedures as may be necessary.

42. The Attorney General Law, 2001 (The State Peace and Development Council Law No. 1/2001) is hereby repealed.

(Sd.) Than Shwe

Senior General

Chairman

The State Peace and Development Council

The Union of Myanmar

The State Peace and Development Council

The Auditor General of the Union Law

(The State Peace and Development Council Law No. 23/2010)

The 5th Waning Day of Thadinkyut, 1372 M.E.

(28th October, 2010)

Preamble

Since it is provided in section 443 of the Constitution of the Republic of the Union of Myanmar that the State Peace and Development Council shall carry out the necessary preparatory works to implement the Constitution, it has become necessary to enact the relevant laws to enable performance of the legislative, administrative and judicial functions of the Union smoothly, to enable performance of works that are to be carried out when the various Hluttaws come into existence and to enable performance of the preparatory works in accord with law.

As such, the State Peace and Development Council hereby enacts this Law in accord with section 443 of the Constitution of the Republic of the Union of Myanmar, in order to prescribe the duties and powers of the Auditor General of the Union, the Auditor General of the Region or State and duties and powers of the Audit Officers of the various levels of Audit Office under the Constitution of the Republic of the Union of Myanmar.

Chapter I

Title, Enforcement and Definition

1. (a) This Law shall be called **the Auditor General of the Union Law**.
 (b) This Law shall come into force from the day on which the Constitution comes into force.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **Constitution** means the Constitution of the Republic of the Union of Myanmar;
 - (b) **Hluttaw** means the Pyidaungsu Hluttaw, Pyithu Hluttaw, Amyotha Hluttaw and Region or State Hluttaw;
 - (c) **Services Personnel Organization** means the services personnel organizations appointed for the various matters of the Union in accord with law;
 - (c) **Union Level Organization** means the Union Government, National Defence and Security Council, Financial Commission, Supreme Court of the Union, Constitutional Tribunal of the Union, Union Election Commission, Auditor General of the Union and the Union Civil Services Board formed under the Constitution or committee, commission and body formed by the Pyidaungsu Hluttaw, Pyithu Hluttaw and Amyotha Hluttaw;

- (d) **Region or State Level Organization** means the Region or State Government, High Court of the Region or State, Auditor General of the Region or State and committee and body formed by the Region or State Hluttaw.

Chapter II

Formation of the Office of the Auditor General of the Union and Various Levels of Audit Office

3. The Office of the Auditor General of the Union and various levels of Audit Office are formed as follows:

- (a) Office of the Auditor General of the Union;
- (b) Offices of the Auditor General of the Region or State and under their supervision, in the relevant Region or State:
 - (i) if there is no Self-Administered Area:
 - (aa) District Audit Offices;
 - (bb) Township Audit Offices;
 - (ii) if there is Self-Administered Area:
 - (aa) at the Self-Administered Division:
 - Audit Office of the Self-Administered Division;
 - District Audit Offices;

- Township Audit Offices;

(bb) at the Self-Administered Zone:

- Audit Office of the Self-Administered Zone;
- Township Audit Offices;

(cc) at the remaining areas:

- District Audit Offices;
- Township Audit Offices;

(c) at the Union Territory:

- (1) District Audit Offices;
- (2) Township Audit Offices.

Chapter IH

Auditor General of the Union and Deputy Auditor General

Appointing and Assigning Duties

4. The Auditor General of the Union shall be called the Auditor General of the Union.

5. The President of the Union shall, with the approval of the Pyidaungsu Hluttaw, appoint and assign duty to any person from among the Hluttaw representatives or from among persons who are not Hluttaw representatives,

who fulfils the qualifications contained in sub-section (a) of section 242 of the Constitution and section 9 of this Law, as the Auditor General of the Union in order to audit the accounts of the receipt and expenditure of the Union and report thereon to the Pyidaungsu Hluttaw.

6. The President of the Union shall, on his own volition, appoint and assign duty to any person from among the Hluttaw representatives or from among persons who are not Hluttaw representatives, who fulfils the qualifications contained in sub-section (a) of section 244 of the Constitution and section 10 of this Law, as Deputy Auditor General in order to assist the Auditor General of the Union.

7. If any of the Auditor General of the Union and the Deputy Auditor General:

- (a) is a representative of any Hluttaw or civil services personnel or member of any political party, it shall be carried out according to the provisions contained in sub-sections (e), (f), (g) of section 242 and sub-section (c) of section 244 of the Constitution;
- (b) in carrying out under sub-section (a), is a member of any political party or a person elected individually or a citizen specifically appointed and assigned duties or if such person will contest in any forthcoming general election, and if it is in conformity with the provisions contained in sections 120 and 121 of the Constitution, he is entitled to carry out the works of party organization or territorial organization relating to election

commencing from the day of the announcement to hold the election by the Union Election Commission in order not to lose the right to be elected conferred on a citizen under sub-section (a) of section 38 of the Constitution.

8. (a) The Auditor General of the Union shall be responsible to the President of the Union.
- (b) The Deputy Auditor General shall be responsible to the Auditor General of the Union and the President of the Union, through the Auditor General of the Union.

Qualifications

9. The Auditor General of the Union shall fulfil the following qualifications:
 - (a) person who has attained 45 years of age;
 - (b) person who fulfils the qualifications stipulated for Pyithu Hluttaw representatives mentioned in section 120 of the Constitution, with the exception of the age limit;
 - (c) person who has not infringed the provisions mentioned in section 121 of the Constitution, which disqualify a person from standing for election as Pyithu Hluttaw representatives;
 - (d) (i) person who has served at the office of an Audit Officer not lower than that of the Region or State level for a minimum of 10 years;

or

(ii) person who has carried out as Registered Accountant or a Certified Public Accountant for a minimum of 20 years;

or

(iii) person who is, in the opinion of the President, an eminent accountant or statistician or economist.

(e) person who is loyal to the Union and its citizens.

10. The Deputy Auditor General of the Union shall fulfil the following qualifications:

(a) person who has attained 40 years of age;

(b) person who fulfils the qualifications stipulated for Pyithu Hluttaw representatives mentioned in section 120 of the Constitution with the exception of the age limit;

(c) person who has not infringed the provisions mentioned in section 121 of the Constitution, which disqualify a person from standing for election as Pyithu Hluttaw representatives;

(d) (i) person who has served at the office of an Audit Officer not lower than that of the Region or State level for a minimum of 10 years;

or

(ii) person who has carried out as a Registered Accountant or a Certified Public Accountant for a minimum of 15 years;

or

- (iii) person who is. in the opinion of the President of the Union,
an eminent accountant or statistician or economist;
- (e) person who is loyal to the Union and its citizens.

Duties and Powers of the Auditor General of the Union

11. The duties of the Auditor General of the Union are as follows:

- (a) submitting the unusual situation, from time to time, relating to
the auditing the accounts of receipt and expenditure of the Union
in the session of the Pyidaungsu Hluttaw, Pyithu Hluttaw or
Amyotha Hluttaw;
- (b) under the provisions contained in the Union Budget Law;
 - (i) auditing the accounts of the receipt and expenditure of the
Union;
 - (ii) auditing whether or not measures have been taken to obtain
fully the receipts contained in the Budget Estimates;
 - (iii) auditing whether or not the sanctioned money contained
in the Budget Estimates are utilized effectively;
- (c) prescribing the accounts keeping system for the Union Level
Organizations, the Union Ministries, Government Departments;
Government Organizations and Nay Pyi Taw Council and

inspecting whether or not it is applied in accordance with the prescribed system;

- (d) inspecting the work implementation of the Union Level Organizations, the Union Ministries, Government Departments, Government Organizations and Nay Pyi Taw Council;
- (e) tendering findings to the relevant organizations after inspecting, as may be necessary if the President of the Union, the Chairperson of the Pyidaungsu Hluttaw, the Speaker of the Pyithu Hluttaw or the Speaker of the Amyotha Hluttaw or any Union Level Organization, any Union Ministry or Nay Pyi Taw Council coordinate to inspect any of its function;
- (f) supervising the Audit Council of Myanmar and Association of Certified Public Accountants of Myanmar and tendering necessary guidance;
- (g) determining and supervising, in accord with law, relating to the duties, ethics and rights of the person who has served as Certified Public Accountant and operator of Private Accountancy Service;
- 00 auditing if it is necessary, to re-audit the accounts of the private enterprises which have already been audited by the Certified Public Accountant and operator of Private Accountancy Service relating to taxes and revenues to be paid to the Union;

- (i) submitting the necessary bill relating to the auditing works to the Pyidaungsu Hluttaw;
- (j) submitting report on his performance to the Pyidaungsu Hluttaw through the President of the Union;
- (k) performing other duties assigned by the President of the Union in accord with law;
- (i) performing other duties stipulated under any existing law.

12. The powers of the Auditor General of the Union are as follows:

- (a) prescribing the duties and powers of the Deputy Auditor General;
- (b) auditing the accounts and the list of property of the relevant Government Departments and Government Organizations;
- (c) guiding, supervising and inspecting, from time to time, the performances of the Auditor General of the Region or State.

13. The Auditor General of the Union may delegate the duties and powers conferred on him under sections 11 and 12 to the Deputy Auditor General, Auditor General of the Region or State and Audit Officers of the various levels of Audit Office.

Duties and Powers of the Deputy Auditor General

14. The Deputy Auditor General shall exercise and carry out the duties and powers assigned by the Auditor General of the Union.

Term of Office

15. The term of office of the Auditor General of the Union and the Deputy Auditor General is the same as that of the President of the Union.

Resignation from Office

16. (a) If the Auditor General of the Union desires to resign from office on his own volition for any cause before the expiry of the term of office, he may resign from office after submitting his desire to resign in writing to the President of the Union;
- (b) If the Deputy Auditor General desires to resign from office according to sub-section (a), he may resign from office after submitting his desire to resign in writing to the President of the Union through the Auditor General of the Union.

Termination from Duty

17. If the Auditor General of the Union or the Deputy Auditor General cannot discharge his assigned duties efficiently, the President of the Union may direct such person to resign. If he fails to comply with the directive of the President of the Union, he shall be terminated from duty.

Filling and Appointment at the Vacant Office

18. If the office of the Auditor General of the Union or the Deputy Auditor General becomes vacant due to resignation, termination from duty, death or any other cause, the President of the Union may appoint and assign duties to a new

Auditor General of the Union or Deputy Auditor General in accord with the provisions of the Constitution relating to the appointment of the Auditor General of the Union or the Deputy Auditor General. The term of office of the Auditor General of the Union or the Deputy Auditor General so appointed and assigned duties shall be for the remaining term of the President of the Union.

Impeachment

19. If it is desired to impeach the Auditor General of the Union, it shall be carried out in accord with the provisions of the Constitution.

Chapter IV

Auditor General of the Region or State

Appointment and Assigning Duties

20. The Auditor General of the Region or State shall be called the Auditor General of the Region or State.

21. When the Chief Minister of the Region or State submits, with the approval of the Region or State Hluttaw^r, for the appointment of any person from among the Hluttaw representatives or from among persons who are not Hluttaw representatives, who fulfils the qualification contained in sub-section (a) of section 271 of the Constitution and section 24 of this Law, in order to audit the accounts of the receipt and expenditure of the Region or State and report to the relevant Region or State Hluttaw, the President of the Union shall appoint and assign duty to such person as the Auditor General of the relevant Region or State.

22. If the Auditor General of the Region or State:

- (a) is a civil services personnel, it shall be carried out according to the provisions contained in clause (i) of sub-section (n) of section 262 of the Constitution;
- (b) is a person who will contest in any forthcoming general election, if it is in conformity with the provisions contained in sections 120 and 121 of the Constitution, he is entitled to carry out the works of party organization or territorial organization relating to election commencing from the day of the announcement to hold the election by the Union Election Commission, in order not to lose the right to be elected conferred on a citizen under sub-section (a) of section 38 of the Constitution.

23. The Auditor General of the Region or State shall:

- (a) be responsible to the Auditor General of the Union and to the Chief Minister of the relevant Region or State;
- (b) be responsible to the President of the Union through the Chief Minister of the relevant Region or State.

Qualifications

24. The Auditor General of the Region or State shall fulfil the following qualifications:

- (a) person who has attained 40 years of age;
- (b) person who fulfils the qualifications stipulated for the Pyithu Hluttaw representatives mentioned in section 120 of the Constitution with the exception of the age limit;
- (c) person who has not infringed the provisions mentioned in section 121 of the Constitution, which disqualify a person from standing for election as Pyithu Hluttaw representatives;
- (d) (i) person who has served at the office of an Audit Officer of the Region or State not lower than that of the Region or State level for a minimum of five years or person who has served at the office of an Audit Officer not lower than that of the District level for a minimum of 10 years;
or
(i i) person who has carried out as a Registered Accountant or a Certified Public Accountant for a minimum of 15 years;
- (e) person who is loyal to the Union and its citizens.

Duties and Powers of the Auditor General of the Region or State

25. The duties of the Auditor General of the Region or State are as follows:

- (a) submitting the unusual situation, from time to time, relating to the auditing of the accounts of the receipt and expenditure of the Region or State at the relevant Region or State Hluttaw session;

- (b) according to the provisions contained in the Budget Law of the relevant Region or State:
 - (i) auditing the accounts of the receipt and expenditure of the Region or State;
 - (i i) auditing whether or not measures have been taken to obtain fully the receipts contained in the Budget Estimates;
 - (iii) auditing whether or not the sanctioned money contained in the Budget Estimates are utilized effectively;
 - (c) inspecting the implementation of the works of the Region or State Level Organizations, Ministries, Government Departments and Government Organizations of the Region or State;
 - (d) submitting report on his performances to the Region or State Hluttaw through the Chief Minister of the Region or State;
 - (e) performing other duties assigned by the Auditor General of the Union or the Chief Minister of the relevant Region or State in accord with law;
 - (f) performing other duties stipulated under any existing law.
- .26. The powers of the Auditor General of the Region or State are as follows:
- (a) auditing the accounts and the list of property of the relevant Government Departments and Government Organizations of the Region or State;

- (b) guiding, supervising and inspecting, from time to time the performances of the various levels of Audit Office within the relevant Region or State.

27. . The Auditor General of the Region or State may delegate the duties and powers conferred on him under sections 25 and 26 to the Audit Officers within his Region or State.

Term of Office

28. The term of office of the Auditor General of the Region or State is the same as that of the President of the Union.

Resignation from Office

29. If any Auditor General of the Region or State desires to resign from office, on his own volition for any cause before the expiry of the term of office, he may resign from office after submitting his desire to resign in writing to the President of the Union through the relevant Chief Minister.

Termination from Duty

30. If any Auditor General of the Region or State cannot discharge his assigned duties efficiently, the President of the Union may direct such person to resign. If he fails to comply with the directive of the President of the Union, he shall be terminated from duty.

Filling and Appointment at the Vacant Office

31. If the office of the Auditor General of the Region or State becomes vacant due to resignation, termination from duty, death or any other cause, the President of the Union may appoint and assign duties at the vacant office in accord with the provisions of the Constitution relating to the appointment of the Auditor General of the Region or State. The term of office of the Auditor General of the Region or State so appointed in substitution shall be for the remaining term of office of the President of the Union.

Impeachment

32. If it is desired to impeach the Auditor General of the Region or State,"it shall be carried out in accord with the provisions of the Constitution.

Chapter V

Duties and Powers of the Audit Officers

Audit Officers of the Office of the Auditor General of the Union

33. The Audit Officers of the Office of the Auditor General of the Union shall carry out duties and functions assigned by the Auditor General of the Union in accord with the stipulations.

Audit Officers of the Various Levels of Audit Office

34. The Audit Officers of the various levels of Audit Office shall carry out the following duties in accord with the stipulations:

- (a) under the provisions contained in the Union Budget Law and Budget Law of the relevant Region or State:
 - (i) auditing the accounts of the receipt and expenditure of its relevant Government Departments and Government Organizations;
 - (ii) auditing whether or not measures have been taken to obtain fully the receipts of its relevant Government Departments and Government Organizations^
 - (iii) auditing whether or not the sanctioned money are utilized effectively of its relevant Government Departments and Government Organizations.
- (b) inspecting the implementation of the work of the relevant service personnel organizations;
- (c) performing other duties assigned by the Auditor General of the Union or Auditor General of the Region or State in accord with law;
- (d) (i) submitting report on his performances to the Auditor General of the Region or State if he is an Audit Officer of

the Self-Administered Division or Self-Administered Zone and District Audit Officer;

- (ii) submitting report on his performances to the Auditor General of the Region or State through the Audit Officer of the relevant Self-Administered Division or Self-Administered Zone or District Audit Officer if he is a Township Audit Officer.

35. The Audit Officers of the various levels of Audit Office have the following powers:

- (a) auditing the accounts and the list of property of the relevant Government Departments and Government Organizations;
- (b) guiding, supervising and inspecting the performances of the Audit Offices under his control, from time to time.

Chapter VI

Miscellaneous

36. The preparatory works carried out by the State Peace and Development Council before this Law comes into force, for the implementation of this Law, shall be deemed to have been carried out in accord with the Constitution.

37. The Auditor General and Deputy Auditor General appointed under the Auditor General Law (The State Law and Order Restoration Council Law No.5/1988) shall continue to carry out their duties and powers until the day the Auditor General of the Union and Deputy Auditor General are appointed and assigned

38. The rules, notifications, orders, directives, procedures, guidelines and manuals issued under the Auditor General Law (The State Law and Order Restoration Council Law No.5/1988) may be applied in so far as they are not contrary to the provisions of the Constitution and this Law.

39. The provisions contained in this Law shall not apply to the Ministry of Defence.

40. This Law may be amended, inserted or repealed by the Pyidaungsu Hluttaw \formed in accord with the Constitution of the Republic of the Union of Myanmar. Thus Law shall remain in force in so far as it is not repealed by the Pyidaungsu Hluttaw.

41. In implementing the provisions contained in this Law, the Auditor General of the Union may:

- (a) issue necessary rules with the approval of the Union Government;
- (b) issue necessary notifications, orders, directives and procedures.

42. The Auditor General Law (The State Law and Order Restoration Council Law No.5/1988) is hereby repealed.

(Sd) Than Shwe

Senior General

Chairman

The State Peace and Development Council

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The Union of Myanmar

The State Peace and Development Council

The Union Civil Services Board Law

(The State Peace and Development Council Law No. 24 / 2010)

The 5th Waning Day of Thadinkyut, 1372 M.E.

(28th October, 2010)

Preamble

Since it is provided in section 443 of the Constitution of the Republic of the Union of Myanmar that the State Peace and Development Council shall carry out the necessary preparatory works to implement the Constitution, it has become necessary to enact the relevant laws to enable performance of the legislative, administrative and judicial functions of the Union smoothly, to enable performance of works that are to be carried out when the various Hluttaws come into existence and to enable performance of the preparatory works in accord with law.

As such, the State Peace and Development Council hereby enacts this Law in accord with section 443 of the Constitution of the Republic of the Union of Myanmar, in order to enable determination of the duties and powers of the Union Civil Services Board under the Constitution of the Republic of the Union of Myanmar.

Chapter I

Title, Enforcement and Definition

1. (a) This Law shall be called the Union Civil Services Board Law.
(b) This Law shall come into force from the day on which the Constitution comes into force.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) Constitution means the Constitution of the Republic of the Union of Myanmar;
 - (b) Board means the Union Civil Services Board formed under the Constitution and this Law;
 - (c) Chairperson means the Chairperson of the Union Civil Services Board;
 - (d) **Member** means the member of the Union Civil Services Board;
 - (e) **Services Personnel Organization** means the Civil Services Personnel Organization formed in accord with the provisions contained in the Constitution and the existing law;
 - (f) **Services personnel** means the civil services personnel who are appointed in the post contained in the set-up of any Services Personnel Organization.
3. This Law shall apply to all civil services personnel of each Civil Services Personnel Organization except the civil services personnel mentioned in sections 291 and 292 of the Constitution.

Chapter II

Formation of the Union Civil Services Board and Appointing and Assigning Duties

Formation of the Board

4. The President of the Union shall form the Union Civil Sendees Board with a minimum of five members to a maximum of seven members, including the Chairperson, to enable carrying out of duties for selecting, training of civil sendees personnel and prescribing of civil services regulations.

Appointing and Assigning Duties to the Chairperson and Members

5. The President of the Union shall appoint a Chairperson and members from among the persons who fulfil the following qualifications :

- (a) person who has attained 50 years of age;
- (b) person who fulfils the qualifications stipulated for the Pyithu Hluttaw representatives as mentioned in section 120 of the constitution, with the exception of the age limit;
- (c) person who has not infringed the provisions mentioned in section 121 of the Constitution which disqualify a person from standing for election as Pyithu Hluttaw representatives;
- (d) experienced intelligentsia and intellectuals;
- (e) person who is loyal to the Union and its citizens;
- (f) person who is not a member of a political party;

- (g) person who is not a Hluttaw representative.
- 6. (a) The Chairperson shall be responsible to the President of the Union.
- (b) The members shall be responsible to the Chairperson and to the President of the Union, through the Chairperson.
- 7. If the Chairperson and members:
 - (a) are civil service personnel, it shall be carried out according to the provisions of sub-section (c) of section 246 of the Constitution:
 - (b) are person who will contest in any forthcoming general election, in order not to lose the right to be elected conferred on a citizen under sub-section (a) of section 38 of the Constitution, are entitled to carry out the party organizational activities and territorial organizational activities relating to election in conformity with the provisions contained in sections 120 and 121 of the Constitution, commencing from the day of the announcement to hold the election by the Union Election Commission.

Chapter III

Duties and Powers of the Board

- 8. The duties of the Board are as follows:
 - (a) selecting the civil services personnel contained in section 3 systematically;

training and nurturing the sendees personnel effectively;
supporting the Union Government for determining the ethics,
regulations, procedures, standards relating to the services
personnel and enabling to lay down the policy guidelines :
conducting research relating to the affairs of services personnel:
communicating with the United Nations Agencies, Regional
Organizations and International Organizations, with the approval
of the Union Government, in respect of the matters of services
personnel;

scrutinizing the matters of sendees personnel which are enquired
by the Sendees Personnel Organizations and replying in accord
with the existing regulations and procedures;

maintaining the records systematically in respect of matters of
taking action against the sendees personnel;

scrutinizing and coordinating in respect of matters of selecting,
nurturing and maintenance of the disciplines of the Union Sendees
Personnel Organizations and Sendees Personnel Organizations
of the Region or State:

coordinating and earn ins out to form the Civil Sendees Personnel
Organizations for enabling to cam' out works administered b>
the Region or Stale Government and in the appointment of
necessaiy' civil services personnel, in accord with the Union lav

relating to services personnel or by coordinating with the Union Government in advance;

(j) reporting the performance of the Board annually to the President of the Union and submitting interim report if necessary;

(k) performing duties assigned by the Union Government, from time to time.

9. The powers of the Board relating to the selection for the appointment and promotion of the services-personnel are as follows:

(a) determining, with the approval of the Union Government, which rank of services personnel only shall have to be selected by the Board;

(b) determining to select the sendees personnel of the remaining ranks by the relevant Services Personnel Organizations in accord with the directives of the Board, other than the stipulated rank of office to be selected only by the Board;

(c) delegating the Union Sendees Personnel Organizations to select the sendees personnel for the prescribed rank under sub-section

(b) by forming a body by the head of the relevant Sendees Personnel Organization;

(d) causing the head of the Sendees Personnel Organization of the Region or State to carry out according to the directive of the Board in the matters where it is desired to appoint the services

personnel contained in sub-section (i) of section 8, subject to the provisions contained in sub-section (h) of section 8:

- (e) recommending to the office of the Union Government if it is necessary to appoint any rank of services personnel in any Services Personnel Organization due to any unusual circumstance;
- (f) scrutinizing and carrying out the matters recommended by the relevant Services Personnel Organizations in respect of the promotion to the rank of gazetted officer according to the stipulations relating to promotion.

10. The powers of tire Board relating to the effective training and nurturing of the sendees personnel are as follows:

- (a) establishing the universities and schools of sendees personnel to enable training and nurturing of the services personnel effectively;
- (b) holding the training, discussions and seminars;
- (c) preparing the policies relating to training, submitting them to the Union Government, obtaining its approval and carrying them out;
- (d) coordinating, in accord with the adopted training policies relating to the departmental proficiency training courses opened by the services personnel.

] 1. The Board may form subordinate bodies with members in carrying out the works of the Board.

12. The Board is entitled to request for assistance from the Sendees Personnel Organizations or experts if the technical assistance is required in carrying out the functions of the Board.

13. The Board is entitled to request for necessary facts relating to the services personnel from the relevant Services Personnel Organizations^::

Chapter IV.

Term of Office, Resignation from Office, Termination from Duty and Filling the Vacancy and Appointment of the Chairperson and Members

14. The term of office of the Chairperson members is the same as that of the President of the Union.

15. (a) If the Chairperson desires to resign from office on his own volition for any cause before the expiry of the term of office, he may resign from office after submitting his desire to resign as such in writing to the President of the Union.
- (b) If any member desires to resign from office as contained in sub-section (a), he may resign from office after submitting his desire to resign in writing to the President of the Union through the Chairperson.

16. The President of the Union may direct the Chairperson or any member who cannot discharge his duties assigned efficiently or does not obey the ethics and disciplines contained in section 18 to resign from office. If he fails to comply with the directive of the President of the Union, he shall be terminated from duty.

17. If the office of the Chairperson or any member becomes vacant due to resignation, termination from duty, death or any other cause, the President of the Union may appoint and assign duties to a new Chairperson or member in accord with the provisions relating to the appointment of Chairperson or member contained in the Constitution. The term of office of the Chairperson or member so appointed and assigned duties shall be for the remaining term of office of the President of the Union.

Chapter V

Ethics and Disciplines of the Chairperson and Members

18. The Chairperson and members shall abide by the following ethics and disciplines:

- (a) shall not owe allegiance to any State other than the Republic of the Union of Myanmar;
- (b) shall abide by the provisions contained in the Constitution, this Law and existing laws;
- (c) shall perform duty honestly without corruption;
- (d) shall behave in accord with his duty and dignity.

Chapter VI

Meetings of the Board

19. The regular session of the Board, in general, shall be held at least twice per month. If it is necessary, special session may be called and convened.
20. The Chairperson of the Board shall act as the Chairman in the sessions.
21. (a) The Office of the Board shall record the meeting minutes of the session.
- (b) The meeting minutes of the session shall be submitted to the next session and obtained the approval.
- (c) The decision of the Board which have not been issued and meeting minutes of the session are confidential of the Union.

Chapter VII

Miscellaneous

22. The preparatory works carried out by the State Peace and Development Council, before this Law comes into force, for the implementation of this Law shall be deemed to have carried out according to the Constitution.
23. The Civil Services Selection and Training Board formed under the Civil Services Selection and Training Board Law (Pyithu Hluttaw Law No.4 / 1977) shall continue to carry out its duties and powers until the day of the formation of the Union Civil Services Board under this Law.

24. The regulations, orders, directives and procedures issued by the Civil Services Selection and Training Board before this Law comes into force may be applied in so far as they are not contrary' to the provisions of the Constitution and this Law.

25. The Board shall form the staff office of the Board to carry out the various office works of the Board with the approval of the Union Government.

26. This Law may be amended, inserted or repealed by the Pyidaungsu Hluttaw formed in accord with the Constitution of the Republic of the Union of Myanmar. This Law shall remain in force in so far as it is not repealed by the Pyidaungsu Hluttaw.

27. In implementing the provisions contained in this Law, the Board may:

- (a) issue necessary' rules with the approval of the Union Government:
- (b) issue necessary regulations, notifications, orders, directives and procedures.

28. The Civil Services Selection and Training Board Law (Pyithu Hluttaw Law No.4/1977) is hereby repealed.

(Sd.) Than Shwe

Senior General

Chairman

The State Peace and Development Council

The Union of Myanmar

The State Peace and Development Council

The Law Amending the Defence Services Act, 1959

(The State Peace and Development Council Law No. 25 / 2010)

The 12th Waning Day of Thadinkyut, 1372 M.E.(4th November, 2010)

The State Peace and Development Council hereby enacts the following

Law:

1. This Law shall be called the Law Amending the Defence Services Act, 1959.
2. The expressions contained in the Defence Services Act, 1959 -
 - (a) “Chairman of the State Peace and Development Council” shall be substituted by the expression “ the Commander-in-Chief of the Defence Services”;
 - (b) “ the Army” shall be substituted by the expression “ the Defence Services (Army)”;
 - (c) “ the Navy” shall be substituted by the expression “ the Defence Services (Navy)”;
 - (d) “ the Air Force” shall be substituted by the expression “ the Defence Services (Air Forces)”;

- (e) “ Ship” shall be substituted by the expression “ vessel”;
 - (f) “female” shall be substituted by the expression “woman”.
3. -The expression “ corps” contained in the Defence Services Act, 1959 shall be substituted by the “ corps/ military command headquarter”; “ brigade” shall be substituted by the expression “ brigade/ military strategy unit (base)” respectively.
4. After the expression “ division” contained in the Defence Services Act, the expression “ regional supervisory military headquarter” shall be inserted.
5. The expression “persons who are employed “ contained in clause (d) of sub-section (1) of section 2 mid sub-section (2) of section 4 of the Defence Services Act, 1959 shall be substituted by the expression “a person who are assigned duties”.
6. Sub-section (x) of section 3 of the Defence Services Act, 1959 shall be substituted as follows:
- (x) “ Head of Department “ means head of department of the
Department of Courts-Martial Appeal.
7. In section 4 of the Defence Services Act, 1959:
- (a) the expressions “ under the Union Government “ and “ established by the Parliament or any State Council or under the authority of the Chairman of the State Peace and Development Council” contained in sub-section (1) shall be substituted by the expression”
under the command of the Defence Sendeeds.”

'(b) the expression " any other enacted law" contained in sub-section (3) shall be substituted by the expression" orders and directives issued."

8. Sub-section (w) of section 3, sub-section 1 of section 18, section 19, sub-section (4) of section 104, second paragraph of section 115, section 130, section 230, section 233 and section 235 of the Defence Services Act, 1959 shall be deleted.

9. Sub-section (5) of section 24 of the Defence Services Act, 1959 shall be substituted as follows:

"(5) The Commander-in Chief of the Defence Services may amend any decision made upon the complaint under sub-section 2 by the relevant authority. However, if the Commander-in-Chief of the Defence Services does not so amend, the decision of the relevant authority shall be final and conclusive."

10. In section 35 of the Defence Services Act, 1959:

- (a) alter the expression " unit, place" contained in sub-section (1).
the expression^{li} aircraft"; and
- (b) alter the expression air signal" contained in sub-section (h), the
expression or naval signal".shall be inserted respectively.

11. After section 48 of the Defence Services Act. 1959. section 48A shall be inserted as follows:

"48A. If any person subject to this Act:

- (a) substitutes a convicted prisoner or a person under lawful custody for whom he is assigned duty to control or is responsible to control or guard with any other person: or
- (b) allows or accepts such substitution;

he shall, on conviction by the Court-Martial, be punished with imprisonment for a term which may extend to fourteen years or with less punishment as provided in this Act.

12. After section 51 of the Defence Services Act, 1959, section 51A shall be inserted as follows:

“51 A. If any person subject to this Act:

- (a) steals, sells, buys, transports illegally, exchanges, gives to a person who has no right to accept by law the arms and ammunition; or
- (b) destroys, causes to destroy the arms and ammunition of the Union with intention to affect the Union; or
- (c) attempts to commit, conspires or abets any offence contained in sub-sections (a) and (b);

he shall, on conviction by the Court-martial, be punished with death sentence or with less punishment as provided in this Act.”

13. After section 61 of the Defence Services Act, section 61A shall be inserted as follows:

"61 A. If any person subject to this Act, causes the pilot to fly from one place to another by means of threat or criminal force or if the pilot subject to this Act flies from one place to another with intention to hijack the Government-owned aircraft, he shall, on conviction by the Court-Martial, be punished with death or with less punishment as provided in this Act."

14. Alter section 64 of the Defence Services Act, 1959, section 64A shall be inserted as follows:

"64A. If any person subject to this Act, causes the master of a vessel to sail from one place to another by means of threat or criminal force or if the master of a vessel subject to this Act sails from one place to another with intention to hijack the Government-owned vessel, he shall, on conviction by the Court-Martial, be punished with death or with less punishment as provided in this Act.*

15. The expression slave trade " contained in sub-section (8) of section 64 of the Defence Services Act, 1959 shall be substituted by the expression " trafficking in person."

16. After the expression " camp" contained in sub-section (d) of section 66 of the Defence Services Act, 1959, the expression " aircraft " shall be inserted.

17. After the sections 32.33.36.37 (1)" contained in section 69 of the Defence Sendees Act. 1959. sections ** 51 A. 61 A, 64A" shall be inserted.

18. . In the Defence Services Act. 1959:

- (a) the expression ** with the approval of the Chairman of the State Peace and Development Council" contained in section 82, section 84, section 86 and section 87:
- (b) the expression " Chairman of the State Peace and Development Council" contained in sub-scclion (b) of section 90;
- (c) the expressions or by the Chairman of the State Peace and Development Council " and "Chairman of the State Peace and Development Council or" contained in section 111;
- (d) the expressions “ or by the Chairman of the State Peace and Development Council" and " on behalf ofthe Chairman of the State Peace and Development Council or” contained in sub-section (1) of section 146:
- (c) the expression " Chairman ofthe Stale Peace and Development Council or“ contained in sub-section (2) of section 168;
- (0 the expression "Chairman of the Slate Peace and Development Council or “ contained in section 169: and
- (g) the expression “ Chairman ofthe Stale Peace and Development Council or” contained in sub-section (1) of section 185.

shall be deleted respectively.

19. Sub-section (4) of section 83 of the Defence Sendeers Act, 1959 shall be substituted as follows:

“(4) Any person who is of the rank of a non-commissioned officer at the time of committing the offence convicted shall not be sentenced with punishments specified in clauses (a), (b), (c) (ii) and (h) of the said section.

20. The expression " the Union Government " contained in sub section (i) of section 92 of the Defence Services Act, 1959 shall be substituted by the expression "the Union".

21. The expression " any part not more than two thirds" contained in section 95 and section 98 of the Defence Sendeers Act, 1959 shall be substituted by the expression " any part not more than half respectively.

22. In section 104 of the Defence Sendeers Act, 1959:

(a) the expression " forty eight hours" contained in sub-sections (1), sub-section (2) and sub-section (3) shall be substituted by the expression "twenty four hours";

(b) the expression " Sundays and other gazetted holidays " contained in sub-section (3) shall be substituted by the expression "gazetted holidays" respectively.

23. In section 109 of the Defence Services Act, 1959:

- (a) the expression " Provost-marshals" contained in the marginal note and sub-section (1) shall be substituted by the expression "Provost-marshall;"
- (b) the expression " Provost-marshal" contained in sub-section (2) and sub-section (3) shall be substituted by the expression " military-police" respectively.

24. The expression " by the Chairman of the State Peace and Development Council or by the Commander-in-Chief of the Defence Services" contained in sub-section (a) of section 114 of the Defence Services Act , 1959 shall be substituted by the expression "Commander-in-Chief of the Defence Services."

25. in section 119 of the Defence Services Act. 1959:

- (a) after the expression "in the case of navy "contained in sub-section (b), the expression* Naval Base Headquarters" shall be inserted;*
- (b) after the expression "in the case of air force " contained in sub-section (c), the expression "Air-Force Station Headquarters" shall be inserted;
- (c) the expression "squadron" contained in sub-section (c) shall be deleted.

26. After the sections "32,33,36,64 (2)" contained in sub-section (2) of section 123 of the Defence Services Act, 1959, the sections " 37 (1) desertion on active service. 51 A. 61 A, 64A* shall be inserted.

27. The expression " Department of the Judge Advocate-General" contained in section 132 of the Defence Services Act, 1959 shall be substituted by the expression "Office of the Judge Advocate-General."

28. The expression " to be tried or if the offence is a civil offence, by a criminal court " contained in section 150 of the Defence Services Act, 1959 shall be deleted.

29. The expression " by the Chairman of the State Peace and Development Council or the Commander-in-Chief of the Defence Services or any officer empowered in this behalf by warrant of the Chairman of the State Peace and Development Council or the Commander-in-Chief of the Defence Services" contained in section 158 shall be substituted by the expression "By the Commander-in-Chief of the Defence Services or any officer empowered in this behalf by warrant of the Commander-in-Chief of the Defence Services."

30. In section 182 of the Defence Services Act, 1959 :

(a) the body of the text shall be substituted by the expression:

"The Commander-in-Chief of the Defence Services may, to a person subject to this Act who has been convicted by the Court-Martial for any offence or whose appeal has been dismissed by the Courts-Martial Appeal Court:"

(b) the expression "Provided that a sentence of transportation commuted for a sentence of imprisonment for a term exceeding the term of transportation by the Court Martial:" contained in sub-section (c) shall be deleted.

31. The expressions "the authority" and "such authority" contained in sub-section (1) of section 183 of the Defence Services Act, 1959 shall be substituted by the expression "the Coinmander-in-Chief of the Defence Services" respectively.

32. In the Defence Services Act, 1959:

- (a) the expression "shall also be remitted" contained in sub-section (2) of section 193 shall-be substituted,by the expression "may also be remitted."-
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- (b) the expressions "Union*-'" contained in sections 194,195,196 and 197 shall be deleted.

33. The expressions "The Commander in Chief of the Defence Services and Commander of the Naval Command " contained in sub-section (e) of section 196 of the Defence Sendeas Act, 1959 shall be substituted by the expression "the relevant commander and the commander of the Naval Base Headquarters".

34. Section 211 of the Defence Sendeas Act. 1959 shall be substituted as follows:

- "211.(1) The Commander-in-Chief of the Defence Services or any officer empowered in this behalf by variant by the Commander-in-Chief of the Defence Sendeas shall, from time to time, form the Courls-Martial Appeal Couit with tlthree officers not below the rank of Colonel.

- (2) In order to carry- out various matters of the Court-Martial Appeal Court, the Commander-in-Chief of the Defence Services or any officer empowered in this behalf by warrant by the Commander-in-Chief of the Defence Services shall form the Department of the Courts-Martial Appeal.”

35. Section 212 of the Defence Services Act, 1959 shall be substituted as follows:

- "212.(1) The Courts-Martial Appeal Court shall sit in such place as the Commander-in-Chief of the Defence Services, may direct, whether within or outside the Union of Myanmar.
- (2) In deciding on any question before the Courts-Martial Appeal Court, it shall be according to the opinion of the majority of the judges hearing the case.
- (3) The Courts-Martial Appeal Court is the highest court of military affairs and it has power to decide in accordance with the provisions contained in this Chapter"

36. Section 213 of the Defence Services Act, 1959 shall be substituted as follows:

- “213.(1) A person convicted by a Court-Martial may appeal to the Courts-Martial Appeal Court against the conviction passed upon him in accordance with the provisions of this Law.
- (2) (a) If a person convicted relating to a case in which death sentence was passed upon him desires to

appeal, the memorandum of appeal shall be filed to the Courts-Marlial Appeal Court within 60 days after the decision of the Court-Martial has been passed.

If they are cases in which sentences other than death sentence are passed, any person who desires to appeal shall carry out stages as follows:

- (i) if it is a case tried by a Court-Martial, petition for cancellation of conviction shall be filed to the confirming authority', and if it is a case tried by a Summary Court-Martial to the reviewing authority within 10 days after the decision of such court has been passed.
- (ii) the petition for appeal may be filed to the Couris-Maiiial Appeal Court within 60 days after receiving the reply from the authority-concerned as to how the order was passed relating to the said petition, or if the reply is not received within the next 60 days after the expiyy of 60 days from the date on which the petition was filed to the authority-concerned

37. Section 214 of the Defence Services Act, 1959 shall be substituted as follows:

"214. The memorandum of appeal to the Courts-Martial Appeal Court shall be filed to the head of department within the stipulated period."

38. Section 217 of the Defence Services Act. 1959 shall be substituted as follows:

- "217.(1) The Courts-Martial Appeal Court is the court of final appeal. . In addition, no appeal shall lie against the decision of the Courts-Martial Appeal Court before any other court.
- (2) The Courts-Martial Appeal Court shall submit the decided appeal cases to the Commander-in-Chief of the Defence Sep. ices within 30 days from the date on which the decision was passed.
- (3) The Commander-in-Chief of the Defences Services may. after scrutinizing the decision and the proceedings ofthe appeal submitted by the Courts-Martial Appeal Court, pass (lie order that the decision ofthe Courts-Martial Appeal Court has been confirmed, or that the decision of the Courts-Marlial Appeal Court has been cancelled and the decision ofthe Courts-Martial has been reconfirmed, or that the appellant has been acquitted from the case or revise and order that the punishment passed by the Courts-

Martial Appeal Court has been cancelled and such less punishment is to be served, or any other suitable order allowed by this Act may be passed. The decision of the Commander-in-Chief of the Defence Services is final and conclusive.”

39. Section 222 of the Defence Services Act, 1959 shall be substituted as follows:

- “222.(1) The Judge-Advocate General shall, by himself or through an officer not below the rank of Assistant Judge-Advocate General empowered by him by warrant, allow to conduct the cases on behalf of the Union.
- (2) In any appeal case at the Courts-Martial Appeal Court, the appellant (the accused of the court of first instance) may conduct the case by an officer not below the rank of Lieutenant Colonel chosen by him and agreed by such officer.”

40. Section 223 of the Defence Services Act, 1959 shall be substituted as follows:

- “223.(1) When the Court-Martial passes the death sentence on conviction:
- (a) if the petition has been filed to the confirming authority for cancellation of the conviction, before passing any order on the petition; or if the petition

- for cancellation of conviction has not been filed,
before 60 days stipulated for appeal under section
213 (2) (a), the sentence shall not be executed,
- fb) if the memorandum of appeal has been filed to the
Courts-Martial Appeal Court, the sentence shall not
be executed before such appeal is dismissed,
withdrawn or executed.

Provided that at the time of active service, when the authority confirming the death sentence passed by the Court-Martial on a person issues the certificate that such order of death sentence should be executed immediately for the benefit of military discipline and for the security of the military unit in which such person is included, the provisions of sub-section (b) shall not apply to such order of death sentence.

41. In sections 226 and 227 of the Defence Services Act, 1959:

- (a) the expression "Judge-Advocate General," shall be substituted by the expression "Office of the Judge-Advocate General"
- (b) the expression "registrar" shall be substituted by the expression "head of department";
- (c) the expression "Commanding Officer of the Records Office of the Defence Services" shall be substituted by the expression "Directorate of Military Records" respectively.

42. Section 232 of the Defence Services Act, 1959 shall be substituted as follows:

“232. In implementing the provisions contained in this Act, the Ministry of Defence may issue necessary rules with the approval of the Commander-in-Chief of the Defence Services and procedures, not i fications and directives under this rule.”

(sd.)Than Shwe

Senior General

Chairman

The State Peace and Development Council

The Union of Myanmar
The State Peace and Development Council
The Law Amending the Multi-Armed Forces (Transfer) Act
(Hie State Peace and Development Council Law No. 26 / 2010)

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

(4th November, 2010)

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The State Peace and Development Council hereby enacts the following
law:

1. This law shall be called The Law Amending the Multi-Armed Forces (Transfer) Act.
2. Sub-section (c) of section 1 of the Multi-Armed Forces (Transfer) Act shall be deleted.
- 3 Section 2 of the Multi-Armed Forces (Transfer) Act shall be substituted as follows:

"Section 2. Expression of definition:

(a) Multi-armed Forces means all the armed forces
in the Union under the command of the Defence
Services;

(b) Military authority means the Commander-in-
Chief of the Defence Services or any officer

conferred power by the Commander-in-Chief of
the Defence Services to act on his behalf;

- (c) **Person of the multi-armed forces** means all ranks
who serve in the Multi-Armed Forces.”

4. The expression *’ private” contained in section 3 of the Multi-Armed
Forces (Transfer) Act shall be substituted by the expression ** person of the
multi-armed forces."

(Sd.) Than Shwe

Senior General

Chairman

The State Peace and Development Council

The Union of Myanmar
The State Peace and Development Council
The Public Military Service Law
(The State Peace and Development Council Law No. 27 /2010)
The 12th Waning Day of Thadinkyut , 1372 M.E.
(4^h 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;

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;

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;

Expert means doctor, engineer, technician or person who earns a living by any other technology;

Member of the family means parents, husband or wife, children, brother and sister;

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

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 sendee 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 Sendee 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 Sendee 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' sendee 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 Sendees 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 sendee 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 Sendee Summoing Body.

14. The Region or Stale Public Military' Sendee 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' Sendee 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 Sendee Summoning Body, temporarily postpone public military sendee 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 oldparents 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) Hie persons contained in sub-section (a) shall serve for the periods postponed temporarily to meet the stipulated term of public military sendee although the age for military' sendee has passed.

Chapter IV

Rights of the Public Military' Service Personnel

16. A public military sendee personnel shall enjoy salary' and allowanceⁱ stipulated in the Defence Sendees according to the rank while he is carrying out military sendee.

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 sendee if it covers discharge of duty.

18. (a) For a public sen'ant who is carry ing out public military service.
such term of service is determined as on duty;

(b) An employee who has completed the term of public military sendee contained in sections 3 and 4 shall be appointed by the employer at the original or similar work as determined.

1^ . If a person who has completed the term of public military'sendee prescribed under section 3, desires to enroll and serve in the Defence Services on his own volition, he may be allowed to cany 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 quilifications stipulated from time to time may be appointed as emergency gazetted officer.

Chapter V

Mobilization

21. (a) If a state of emergency for the Slate 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 body 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

The Union of Myanmar
The State Peace and Development Council

The Reserve Forces Law

(The State Peace and Development Council Law No. 28 /2010)

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

(4th November ,2010)

The State Peace and Development Council hereby enacts the following
Law:

Chapter 1

Title and Coming into Force

1. (a) This Law shall be called **the Reserve Forces Law**.
(b) This Law shall come into force on such date as prescribed, by the notification, by the Chairman of the State Peace and Development Council.

Chapter II

Member of the Reserve Forces

2. A military personnel is liable to serve military' duty with the Reserve Forces not exceeding five years starting from the date of resignation or retirement from military' duty.

3. The Commander-in-Chief of Defence Services may appoint a military personnel, who resigns or retires voluntarily, as a member of the Reserve Forces.
4. ' The Commander-in-Chief of Defence Services may allow the person who is liable to serve military duty contained in section 2 and who is summoned to serve military duty for training or for the states of emergency to use the latest rank and the military uniform, allowed while he served in the armed forces.
5. During the term of sendee as a member of the Reserve Forces, the Commander-in-Chief of the Defence Sendees may promote or demote the designation and rank based upon his performance of service.
6. A member of the Reserve Forces may enjoy the benclits stipulated by the Commandcr-in-Chief of the Defence Sendees in addition to pension salary obtained from the armed forces.
7. The Commander-in-Chief ofthe Defence Sendees may assign duty any member of the Reserve Forces exceeding the period contained in section 2, if it is necessary' to continue to assign duty for the interest of the State.

Chapter III

Offence and Penalty

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8. A person who is liable to serve military duty as contained in section 2 and who is summoned by the military' authority to sen'e militajy duty for training or for the slates of emergency, shall report at the stipulated place and during the stipulated time.

9. A person who is liable to report under section 8, fails without any reasonable ground to report at the stipulated place and during the stipulated time shall, on conviction by a court, be punished with imprisonment for a term not exceeding three years or with fine or with both.

Chapter IV

Miscellaneous

10. The expenditure of the Reserve Forces shall be borne by the State funds.

11. A member of the Reserve Forces shall abide by the Defence Services Act, 1959.

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

13. The Myanmar Reserve Forces Act is hereby repealed.

(Sd)ThanShwe

Senior General

Chairman

The State Peace and Development Council

The Union of Myanmar
The State Peace and Development Council
The Prohibition of Naval Armament Law
(The State Peace and Development Council Law No. 29 /2010)
The 12th Waning Day of Thadinkyut, 1372 M.E.
(4th November ,2010)

The State Peace and Development Council hereby enacts the following
Law:

1. This Law/ shall be called **the Prohibition of Naval Armament Law.**
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) Vessel means any engined or non-engined vessel wholly or partly constructed which is intended to float or is capable of floating on water or is capable of navigating submerged underwater, vessel which is capable to navigate using surface of the water by any mean or hovercraft and seaplane which can land on and rise from the water.
 - (b) Arms means ordnances which can be carried, equipped and launched in any vessel, their related substances and control systems. This expression also includes gun, machine-cannon, cannon, guided missile, rocket, submerged bomb, submerged missile, torpedo,

mines which can be fired to the target of above or underwater, and terrestrial or aerial target and their related substances.

3. (a) No person shall carry out building of warship, altering a vessel into warship or arming it without the permission of the Commander-in-Chief of the Defence Services.

(b) A person in possession of a vessel shall not knowingly harbour any living and non-living object or transport from one place to another for use as a warship.

4. Whoever violates any prohibition contained in section 3 or attempts to commit the offence or abets in commission of the offence, shall, on conviction, be punished with imprisonment for a term not exceeding 10 years or with fine or with both. In addition, the ship involved in the commission of offence and all substances therein shall be confiscated.

5. An officer assigned duty by the relevant military authority to enable implementation of functions contained in this Law has the authority to search any ship, the site of shipbuilding or dockyard in accordance with the provisions contained in sections 101, 102 and 103 of the Code of Criminal Procedure.

6. If an exhibit involved in any offence prosecuted under this Law is not easily producible before the Court, such exhibit need not be produced before the Court. However, a report stating how such exhibit is being maintained may be submitted accompanied with other relevant documentary evidence. Such

submission shall be deemed as if it were a submission of the exhibit before the Court and the relevant Court may dispose in accordance with law.

7. "The report of any relevant military officer in respect of the matter as to whether a vessel is built, altered or armed as a warship shall be valid evidence.

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

9. The Naval Armament Act is hereby repealed.

(Sd.)Than Shwe

Senior General

Chairman

The State Peace and Development Council

The Union of Myanmar
The State Peace and Development Council
The Use of Transport Relating to the Defence Services Law
(The State Peace and Development Council Law No. 30 / 2010)
The 12th Waning Day of Thadinkyut, 1372 M.E.
(4th November. 2010)

The State Peace and Development Council hereby enacts the following
Law:

1. This law shall be called the Use of Transport Relating to the Defence Services Law.
2. The expressions contained in this Law shall have the meanings given hereunder:
 - (a) Road means the road and its road boundary or the highway and its highway boundary prescribed by the procedure under the Law Relating to the Use of Road and Bridge;
 - (b) Bridge means the bridge prescribed by the procedure under the Law Relating to the Use of Road and Bridge:
 - (c) Landing-place means the pier, wharf, quay, jetty and a stage prescribed for landing of a vessel:

- (d) Vehicle means any type of vehicle, vessel or craft navigated on road, voyage or in air by mechanical power or by any kind of energy;
- (e) Toll means the prescribed duties, dues, rates, rents, fees and charges and expenditures claimed;
- (f) Military personnel means all members of the Defence Services.

3. The following persons, animals and property are exempted from payment of toll for use of transport:

(a) Persons;-

- (i) military personnel;
- (ii) persons assigned duty by any body of Defence Services;
- (iii) persons serving with any body of Defence Services;
- (iv) persons accompanying anybody of Defence Sendeers;
- (v) family members of military personnel;
- (vi) prisoners under military escort;

(b) Animals;-

- (i) pack animals and dogs belonging to or used by the Defence Services;
- (ii) ' all animals brought to feed themilitary personnel:

(c) **Property;-**

- (i) property belonging to the State, Defence Services or military' personnel;
- (ii) any vehicle belonging to the Defence Services;
- (iii) any vehicle hired for the Defence Services.

4. No toll shall be leviable on the persons or animals and property mentioned in section 3, for the use of landing-places, airports, bus-terminals, railway stations and their premises, roads and bridges, and ferries on duty or for training courses.

5. If the vehicle conveying the persons, animals and property mentioned in section 3 does not belong to or is not hired for the Defence Services, the prescribed toll shall be paid.

6. In loading or unloading property belonging to the State, Defence Services or military' personnel at the places mentioned in section 4 under the arrangement of the Defence Services, no fees or charges shall be levied.

7. Any person who levies any toll in contravention of section 4 or section 6 shall, on conviction, be punishable with imprisonment for a term not exceeding three months or with fine or with both.

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

The Tolls (Army) Act is hereby repealed.

(Sd.) Than Shwe

Senior General

Chairman

The State Peace and Development Council

The Union of Myanmar

The State Peace and Development Council

The Buildings and Works of Defence of the Union Law

(The State Peace and Development Council Law No. 31 / 2010)

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

(.4th November. 2010)

The State Peace and Development Council hereby enacts this Law.

Chapter I

Title and Definition

1. This Law shall be called the Buildings and Works of Defence of the Union Law.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) Land means land and benefits arising out of land, and things attached to the land or permanently fastened to anything attached to the land:
 - (b) Person interested means the persons who are entitled to claim the compensation to be made on account of the imposition of restrictions upon the use and enjoyment of land under this Law.

This expression also includes a person who¹ has obtained the interests relating to the land usually obtained by him;

■Commanding Officer means the officer in command controlling a building or a work of defence;

Collector means the District Administrator / Administrative Officer of the General Administration Department who is able to carry out the functions and duties of land and revenue under this Law.

Chapter II

Imposition of Restrictions

If it is considered by the Commander-in-Chief of the Defence Services that it is necessary to impose restrictions upon the use and enjoyment of land in the vicinity of the building or work of defence of the Union or of land in the vicinity intended to be used or to be acquired for the building or work of defence of the Union, in order to keep such land free from buildings and other constructions, a declaration shall be issued to that effect.

The declaration issued under sub-section (a) shall be published in the Gazette. Moreover, it shall state the district or other territorial division in which the land is situated on a sketch map of the land not smaller than six inches to one mile scale and shall distinguish the boundaries referred to in section 6.

- (c) The Collector shall issue public notice of the substance of the said declaration at suitable places of the relevant area.

4. The declaration issued under section 3 shall be conclusive proof that it is necessary to keep the land free from construction, and existence of further buildings and obstructions except the buildings and other obstructions on the relevant land if they exist.

5. The Collector shall pay or offer to pay all necessary compensation to the person interested for damage caused as aforesaid.

Chapter III

Restriction relating to the Territories Contiguous to the Buildings and Works of Defence of the Union

6. The Government may, if it is necessary, declare any of the following restrictions in respect of such land from the day of the publication of the notice issued by the Collector under sub-section (c) of section 3:

- (a) within a boundary of a distance of 2000 yards from the boundary of the plot of land on which the building of defence of the Union exists:
 - (i) no variation shall be made in the ground-level and no building, wall, bank or other constructions above the ground shall be maintained, erected, added to or altered except carrying out with the written approval of the Commander-in-Chief of the Defence Services;

(ii) 110 wood, earth, stone, brick, gravel, sand or other material shall be stacked, stored or otherwise accumulated except carrying out with the written approval of the Commander-in-Chief of the Defence Services;

(iii) no surveying operation shall be conducted otherwise than by or under the personal supervision of a public servant duly authorized in this behalf, in the case of land under the control of military authority, by the Commanding Officer and, in other case, by the Collector with the concurrence of the Commanding Officer.

within a boundary' of a distance of 1000 yards from the boundary of the plot of land on which the building or work of defence of the Union exists:

(i) the restrictions contained in sub-section (a) shall not be imposed;

(i i) no building, wall, bank or other constructions of permanent materials above the ground shall be maintained or erected other than carrying out with the written approval of the Commander-in-Chief of the Defence Services:

(iii) live hedges, rows or clumps of trees or orchards shall not be maintained, planted, added to or altered.

(e) within a boundary of a distance of 500 yards from the boundary of the plot of land on which the building or work of defence of the Union exists:

(i) the restriction contained in sub-sections (a) and (b) shall not be imposed:

(ii) no building or other constructions on the surface of the land, or no excavation, building or other construction, below the surface of the land other than construction of small temporary fences with the written approval of the relevant Commanding Officer shall be maintained or erected.

Chapter IV

Marking out, Measuring, Registration and Drawing the Detailed Plan of the Land

7. As soon as the declaration has been issued by the Government under section 6, the Collector shall cause the relevant land to be marked out, measured, registered and plan drawn for building, tree and all other obstructions in accord with the stipulations.

Chapter V

Offences and Penalties

8. Whoever wilfully acts contrary to any of the restrictions declared under section 6 or wilfully obstructs any person who is carrying out under section 7 or

wilfully destroys, damages, alters or otherwise interferes with the work under section 7 or the ground-level or violates any of the prohibitions contained in the rules issued under this Law shall on conviction, be punished with imprisonment for a term not exceeding one month or with fine not exceeding one hundred thousand kyats, or with both and. in the case of a continuing offence, with an additional fine of 15,000 kyats for each day that he continues to so offend. Moreover, the expenses incurred in removing the effects of the offence may be recovered in the manner for the recovery of fine by the court.

Chapter VI

Miscellaneous

9. If the Collector is wilfully obstructed or interfered in doing anything directed or permitted under this Law, he may obtain the necessary assistance from the Myanmar Police Force and carry out.

10. No award or agreement made under this Law shall be assessed stamp-duty. Moreover, no person claiming under any such award or agreement shall be liable to pay any fee for a copy of the same.

11. In respect of compensation paid by the Collector under section 5:

- (a) any person who is dissatisfied with an award of the Collector may file an appeal to the Administrator/Administrative Officer of the Region or State General Administration Department:

- (b) in respect of an appeal under sub-section (a), any person who is dissatisfied with an award of the Administrator /Administrative Officer of the Region or State General Administration Department may file an appeal to the Director General of the General Administration Department. The Director General of the General Administration Department shall decide with the approval of the Minister for the Ministry⁷ of Home Affairs and such decision shall be final and conclusive.

12. In implementing the provisions contained in this Law, the Ministry of Defence may issue necessary rules with the approval of the Government, and necessary⁷ procedures, notifications, orders and directives.

13. The Works of Defence Act, 1903 is hereby repealed.

(Sd.)Than Shwe

Senior General

Chairman

of the State Peace and Development Council

The Union of Myanmar
 The State Peace and Development Council
 The Cantonment Development Law
 (The State Peace and Development Council Law No. 32 / 2010)
 The 12th Waning of Thidinkyut, 1372 M.E.
 (4th November . 2010)

The State Peace and Development Council hereby enacts this Law:

Chapter 1

Title and Definition

1. This Law shall be called the Cantonment Development Law.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) Conimander-in-Chief of the Defence Services means the Mead who administers the Armed Forces of the Union of Myanmar:
 - (I?) Cantonment means an area prescribed as cantonment under this Law of a place where the armed forces (army, navy and air forces) in the Union of Myanmar have settled and a place necessary to be used by the military units;
 - (c) Cantonment Development Board means a board constituted to administer the affairs of the cantonment under this Law:

Officer of Commanding Station means a military officer who is appointed by the commander *of* a military region or relevant military headquarter to supervise, from time to time, the battalion and military units in a cantonment area;

Chairman means a person who administers the Cantonment Development Board;

Secretary means a person who takes charge of the administrative matters of the cantonment with the supervision of the Chairman of the Board;

Health Officer means a medical officer *of* military unit or township medical officer who is assigned duty for the medical affairs of the cantonment;

Road means any road and delimitation of such road or highway and delimitation of s^h highway prescribed by the procedures under the Law relating to the Use of Road and Bridge;

Market means a place where meat, fish, fruit, vegetable, live animals or other foodstuffs and goods are sold for the people within the area owned by the Cantonment Development Board, with the approval of the Cantonment Development Board;

Cantonment Market means a market which is under the management of the Cantonment Development Board;

Slaughter-house means any place owned by the Township Development Board and used in slaughtering of animals for the purpose of selling the flesh thereof for human consumption, with the approval of the Cantonment Development Board:

Cantonment Slaughter-house means a slaughter-house which is under the management of the Cantonment Development Board:

Building means any house, brick building, hut, shed, oilier roofed structure or any part thereof which are built temporarily or permanently with any construction materials. This expression also includes wall, retaining wall, partition, gate, fence, pillni, M.igo or unfinished building:

Party Wall means the wall constructed to be used for living separately between two adjoining buildings belonging to different owners:

Water-work means all machinery, land, building, bridge and other things including stream, brook, lake, well, tank, pump, water-truck, pipe and conduit used for the purpose of supplying water within a cantonment:

Dairy-work means live-stock breeding, inaiuil'aettuine, incubating, storage, research, sale and manufacturing of milk and milk products:

Inhabitant means any person who resides or carries out business or owns or possesses an immovable property within the area owned by the Cantonment Development Board, and in case of dispute, such person who is determined by the relevant court as inhabitant;

Occupier means a person who resides and uses the land and building including owner;

Infectious Disease means a disease communicable from a person to a person, from animal to man. through blood and blood products to man, through utensils to man, through food to man. and through vectors such as mosquito, fly. Ilea to man. This expression also includes infectious diseases prescribed by the notification of the Ministry of Health as infectious disease, from time to lime;

Nuisance means any act or omission which may affect and injure the sense, life, property and health of a person;

Wheeled Vehicle means the wheeled vehicles of transportation including motorcar, train, motorcycle, bicycle, trishaw and hand cart;

House means a building suitable for occupation by a military personnel or a military guesthouse, f his expression also includes land and buildings contiguous to the building;

- (\\) Military Officer means a commissioned officer or warrant officer who is earning out duty at a cantonment area on military duties (army, navy, air force). This expression includes a person who is earning out duty of an officer at any station office and military unit for the purpose of the provisions contained in this Law, by the written order of the Commander-in-Chief of the Defence Services:
- (x) Owner means a person who owns the building or plot of land within the cantonment. This expression also includes any person who is receiving or entitled to receive the rent of the building or land on his own account, by a representative or as a trustee in case of renting of the building or land.

Chapter U

Defining and Cessation of Cantonment

3. The Government may, by notification, delimitate the place where armed forces (army, navy, air force) are quartered in the Union of Myanmar and define its cantonment the places required to be used by the armed forces. In addition, it may be ceased and separated from the Cantonment.

- (a) The Government may, by notification, declare its intention to include any area, ward, village which are contiguous to the cantonment within the delimitation of cantonment or to separate it from such cantonment:

(b) Any inhabitant of a cantonment or area, ward, village may, in respect of a notification issued under sub-section (a), submit an objection to the Government within six weeks from the date of the issue of the notification:

(c) If there is no objection on the expiry of six weeks from the date of the issue of the notification under sub-section (a) or if there is any objection under sub-section (b). after making inquiry and decision on such objection, an area, ward, village relating to such notification issued or any part thereof may be included in the cantonment or separated from it.

5. The area, ward, village which are included within a cantonment by issuing notification under section 4 shall be subject to the existing laws, rules and procedures and shall also comply with the directives contained in this Law.

6. (a) It shall carry out as follows if the entire area prescribed as cantonment by notification under section 3 is required to be ceased from being a cantonment:

(i) transferring to the relevant office and department by asking permission of the Ministry of Defence to enable transferring of the immoveable property or moveable property, together with the list and accounts, belonging to the Cantonment Development Board:

- (ii) transferring the payable and receivable debts, together with the list and accounts, to the relevant office and department by asking permission of the Ministry of Defence;
 - (iii) preparing the accounts of money owned by the Cantonment Development Board until the date of prescribed dissolution order and depositing to the under the relevant Budget Head.
- (b) If an area, ward or village contained in cantonment under section 3 or any part thereof ceases from cantonment, matters relevant to it shall be carried out in accord with sub-section (a).

Chapter III

Formation of the Cantonment Development Board

7. In every cantonment, each Cantonment Development Board shall be formed. In respect of the right of formation, re-formation and termination of such Board, it shall be carried out by obtaining the approval of the Commander-in-Chief of the Defence Services through the Quarter Master General.

8. The name of the relevant area shall be mentioned before the name of the Cantonment Development Board. Such Board shall have an office seal and have the right to possess, to own and to conclude the contract for moveable property and immoveable property. In addition, it has the right to sue and be sued in its name.

9. The Cantonment Development Board shall be formed with the following persons:

- | | | |
|-----|---|----------|
| (a) | Station Commander | Chairman |
| (b) | an officer from the Defence Services
(Army, Navy, Air Force) within the cantonment | Member |
| (c) | an officer (medical officer) from
Military Medical Unit | Member |
| (d) | an engineer from
Military Engineering Unit | Member |
| (e) | a person who is selected by the commander of Secretary
a military region | |

10. The list of the members contained in section 9 shall be prepared by the relevant commander of a military region, submitted to the Commander-in-Chief of the Defence Services through the Quarter Master General and appointed.

Chapter IV

Functions and Duties of the Cantonment Development Board

11. The Cantonment Development Board shall carry out the following functions and duties:

- (a) managing the lands of the cantonment in accord with the existing laws:

coordinating, deciding and implementing the works to be carried out under this Law;

approving annual Budgets;

coordinating to enable levy of taxes within the cantonment and prescribing the tax rates;

reviewing the increase of revenues from time to time;

carrying out the matters of mutual interests by cooperating with other local organizations;

managing and maintaining the property entrusted to the Cantonment Development Board in accord with the rules issued under this Law;

taking necessary measures to acquire the land to construct the new roads within the cantonment and for enabling to make buildings and environment relating thereto;

carrying out projects for establishing, constructing and maintaining the parks, play-grounds, offices, live-stock breeding, drinking water, wells, lakes and other works to be useful for the public:

taking measures to rectify the wards that are not in conformity with health:

carrying out other functions and duties contained in this Law- for the cantonment development.

12. The Chainnan shall arrange and carry out the following works:
- (a) studying the law, rules and procedures to be implemented by the Cantonment Development Board personally and by the members:
 - (b) carrying out to obtain electricity in the public assembly places and public streets;
 - (c) determining disciplines to be obeyed in carrying out commercial businesses that cause harm to the health and danger to the public:
 - (d) making secure and removing the undesirable obstacles on the road and in public places, dangerous buildings and places so as not to endanger the public:
 - (e) acquisition of land for cemetery, alteration of such land and determining discipline:
 - (f) construction and maintenance of roads, overhead bridges, markets, slaughter-houses, toilets, drains, refuse pipes, etc;
 - (g) growing and maintenance of plants on left and right side of road and in public places:
 - (h) carrying out in order to obtain safe drinking water for the people, protecting and preventing so as not to pollute the drinking water and preventing the use of unsafe water:
 - (i) registration of births and deaths:

extinguishing if fire breaks out and protecting the life, shelter and properly:

maintaining and keeping systematically properly entrusted to the Cantonment Development Board:

land surveying and inspecting for the cantonment:

giving necessary assistance if an epidemic disease occurs:

carrying out with more effective means for the health, safety and welfare of the public who are living in the cantonment:

causing to determine suitable places to dispose of the garbage and causing the garbage to be brought and disposed of at such prescribed place:

carrying out the special works relating to cantonment development permitted by the Ministry of Defence:

submitting report on the situation of fund owned by Cantonment Development Board to the relevant Divisional Military Headquarters once in every four months and annual budget once a year, submitting to inspection of the accounts and lists of property by the relevant superior officers:

performing duties assigned under this Law or other existing law.

13. The Secretary shall carry out the following functions and duties:

- (a) studying the law, rules and procedures to be implemented by the Cantonment Development Board personally and by the members;
- (b) carrying out the duties conferred on him under this Law;
- (c) carrying out the works decided by the Cantonment Development Board and functions and duties assigned by the Chairman;
- (d) although permission has to be obtained from the Chairman generally in carrying out the functions, being able to carry out any work immediately if it is necessary to carry out urgently for the sake of public interest or security, expending the cost from the Cantonment budget in doing so and submitting the case of taking action promptly to the chairman with reason;
- (e) carrying out the sanitation of the buildings and lands, which are exempted from levying of tax, free of charge;
- (f) preparing and submitting the accounts and inventories monthly to the Chairman and audit team and submitting to inspection.

Chapter V

Receipt, Expenditure and Property of the Cantonment

14. The Cantonment Development Board shall subsist on its own finance and carry out the works with its financial arrangement.

15. (a) The Chairman shall manage, supervise and collect the receipt and manage the expenditure as prescribed in the annual State Budget Law for the receipt and expenditure of the Cantonment Development Board. In addition, according to the requirement of work of the Cantonment Development Boards, it shall also carry out management, supervision and collection of receipts and management of expenditures stipulated by the Government.
- (b) The Chairman may delegate the powers conferred on him to the respective persons relating to the work and subordinate to him :
- (c) In managing, supervising and collecting of receipts or managing of expenditures, it shall carry out in accord with the provisions of the annual State Budget Law, relevant laws, rules, regulations, bye-laws, orders, directives and procedures.

16. The Cantonment Development Board may obtain the necessary money as grant or loan to perform the work or to invest and carry out with the permission of the Government.

17. The Cantonment Development Board may collect only the categories of tax and revenue permitted under the existing laws, rules, regulations, bye-laws, orders and directives relating to it.

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IX. (a) The receipts of the Cantonment Development Board are as follows:

(i) incomes received under this Law or rules or regulations issued thereunder;

(ii) fines received under any existing law or order of the Government for the offence committed within the cantonment;

(iii) money received under any directive which is inserted and in which it is mentioned that it shall be paid to the cantonment fund;

(iv) money received under the directive of the Government that fines collected under any provision of the existing law shall be paid to the cantonment fund.

(b) The receipts of the Cantonment Development Board shall be deposited and withdrawn at the nearest Myanmar Economic Bank.

19. The following property which are confiscated or managed or maintained by the Cantonment Development Board shall be the property owned by the Cantonment. They shall be kept under the direction, management and control of the Cantonment Development Board:

(a) markets, slaughter-houses, manure depots, sewage and buildings;

(b) Water storage or supply works for the public;

(c) bridges, buildings, machineries and instruments relating to them;

- (d) sewers pipes, drains, culverts, water-courses, works, materials and instruments relating to them;
- (c) dust, dirt, ashes, dung, refuse from animals etc. collected by the Cantonment Development Board;
- (f) streets, buildings and plants grown within the cantonment;
- (g) land and other property transferred to the Cantonment Development Board by the Government.

20. The Chairman shall expend the cantonment fund in accordance with the powers conferred on him according to the following priority:

- (a) debts paid;
- (b) salaries and emoluments for the staff and officials;
- (c) costs prescribed to be paid under this Law and rules or any existing law.

Chapter VI

Imposition of Tax

21. The Ministry of Defence is entitled to impose tax also in the cantonment under the Development Committee Law or the existing laws, by notification.

22. The Ministry of Defence:

- (a) may issue by notification or other suitable manner if it is intended to impose any tax under section 21:

(b) in every notification issued under sub-section (a), the following particulars shall be included:

(i) the tax intended to be imposed;

(ii) the category of the property on which tax shall be imposed;

(iii) the tax rate to be imposed.

23. Any inhabitant of the cantonment may, within thirty days from the date of issue of the notification under sub-section (a) of section 22, submit to the Minister for the Ministry of Defence an objection in writing if he desires to object to all or any part of such notification.

24. The Ministry of Defence may, after scrutinizing the objection submitted under section 23, allow to impose and collect the tax as notified originally or as amended.

25. The following categories of tax are determined to be imposed and collected in the Cantonment Development Board;

- (a) property tax;
- (b) water tax;
- (c) lighting tax;
- (d) sanitation tax;
- (e) market stall tax and rents of shop;
- (f) slaughter licence fees;

- (g) commercial licence fees:
- (h) wheel taxes;
- (i) sanitation tax carried out under a special plan;
- (j) the licence fees of exhibition . opera . film, video, karaoke, internet cafe etc.

26. The Cantonment Development Board shall issue the appropriate bye-laws for the imposition system, collecting system. relief of tax rate, exemption and appeal against the imposition of tax and revenue including licence fee. allowed to be imposed under section 25.

Special Provisions relating to the Tax Imposition

27. The Cantonment Development Board is entitled to earn' out according to the manners relating to the imposing and collection of tax contained in the Development Committees Law.

28. The Cantonment Development Board may arrange to carry out, by fixing a special rate the sanitation work of any factory, workshop, lodging house, guest house, building or lands used for any purpose in the cantonment. The Chairman may conclude an agreement with the person liable for the payment of the service fee for such arrangement, after appropriating the estimate cost in advance for the services to be rendered.

29. (a) If the Chairman arranges and carries out under section 28, after fixing a special rate for the sanitation work of the factory.

workshop, lodging house, guest house or lands, such building and land shall be exempted from the imposition of conservancy or scavenging tax in the cantonment;

- (b) The Cantonment Development Board shall carry out, free of charge, for the sanitation work of garbage, plastic, sewage and refuse in the following buildings and lands. However, it shall be exempted from imposition of property tax, water tax, lighting tax and sanitation tax:

- (i) buildings used for educational purposes, public libraries, playgrounds and /ayats which may be used by the public free of charge;
- (ii) specific places for public worship;
- (iii) hospitals and dispensaries opened and maintained by donations;
- (iv) burial grounds;
- (v) buildings and lands belonging to the Cantonment Development Board;
- (vi) buildings and lands belonging to the Government and used for the public interest.

30. (a) If the Chairman considers that an assessee of any tax under this law is unable to pay all or any part of the tax, he may exempt from

payment of the tax for a period not exceeding one year, at a time.
 \\\ However, such exemption shall come into effect only if it has obtained the approval of the commander of a military' region;

(b) If the arrears of tax of an assessee are not recoverable by all possible means under this Law, the right of write-off on such taxes may be allowed as follows:

- (i) the commander of a military region, at a time for a case not exceeding fifty thousand kvats;
- (ii) the Quarter Master General, at a time for a case not exceeding one lakh kyats.

31. The Ministry' of Defence may, by notification, exempt the whole or any part of any tax imposed under this Law*. Or any pan or entire properly may be exempted from imposition of tax.

32. (a) The Chairman may negotiate mutually w'ith such assessec on the tax to he paid by the assessee, after obtaining the prior permission of the Quarter Master General;

(b) Ifihcasscssee does not pay the money negotiated mutually under sub-section (a), it shall be recovered as if they w'ere ancars of land revenue.

33. In imposing and collecting tax and revenue in compliance with the directives, regulations and bye-laws issued under this Law. if any mistake arises

in the name of the assessee or subject matter or tax rate, the assessee shall not refuse to pay the tax by reason of such mistake. However, if such mistake is submitted to the Chairman, the Chairman may amend it in accord with law, with the approval of the Board. Of the money paid under such amendment, over payment amount shall be reimbursed to the relevant person.

34. No notice of demand, warrant of distress or other proceeding relating thereto under this Law shall be deemed invalid because of its informality. The person who carries out in accord with such warrant shall not be deemed to be a trespasser. If there is any injury for carrying out mistakenly under such warrant, the injured person may file a suit for compensation at the Court.

Chapter VII

Contracts

35. Under the provisions contained in this Law, the Chairman is entitled to conclude the necessary contract and perform thereunder.

36. In concluding the contract, it shall be carried out as follows:

- (a) contracts the value of each does not exceed five lakh kyats, may be concluded with the approval of the Chairman:
- (b) contracts the value of each is more than five lakh kyats, may be concluded with the permission of the Cantonment Development Board:

- (c) contracts shall be concluded only when there is the relevant financial sanctioned amount.

37. - In concluding contracts, it shall be carried out as follows

- (a) contracts the value of each does not exceed live lakh kyats may be signed and executed by the Secretary on behalf of the Chairman. It shall be endorsed by the Chairman:
- (b) contracts the value of each is more than five lakh kyats shall be signed and executed personally by the Chairman. The Secretaries shall sign as a witness;
- (c) on every' page of the contract, the office seal of the Cantonment Development Board shall be affixed.

Chapter VIII

Markets, Slaughter-houses, Right of Doing Business

38. The Chairman:

- (a) may manage, establish and maintain an appropriate number of markets and slaughter-houses of the cantonment'. Special management and maintenance for the stalls, shops, sheds and animal farms etc. may be carried out for the use of persons earn money on trade or business. In such market, machines, weights, scales and measuring baskets may be managed and provided ideal for the weighing or measuring of goods. The prohibition and taking

action against the lowering the quality of the meat, fish and vegetables may be carried out;

(b) may take action under this Law if animals are slaughtered in other slaughter-houses and carried into the cantonment;

(c) may close the whole or any part of the market or slaughter-house of the cantonment by issuing notification if it is necessary.

39. In the Cantonment:

(a) the sale or displaying for sale of animal or article shall not be carried out without the permission of the Cantonment Development Board;

(IV) the person violating the provision contained in sub-section (a) and the animals or articles displayed there shall be removed from such place by the officer or staff assigned duly by the Chairman.

40. The list of stallages and other rents and fees, leviable in a market or slaughter-house of the cantonment and the terms and conditions relating to the use of the market or slaughter-house of the cantonment shall be affixed in a conspicuous place.

41. Places other than the market and slaughter-house of the cantonment shall not be used as market and slaughter-house. However this provision shall not apply to the following slaughtering of animals:

- (a) slaughtering of animals in accord with conditions stipulated by the Secretary for the festivals or ceremonies held after obtaining the prior sanction of the relevant civil administration;
- (b) slaughtering of animals in the specific places stipulated by the Secretary', by notification, with the approval of the Chairman to be carried out in accord with religious custom or for the consumption of troops.

42. Whoever violates the prohibition contained in section 41, establishes and uses a market or slaughtering house may be punished with fine not exceeding li lty thousand kyats. In the case of a continuing offence, he may further be punished with fine from a minimum of 1000 kyats to a maximum of fifty thousand kyats for each day on which the offence is continued.

43. The Chairman may, with the approval of the Cantonment Development Board, issue by-laws for the following matters:

- (a) the day on and the hour at which the market or slaughter-house may be opened;
- (b) determining the design, ventilation and drainage of such markets and slaughter-houses, and the materials to be used in the construction thereof;
- (c) managing the markets and slaughter-houses and lands and buildings connected thereto to be in a clean and sanitary condition, causing

the removal of garbage and refuse therefrom, causing the storage of pure water, managing to have sufficient number of public latrines, urinals and keeping them always clean:

- (d) the manner in which animals shall be stalled at a slaughter-house;
- (e) the manner in which animals shall be slaughtered;
- (f) refusing to slaughter the animals, managing by other manner or destruction if it is found on inspection that it is unfit for human consumption due to disease or for other cause; and
- (g) the destruction of carcasses which from disease or any other cause are found after slaughter to be unfit for human consumption.

44. The Cantonment Development Board:

- (a) may manage and determine the suitable places for the persons who carry out laundry' business. Suitable fees may be imposed for using such places:
- (b) may prohibit the laundering of clothes by laundcrers at places other than the place prescribed by issue of notification. Provided that it shall not apply to any one who launders his clothes at the place of current residence:
- (c) may punish a person who violates any prohibition contained in a notification issued under sub-section (b) with fine not exceeding 2000 kyats.

45. (a) The following works shall not be carried out in the cantonment without a licence:
- (i) breeding animals such as cattle, goat, pig, chicken, bird and duck on a commercial scale;
 - (ii) selling aforesaid animal products on a commercial scale;
 - (iii) selling other marketable greens and dry goods on a commercial scale;
 - (iv) selling snacks on a commercial scale;
 - (v) selling inflammable construction materials such as wood, bamboo, ripe palm, thatch etc;
 - (vi) opening dispensary for providing private medical treatment;
 - (vii) selling inflammable oil or spirit such as kerosene oil, petroleum, gasoline, diesel etc .;
 - (viii) establishing video hall, karaoke shop, internet cafe and shops;
- (b) A licence granted under sub-section (a) shall be valid for only one year:
- (c) If the works contained in sub-section (a) are not offensive or dangerous to the public, the Chairman may allow and grant licence in accord with the stipulations.

46. A licence granted under section 45 shall specify the place and ward where business is allowed to be carried out by the licence holder, type of the goods intended for human consumption, hour and manner of transport.

47. If it is known that, due to the work granted under a licence, it is likely to cause public nuisance or danger to life and health or property in the relevant ward, the Chairman may direct the licence holder to discontinue the work in such place or ward or to remedy such work until it is no longer dangerous.

48. Whoever carries on any work for which a permission licence is required without obtaining a permission licence therefor or while the permission licence is suspended or after the permission licence has been cancelled or without complying with the directive under section 47, the Cantonment Development Board may punish him with fine not exceeding fifty thousand kyats. In the case of a continuing offence, he may further be punished with fine not exceeding 1000 kyats for each day which the offence is continued.

49. Whoever feeds deleterious substances to the animals which are bred for the purpose of supplying milk or meat for the people in the cantonment or grazes in any place in which grazing has been prohibited, shall be punishable with fine not exceeding ten thousand kyats.

50. The Chairman, the Secretary, the Health Officer or the staff assigned duty in writing by the Chairman for this purpose may, at any time, enter any market building, shop, stall and other places in the cantonment for the purpose

of inspection. He may inspect the animals and foodstuffs sold for human consumption or articles intended to make medicine, instruments such as measuring baskets, scales, platform scales, pots and bowls used for such purposes. In addition, the animals and things in the slaughter-house may also be inspected.

Chapter IX

Matters on Public Safety and Suppression of Nuisances

51. Whoever commits any of the following offence may be punishable with fine not exceeding ten thousand kyats:

- (a) in any street or other public places within a cantonment:
 - (i) exposing or exhibiting with the object of asking for alms or begging, any disease or deformity or any offensive sore or wound;
 - (ii) carrying meat and fish without covering and exposed to public view;
 - (iii) parking motor-car, cycle, trishaw, bicycles at the place not allowed, picketing animals or collecting carts;
 - (iv) spilling the night-soil or other offensive matter or garbage, in collecting them due to lack of discipline or failing to remove and clean the spill;
 - (v) affixing any bill, notice or other document upon any building, monument, post, wall, fence, tree or other thing without permission:

- (vi) defacing any building, monument, post, wall, fence, tree or other thing without permission;
- (vii) removing, destroying, obliterating, without order, the notices that are kept with the permission of the Channan under this Law;
- (viii) displacing, causing damage, making alteration in the pavement, gutter, stormwater-drain, roadside flags or other materials relating to the street or damaging any lamp, direction-posts to entrance of military unit, hydrant or water-lanes or extinguishing or causing to damage the public light;
- (ix) carrying any corpse to be annoyance to passers-by or to persons dwelling in the neighbourhood;
- (x) carrying any corpse not decently covered or without taking due precautions to prevent risk of infection or injury to the public health;
- (xi) failing to bury, burn or otherwise lawfully dispose of the corpse at the prescribed time and place;
- (xii) failing to carry night-soil or other offensive matter or rubbish at the prescribed hours or carrying in any vehicle not consistent with prescribed pattern or not decently covered at the time of carrying:

carrying night-soil or offensive matters along any prohibited roads:
disposing or piling up rubbish, plastic, offensive matters and things
undisciplined within the cantonment:

being the occupier of any building or land in or upon which the
cattle, elephant, donkey, mule, lamb, goat or pig die. within three
hours of the death of the animals or if the death occurs at night,
within three hours after sunrise, either:

- (i) neglects to report the occurrence to the Secretary or an
officer appointed for this purpose with a view to securing
the removal and disposal of the carcass:
- (ii) fails to remove and dispose of the carcass under the
directions of the Chairman or the Secretary after submitting
report as such: or

storing night-soil, manure, rubbish or any other substance emitting
an offensive smell without permission of the Chairman or not
consistent with the terms and conditions to be obeyed contained
in the permission:

disposing of faeces and urine at any place not prescribed for that
purpose:

parking the vehicle in blockage of the road and driving in opposite
direction:

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- (h) letting loose or tying with stake any animal on the road and in the public places within a cantonment area.

Retaining Dogs

52. (a) The Chairman, in stipulating the bye-laws relating to the registration of dogs existing within the cantonment, shall include the following facts:
- (i) causing the dogs raised by each military unit to register in the relevant military units;
 - (ii) causing every registered dog to wear a collar by owner;
 - (iii) causing the dogs which have not been registered or which are not wearing collar to be eliminated by the Cantonment Development Board;
 - (iv) causing every dog registered with the office of the Cantonment Development Board to be injected with necessary vaccine annually by the owner for the prevention of rabies;
 - (v) causing the dog which is reasonably'- suspected to be suffering from rabies or other dog and animals which have been bitten by such dog to be eliminated or kept within the stipulated period;
 - (vi) causing dogs without owner to be eliminated by the Cantonment Development Board:

- (b) No compensation shall be claimed in eliminating dog or animal under sub-section (a).

53. Any owner of dog or person who looks after the dog who commits any of the following acts may be punishable with fine not exceeding 5000 kyats:

- (a) annoying, threatening or biting by such dog to any person when he neglects to restrain his dog without being muzzled and without being secured by a chain;
- (b) violating the prohibition by notice directing that dogs shall not be at large without muzzles and chain during the prevalence of rabies.

Traffic Rules

54. In driving the various vehicles, travelling by vehicle or travelling in convoy on the street within the cantonment, the Motor Vehicles Rules and the stipulations of the Motor Vehicle Discipline Control and Supervisory Committee shall be followed.

Matters of Fire Prevention

55. The Chairman:

- (a) may, by notification, direct that in building, repairing the roofs and external walls of huts or oilier buildings, at the stipulated place within the cantonment, shall not be constructed or of thatches, mats, leaves or other inflammable materials. The person who fails to comply with such direction may be directed in writing to make necessary repairing;

- (b) may direct the owner of any building which has a roof or external wall made of thatch, mat, leaves or other inflammable materials in the cantonment to remove such roof or wall within the stipulated period before the issue of such notification under subsection (a).

56. The Chairman may issue public notice to prohibit the stacking or collecting of the various fuel, undisciplined collecting and stacking of wood, dry grass, straw or other inflammable materials and moreover, setting fire without protection in any place in the cantonment without permission for the prevention of danger to life and loss of property.

57. No person shall set a naked light on or near any building in any street or any other public place within a cantonment so as to cause danger of fire other than on the occasion of a festival or entertainment permitted in writing by the Chairman.

58. No person shall exhibit the pictures, photos or show film, perform drama or pantomime or play karaoke, television or video within the cantonment development area without permission of the Chairman.

59. Whoever commits any prohibition contained in sections 57 and 58, shall be punishable with fine not exceeding twenty thousand kyats. In the case of a continuing offence, he may further be punished, with fine which may extend to 1000 kyats for each day on which the offence is continued.

60. The prohibition under section 58 shall not apply to any exhibition of film, drama, pantomime or show for the entertainment of military units carried out with the permission of the Station Commander as Chairman under section 9. Whenever the festival is ended the gar bage and the plastics shall be removed immediately and sanitation carried out.

61. Whoever carries out any of the following acts within the cantonment without the permission of the Chairman may he punished with fine not exceeding 5000 kyats:

- (a) making, storing, buying and selling fire-arm, fire-works and fire cracker;
- (b) discharging and letting off the fire-arm. fire-works and fire cracker;
- (c) discharging fire balloons.

62. If the Chairman considers that the building, well. tank, lake, pool, bank and tree etc. in a ruinous stale which may cause annoyance or danger to the life of the people within the cantonment, he may direct the owner in writing to repair or remove it immediately. In addition, if it is considered that imminent danger may arise for being so. it shall take immediate measure for the protection of people from such danger.

63. ' The Chairman shall, in order not to carry out gambling and evil deeds on the vacant plot in the cantonment that is not used by the ow ner, direct in writing to enclose such plot within the stipulated time.

Chapter X

Supervision relating to Buildings, Roads, Fences and Trees

64. Whoever desirous of constructing any new building, constructing the extension, carrying out material or minor repair, alteration of type, fencing, demolition, land clearing to erect a building, digging for the foundation and other preparation required for the construction of building in the cantonment shall apply in writing to the Chairman.

65. In applying under section 64 the following facts shall be included:

- (a) the cause of application;
- (b) the requirements in accord with the discipline issued;
- (c) the type of the building if it is to erect a new building.

66. (a) The Chairperson may allow or refuse in respect of the application to construct a building. He may allow to construct in accord with all or any of the following suitable matters:

- (i) reserving the space or the road in front of the building;
- (ii) reserving the space around the building to facilitate ventilation, to carry out sanitation and to prevent fire hazard;
- (iii) determining the plan for ventilation of the building, the minimum cubic feet, area of the rooms, the number of the storey) of the building and the height of each storey:

- (iv) determining the place for drain, latrine, urinal, keeping the receptacles for filth and cesspool;
- (v) determining the height and width of the foundation of the building, the height and stability' of the floor of the lowest storey;
- (vi) determining the eaves of the building so as not to encroach on the boundary of the road:
- (vii) determining to provide exit to enable to easily leave the building in case of fire;
- (viii) determining the materials and disciplines for construction of external wall of the building and party wall, floor, kitchen and chimney of the room;
- (ix) determining the roof, the height and slope of the uppermost storey upon which people are to live or to cook;
- (x) determining the matters relating to the sanitation of the building.

The Chairman may refuse the right for construction if there is a cause to affect the other building or so as to prevent over crowding of buildings in the interest of the persons residing. In so refusing, it shall communicate to the person who desires to construct a building expressing the reasons of refusal.

67. (a) No compensation shall be claimed for the loss or damage caused by the refusal to construct the building or for any directive issued under sub-section (a) of section 66 of this Law.
- (b) There is the right to claim compensation from the Board of Cantonment Development (Committee for actual loss or injury caused by other prohibition r.ot under sub-section (a) of section 66 or by add ing the land belonging to him to the land of the road.
68. (a) The permission to construct the building permitted by the Chairman shall be valid for only one year from the date contained in such permission.
- (b) The person who has obtained the permission to construct the building or the person who is entitled to claim legally shall complete the building so pennitted within one year as of the type permitted.
- (c) If the construction is noi carried out or cannot be completed until the expiry of the period pennitted, the construction shall be continued only after obtaining the new permission again.
69. Whoever violates any ofthe following may be punished with fine not exceeding fifty thousand kyats:
- (a) constructing the building without permission;
- (b) failing to comply with any of the facts contained in section 66;
- (c) starting to construct the building or continuing to construct after the expiry of the temi of permission.

70. The Chairman may, in respect of the building constructed without complying with the facts contained in section 66, direct the land owner or occupier to repair and construct as may be necessary or totally demolish the building under construction or any part thereof.

71. The Chairman may determine the following matters:

- (a) manner of sending application forms for permission to construct the building in the Cantonment to the Chairman together with the statement on the information and plans of the building to be constructed;
- (b) category and form of the building permitted to construct in the stipulated area;
- (c) stipulations of minimum cubic feet, area of the rooms of the building which are to be constructed;
- (d) stipulations on fees to be paid to the Board of Cantonment Development Committee for the plans or the specifications of building which is to be constructed in the cantonment.

72. In respect of the matters of lean-to, porch of the buildings:

- (a) in the cantonment the owner or occupier of the building shall not make over-hanging or projection of portico on other building, roof, road, drain, sewer, water-pipe or canal, or projection of eaves

that will encroach on the road, without the permission of the Chairman;

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- (b) the Chairman may direct the owner or occupier in writing to repair and remove such projection or encroachment;
- (c) the Chairman may inspect and allow the owner or occupier of the building to construct open verandahs or balconies projecting from the upper storey of the building at the stipulated distance from the wall of lowest storey and stipulated height above the surface of the road in some stipulated roads as of exception.

73. The Chairman may direct to demolish or repair the building as may be suitable if the building was built on the public sewer, drain, culvert, water-course or water-pipe in the cantonment, without the permission of the Chairman.

74. In respect of the matters to construct sewers, drains:

- (a) the Chairman may direct the owner or occupier of the building in the road to put up troughs and water-pipes at their own expense to enable the rain water to flow from the building;
- (b) may cause to maintain for the prevention of swamp and pool of water on byroad which is between the compound, alley or buildings.

75. (a) The Chairman may give permission for temporary use for the following matters upon terms and conditions and fees in order

not to affect the safety and convenience of the public on the roads and land in the cantonment:

- (i) piling the building materials;
 - (ii) constructing temporary road;
 - (iii) constructing temporary building.
- (b) The Chairman may revoke the permission if any of the stipulated terms and conditions under sub-section (a) is violated.

76. The Chairman has the following powers in respect of the right of opening and closing the road:

- (a) closing or opening any road permanently with the approval of the relevant commander of the region;
- (b) temporarily closing the road or any part of the road in the cantonment, by public notice, to repair or to carry out the work of drainage, water-supply and the duties which are to be carried out under this Law.
- (c) if it is likely to cause danger to life and property of the public, due to the carrying out of the work under sub-section (b), causing protections and barriers to be made for the safety and lighting at such protections and barriers sufficiently from sunset to sunrise;
- (d) protecting the buildings and land in the surrounding and providing suitable means of access thereto.

77. The Chairman:

- (a) may give a name to e. .* =1 street in the cantonment;
- (b) shall cause a number to b'e affixed at the buildings in the cantonment;
- (c) whoever destroys, pulls down, defaces, transfers or puts up any name or number differing from the name or number originally written shall be punished with fine not exceeding ten thousand kyats.

78. The Chairman may direct the owner or occupier of the land in writing as follows:

- (a) causing to remove the boundary wall, fence if it is considered unsuitable;
- (b) determining the dimension of the boundary wall, fence and materials which shall be used in constructing them;
- (c) causing to maintain the constructed boundaries, walls, fences and hedges.

79. The Chairman may direct to completely clear any tree from the private enclosure in the cantonment, which may cause danger to the public or which may cause injury to the pleasantness of the cantonment within the stipulated

80. Whoever, without the permission of the Chairman excavates any space in the cantonment which is not a private property, shall be punished with fine not exceeding twenty thousand kyats. In the case of continuing offence, he may be punished with fine not exceeding kyats 5000 for each day on which the offence is continued.

81. If the Chairman considers that the digging and transportation of stone, soil or other materials in the cantonment causes disturbance or danger to the public, the Chairman may prohibit in writing to the owner, lessee or occupier of such place from continuing such digging, transportation or direct so as to make protection from danger as may be necessary.

82. Whoever violates the prohibition under section 81 or fails to comply with the directive may be punished with fine not exceeding twenty thousand kyats.

Chapter 11

Health and Sanitation of Cantonment

83. The following officers shall submit a report to the Chairman together with the advice for the health and sanitation of the specified area within the cantonment,:

- (a) relevant officer commanding the station or officer of the cantonment area for the buildings and lands used by the Defence

- (b) civil services departmental-in-charge for the lands transferred to the Government civil services department from the Cantonment Development Board and lands and buildings built on such land;
- (c) officer from the Defence Service Medical Unit or Township Medical Officers assigned duty for the health and sanitation of the cantonment.

84. The specific rooms shall be established for male and female in public latrines and urinals constructed and maintained by the Cantonment Development Board and the necessary cleaners shall be appointed for cleaning them regularly and keeping them systematically.

85. If the owner of the building or the land applies to gather night soil, it may be carried out after prescribing the rates of fee for the necessary period. The Chairman may earn out the sanitation after informing by written notice and prescribing the rate of fee if it is necessary though it is not applied for that matter.

- 86. (a) The Cantonment Development Board shall determine the suitable places to enable temporary storage and disposal of wastes, foul-smelling substances, carcasses of animals and foul waters.
- (b) The Chairman may issue directives to carry out transport on the road, piling or destroying etc. based on when and how transport shall be made relating to refuse contained in sub-section (a).

- (c) The receptacle for waste and waste stores or wastes piled at such places shall be the property of the Cantonment Development Board.

87. The Cantonment Development Board may send written notice and direct the owner of the building or occupier within the cantonment to carry out the following matters:

- (a) causing to shut or rebuild if it considers that cesspool connected with the land or building caused nuisance to the public;
- (b) keeping receptacles clean for filth piled on the ground or in the building;
- (c) causing to prevent the foul-smelling fluids from latrine and urinal from flowing and infiltrating into a public drain;
- (d) causing to dispose waste and foul-smelling substances in the stipulated receptacle or place for filth for enabling the cleansing worker to carry within the prescribed period;
- (e) directing not to divert the drain owned by the Cantonment Development Board and not to construct new drain;
- (f) causing to divert and repair the drain within their boundary to be clean after determining the period.

88. If the health officer submits that the well, reservoir, water tank etc. in the private compound within the cantonment are the places where mosquitoes breed or it may affect public health, the Chairman may direct the relevant person to till up, cover and drain off water from such well, reservoir etc. within the prescribed period.

89. The Chairman may direct the owner and occupier of the building or land within the Cantonment in writing to keep the latrine, urinal, dust-bin, cesspool, receptacle for filth in accord with the prescribed form and required number.

90. The Chairman may direct the employers who have more than five employees or administrators of the market, school, cinema or public place within the cantonment to keep necessary latrine, urinal and to appoint workers in accord with the prescribed number for their cleanliness.

91. (a) The Chairman may, if he considers that the buildings within the cantonment are not in conformity' with health due to the following facts form a body and inspect:
- (i) constructing in congestion:
 - (ii) failing to construct the drains systematically;
 - (iii) not getting fresh air:
 - (iv) the roads between the building being narrow.

The body formed under sub-section (a) shall include the following persons :

- (i) a representative officer from cantonment area;
- (ii) health officer of cantonment area;
- (iii) an officer of military engineering unit;
- (iv) a representative officer from the relevant township level.

the body- formed under sub-sections (a) and (b) shall report the condition of the buildings and the health and sanitation condition of the inhabitants to the Chairman. In such report, if it is considered that it is likely to affect the health of the habitants and the environment, the buildings, roads, drains recommended by the officer of military' engineering unit that all or part is appropriate to be removed shall be mentioned clearly on a plan and submitted together with the report.

The Chairman may, on obtaining the submitted report, inform the owner in writing, with the approval of the Cantonment Development Board, to remove buildings, roads and drains that are considered suitable to do so. The Chairman shall carry out to pay the compensation or expenses to transfer and construct due to such removal in accord with the existing laws and regulations.

92. (a) If it is considered that the number of inhabitants in a building or a part of a building within the cantonment is congested, the Chainnan may make necessary inspection and inform by written notice to the owner or occupier to decrease the lessee, lodger, dependants for the purpose of decreasing the number of inhabitants within the period not less than one month.
- (b) If the owner or the occupier fails, without reason, to comply with the notice under sub-section (a), he shall be punished with fine not exceeding 5000 kyats. In continuing failure to comply, he shall be punished with a fine of 500 kyats for each day during which the failure continues.
93. If the Chairman considers that any building within cantonment is not sanitary because of damage, he may give notice in writing to the owner to repair within the stipulated period. It shall be permitted to board only after carrying out the appropriate measures for boarding. In so informing in writing, if the owner- of the building mentioned, demolished the building totally without repairing, it shall be deemed that such notice is complied with.
94. If the Chairman considers that in respect of a building or land within the cantonment, it is in an insanitary state so as to affect the health he may inform the owner or occupier in writing to carry out sanitation within 24 hours. In such notice, it may also be mentioned to clear the bushes.

95. In respect of cemetery land:

- (a) the Cantonment Development Board may determine and use the appropriate land within the Cantonment as cemetery land;
- (b) the Cantonment Development Board shall appoint required security' workers in cemetery land;
- (c) the Chairman shall determine and announce necessary terms and conditions for the cemetery land;
- (d) the provision contained in sub-section (a) shall not apply to military cemetery and cemeteries supervised by the relevant Development Committees and bodies.

96. The Chairman may announce and prescribe the route within the cantonment by which corpses are to be carried to bury or to cremate.

97. No person shall keep the corpses without burial or cremation for more than 72 hours after death, without any order of the health officer or the person assigned duty by the Cantonment Development Board. If the disease causing death is a contagious disease, it shall be buried or cremated within 12 hours after death. The Cantonment Development Board shall bear the expense and cremate if it is a poor family.

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98. The following persons shall inform immediately to the health officer or the person assigned duly by the Cantonment Development Board if any person, except an in-patient taking medical treatment in the hospital within cantonment, is suffering from contagious disease:

- (a) registered doctors who practise medical treatment as a profession;
- (b) head of **household** where the patient who is suffering from disease lives or any person who has attained majority in the household if the head of household himself is suffering from a disease;^v
- (c) a person who is lending a person who is suffering from a disease.

99. A health officer or a person who is assigned duty by the Cantonment Development Board may enter and inspect, at any time, the building which is considered having a person infected with a contagious disease.

100. The health officer or a person assigned duty by the Cantonment Development Board shall, if he knows that any person who is staying unsettled within the cantonment is **suffering** from a contagious disease, undertake to send such person to the relevant hospital. Such patient shall be discharged from hospital only after obtaining the permission of the health officer.

101. (a) A person **suffering** from a contagious disease shall not move around the public places without taking treatment and prevention thoroughly.
- (b) The guardian of a person suffering from a contagious disease shall not exhibit him to the public.
- (c) The articles of a person suffering from a contagious disease shall not be used again without prior prevention of the disease.

102. In respect of vehicles carrying patients suffering from contagious disease within the cantonment, the owner of the vehicle or the driver shall undertake to clean the said vehicle by spraying with insecticide until the health officer or the person assigned duty by the Cantonment Development Board is satisfied.

103. The health officer or the person assigned duty by the Cantonment Development Board may cause to spray and clean with insecticide the whole or part of the building where the contagious disease occurs so as not to spread the contagious disease.

104. If the danger of epidemic disease arises or is likely to arise within the cantonment, the Chairman may:

- (a) carry out prevention of disease by adopting special projects:
- (b) issue and declare the regional directives to prevent causing or spread of epidemic disease.

105. The Cantonment Development Committee may:

- (a) issue order to destroy the buildings after informing in advance if it is considered that it is necessary to destroy them for the prevention of the spread of epidemic disease;
- (b) carry out seizure and destroying of the clothes, personal articles which are considered likely to spread the infectious disease or disinfection:

- (c) compensate for the loss due to seizure or destroying of buildings and personal articles as appropriate.

106. The Chairman may, if it is considered that it is not sufficient to protect the lives and belongings by carrying out normal measures at the time of the occurrence of or at the time considered that the danger of disease will occur which may cause grave damage or loss to the lives of human and animal or personal belongings carry out emergency measures in accordance with this Law and existing laws.

107. In carrying out the matters contained in sections 104, 105 and 106, if it is necessary, it may cause to carry out in accordance with the provisions of the Prevention and Control of Communicable Disease Law.

108. The Secretary may, if any person dies due to epidemic disease in the cantonment, direct the following in writing:

- (a) to send the corpse to the mortuary by the person who is responsible for the corpse;
- (b) not to transfer and move the corpse from the place of death to another place except to take it to bury or burn or to the mortuary.

109. (a) The health officer shall direct in writing the person who lives in the cantonment and is believed to be suffering from epidemic disease to go to the hospital or government clinic and submit to medical examination on the stipulated day and not to depart without the permission of the relevant doctor. The doctor of the

hospital or government clinic shall examine him till he is satisfied as to whether he has epidemic disease or not. However, the health officer or doctor may, after considering the symptom of disease, condition of the patient and his surrounding circumstances and if it is considered that he is not yet required to go to the hospital or clinic, the examination may be made at home.

- (h) In examining under sub-section (a), if the epidemic disease is found, the health officer or the doctor may direct him to be hospitalized and take medical treatment till he is completely cured. Provided that, after considering the symptom of disease, the condition of the patient and surrounding circumstances, the medical officer or the doctor may, if it is considered that he is not required to be in hospital or clinic, discharge him from the hospital after giving the facts or direction which shall be carried out relating to the disease.

- 110. (a) If the Commanding Officer of a military region receives a complaint of the said doctor that any person who is suffering from epidemic disease does not obey the direction issued under section 109 and refuses to take medical treatment in hospital or government clinic, or has been discharged from the hospital, the government clinic while undergoing treatment without the permission of the doctor, the Commanding Officer of a military

region may direct, in writing, such person who is suffering from . epidemic disease to leave the cantonment within 24 hours and not to return without permission. Moreover, the condition of the disease of such person shall be informed in writing to the health officer of his destination area.

- (b) Any person who is prohibited under sub-section (a) shall have no right to enter any other cantonment without written permission of the Commanding Officer of the military region.

111. The Chairman may, if it is considered that if is necessary to prevent the danger to the lives of the public at the lime of the occurence ofthe epidemic disease in the cantonment, determine the streets that shall be accessed. It shall be announced to the public.

112. The Chairman is entitled to examine and carry out in accord with the existing labour laws if the sanitary' worker who is appointed by the Chairman to clean the filth and garbage, resigns from the job without sufficient reason or without informing onc-month in advance or omits or refuses to perform his duty or any part of his duty.

Chapter XII

Powers, Procedures, Penalty and Appeals

113. The Chairman or the Secretary or the person who is assigned duty by the Chairman has the right to enter any building or land with or without supporting

staff to inspection of work, measuring, evaluation or executing of any work that is necessary' to be carried out in accord with this Law. bye-laws and regulations.

114. ■' The accounts of the Cantonment Development Board shall be audited by the relevant Township Accounts Office.

115. (a) The Chairman may assign duty to any person b\ ordinary or special order to carry out the following matters:

- (i) inspecting wells, drains, latrines, cess-pool. water pipe lines, water courses in any building and land plot w ithin the cantonment and, if it is necessariy. excavating the land to prevent or remove the disturbances caused from them:
- (ii) causing to inspect the works being constructed in the cantonment, measuring elevation of land or movement, testing, examining and renewing of the measuring instruments.

(b) In inspecting under sub-section (a), if it is necessariy to excavate the land, the owner or the occupier shall incur the expense in doing so.

116. The Secretary may inspect any work being constructed within the cantonment w ith or without the supporting staff.

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117. If any person who is assigned duty under this Law considers that it is necessary to enter a private place in the cantonment area at the time of absence of the owner or occupier or if he refuse to open the gate or other obstructions although he is present, it may be entered by removing the obstruction with two responsible elder persons of the relevant ward.

118. Any person who interferes or obstructs the performance of the work of any person assigned duty by the Chairman may be punished with fine not exceeding ten thousand kyats.

119. In respect of notice:

- (a) if time is not limited to do something under this Law, appropriate time shall be determined in such notice or order;
- (b) the Chairman or Secretary shall sign and issue the notices and orders;
- (c) such notice or order shall be sent to the relevant person. If such person cannot be found, it shall be delivered to any member of the family living together in the presence of a witness. If there is no person living at the house of relevant person, such notice or order shall be affixed at the front the house and the approval of the relevant ward or village authority shall be taken. The notice or

order so carried out shall be presumed as if it has been delivered directly to the relevant person.

120. .• If it is a notice that is not to be sent to a person by name but to be distributed for public information, such notice shall be presumed that it has been carried out sufficiently by affixing such notice on the notice board of the office of the Cantonment Development Board or advertising in newspaper or carrying out under the directive of the Chairman.

121. Although the person who fails to comply with the notice or order issued under this Law has served the sentence, the Chairman shall, by informing him in writing, cause to continue to carry out the matters to be complied and carried out under the directive.

122. In addition to the terms and condition relating to the collection of taxes and revenues, the Chairman shall recover the tax, revenue and debt as if they were arrears of land revenue for the purpose of this Law'.

123. If any person fails to comply with the notice or order in the matter for which punishment is not prescribed in this Law. or violates the provisions contained in this Law, he may be punished with fine not exceeding 5000 kyats. In case of a continuing offence, he may further be punished with fine of 500 kyats for each day of commission.

124. If the licence holder under this Law or his legal representative violates the terms and conditions of the permitted licence, the Chairman may cancel the licence or suspend it for a limited period.

125. In respect of the damage of the property of the Cantonment Development Board, the person convicted shall compensate the value of the damage. If a dispute arises relating to the value the court that passed the judgement shall determine and decide the damages. If there is failure to pay such damages, the Court shall recover it by seizure and sale of the property owned by such person, by issuing warrant according to the Code of Civil Procedure.

126. If no prosecution is made for any offence committed under this Law at the relevant court within a year, no court shall take cognizance of such offence.

127. No prosecution or suit shall lie against the Chairman, Secretary, members or staff appointed at the Cantonment Development Board formed under section 9 for their performance of works in good faith according to this Law. •

128. A person who is not satisfied with the order of the Chairman may file an appeal to the relevant Commander of the Military Region Headquarters, within 90 days, and with the judgment order of the Township Judge to the relevant higher court within 30 days.

129. The application for appeal under section 128 shall be written and submitted together with the copy of the order passed by the Chairman or the Township Judge.

130. (a) If any court cancels any order issued by the Chairman, the Chairman may apply to a higher Court to amend the judgment within 60 days from the day of such cancellation.
- (b) The provisions for the appeal contained in this chapter also apply to the applications for revision under this section.
131. Other than the performance under section 130, the judgment of the appellate authority is final and conclusive in other matters contained in this Law.

Chapter XIII

Rules and Regulations

132. (a) The Ministry of Defence may issue such rules with the approval of the Government, and procedures, orders and directives as may be necessary* for carrying out the provisions contained in this Law.
- (b) Subject to the generality of the powers conferred by sub-section (a), rules may be issued for the following matters, in particular:
- (i) The matter of to whom and in what manner shall the application for permit be made, for using the land owned by the Ministry of Defence in the Cantonment.
- (ii) The matter of by whom such permit may be issued and terms and conditions to be contained in such permit.

133. The Chairman may, with the approval of Cantonment Development Board issue rules and directives for all or any part of the following matters;

- (a) registration of birth and death;
- (b) injection of preventive vaccine;
- (c) levying and collection of tax and fees;
- (d) determining how to light the vehicles parked, driven or towed on the roads within sunset and sunrise;
- (e) seizure and detaining the animals set free without owner in the cantonment;
- (f) prevention and extinction of fire;
- (g) stipulating terms and conditions for the safety of the worker involved in the construction of the building and the public;
- (h) stipulating terms and conditions for the construction, repairing, maintenance of the building, cleansing and repairs of drains, ventilation-shafts, pipes, latrines, urinals, cesspools and other drainage works not provided in this Law;
- (i) prohibiting the discharge of polluted water, foul-smelling water and other obstructive materials into drains;
- (j) stipulating terms and conditions /or keeping of animals which are likely to endanger the public health;

- (k) stipulating the terms and conditions for systematic burial or cremation of corpse, determination of the places of cemeteries, and obtaining the fee for the use of such places;
- (l) stipulating terms and conditions in respect of the goods for sale in the streets or buildings;
- (m) controlling and stipulating terms and conditions for the encamping grounds, pounds, laundry places, guest house and lodging-houses, buildings owned by the association, restaurants, beverage shops and public recreation grounds, entertainment and public places;
- (n) stipulating terms and conditions for the ventilation, lighting, cleansing, constructing drainage and water-supply of the building used for the manufacture and sale of beverages and foods;
- (o) stipulating terms and conditions which shall be complied with in the licences granted under this Law;
- (p) supervising the places where dangerous or offensive odoured goods are traded, so as to secure sanitation therein or to minimize any offensive or dangerous effects arising or likely to arise therefrom;
- (q) stipulating terms and conditions for the construction of any enclosure, fence, tent, awning or other temporary building on any land situated within the cantonment;

stipulating terms and conditions and prohibiting to reserve land area for laying out and building streets in constructing the building; stipulating terms and conditions relating to the parks and gardens and land area stipulated for public use;>

maintenance of trees, flowering plants and grasses grown contiguous to the streets and land area for public use;

stipulating terms and conditions for pastures;

stipulating terms and conditions relating to the public bathing places, laundering place and the use thereof;

determining the place for the advertisements, bill-boards and bus-stop and stipulating terms and conditions for the position, size, or shape thereof;

stipulating manners for the sale of goods by measurement or weight;

causing to obtain licences for the following within the cantonment:

- (i) porters for transport of goods;
- (ii) persons who hire out animals;
- (iii) owners or drivers of vehicles, boats or other conveyances or persons who keep and hire animals;

prescribing the fee payable for a licence granted under sub-section (y), granting, revising, suspending or revoking of the licences;

- (aa) prescribing the charges to be paid for the services of porters; animals, vehicles which carry goods and other conveyances;
- (bb) stipulating terms and conditions for the activities of public health, the prevention of diseases, public safety and welfare;
- (cc) stipulating terms and conditions for the owners of land or building in the cantonment, when they do not reside in the cantonment or travel temporarily outside the cantonment;
- (dd) preventing the spread of infectious or contagious diseases within the cantonment and segregating in, or removing from the cantonment of animals suffering from any infectious or contagious diseases;
- (ee) stipulating terms and conditions for the stables of cowsheds or structures used for keeping sheep, goats or fowls within the cantonment;
- (ff) stipulating terms and conditions for the use of trumpet and sirens, loudspeaker, television, video, karaoke hall in the cantonment;
- (gg) stipulating terms and conditions relating to the administration of the cantonment under this Law.

134. The Chairman may provide in the conditions that a person who fails to comply with the orders and directives issued under section 133 may be punished with fine, as the administrative punishment as follows:

- (a) fine not exceeding ten thousand kyats;

- (b) fine not exceeding ten thousand kyats, and fine not exceeding one thousand kyats for each day of continuous commission of such offence.

135. The rules made under this Law shall be published in the Gazette. A copy of such orders and directives shall be kept at the office of the Cantonment Development Board and shall be open to inspection by any inhabitant of the cantonment.

Chapter XTV

Miscellaneous

136. The powers and duties conferred under this Law are to be performed, when the Chairman is on leave, by the Secretary or any member under the arrangement of the Commanding Officer of the military region for the duties of the Chairman; and when the Secretary is on leave, by any member under the temporary arrangement of the Chairman for the duties of the Secretary.

137. The orders, directives, notices, licences and other documents issued under this Law shall be deemed valid notwithstanding any defect in form.

138. A copy of any receipt, application form, notice, order or of any entry in a register of Cantonment Development Board shall, if duly certified by the legal keeper thereof or any person authorized by the Chairman in this behalf, be deemed admissible in evidence. In producing as evidence relating to such document or entry to the Court the certified copy shall be admitted as if the original document or entry is produced.

139. The officer or staff of a Cantonment Development Board shall not, in any civil proceeding in which the Chairman has no concern and-In the matter which may be completed by issuing the certified copy on particulars contained in a register or document, the original register or document shall not be produced. Moreover, he shall not appear as a witness to testify the truthfulness of a particular or entry therein except by order of the Court,

140. The Cantonment Development Boards and the Chairmen thereof shall be deemed to be the authorized persons of City Development and City Development Board respectively.

141. The Cantonments Act and the Cantonments (House Accommodation) Act *pit* hereby repealed.

Sd/ThanShwe

Senior General

Chairman

The State Peace and Development Council

The State Peace and Development Council

The Law Amending the Petroleum Act, 1934

(The State Peace and Development Council Law No., 33 /2010)

The 10th Waning Day of Nadaw, 1372, M.E.

(31st* December, 2010)

The State Peace and Development Council hereby enacts the following Law:

1. This Law shall be called **the Law Amending the Petroleum Act, 1934**.
2. Sub-section (a) of section 2 of the Petroleum Act, 1934 shall be substituted as follows :

"(a) "petroleum" means any liquid hydrocarbon or mixture of hydrocarbons, and any inflammable mixture (liquid, viscous or solid) containing any liquid hydrocarbons including but not limited to Compressed Natural Gas (CNG), Liquefied Natural Gas (LNG), Liquefied Petroleum Gas (LPG), and so forth
3. Sub-section (b) of section 2 of the Petroleum Act, 1934 shall be substituted as follows:

"(b) "dangerous petroleum" means petroleum having its flashing-point below seventy-six degrees fahrenheit and other hazardous petroleum such as benzene;"
4. Sub-section (d) of section 2 of the Petroleum Act, 1934 shall be substituted as follows :

"(d) "to transport" petroleum means to move petroleum from one place to another in the Union of Myanmar, and includes moving from

one place to another in the Union of Myanmar or across territory in the Union of Myanmar by land, water or pipelines, or any other means."

5. The expression "shall be punishable with line which may extend to five hundred rupees" contained in sub-section (1) of section 23 of the Petroleum Act, 1934 shall be substituted by the expression "shall be punishable with fine which may extend from a minimum of five hundred thousand kyats to a maximum of five million kyats."

6. Sub-section (2) of section 23 of the Petroleum Act, 1934 shall be substituted as follows:

"(2) If any person, having been convicted of an offence punishable under sub-section (1), is again guilty of any offence punishable under that sub-section, he shall be punishable for every such subsequent offence with fine which may extend from a minimum of one million kyats to a maximum of ten million kyats."

7. Sub-section (3) of section 28 of the Petroleum Act, 1934 shall be deleted.

(Sd.) Than Shxve

Senior General

Chairman

The State Peace and Development Council

The Union of Myanmar

The State Peace and Development Council

The Law Amending the Oilfields Act, 1918

(The State Peace and Development Council Law No. 34 / 2010)

The 10th Waning Day of Nadaw 1372 M.E.*

(31st,December,2010)

The State Peace and Development Council hereby enacts the following
Law:

1. This Law shall be called **the Law Amending the Oilfields Act, 1918.**
2. The expression, contained in the Oilfields Act, 1918,” Chairman of the State Peace and Development Council” shall be substituted by the expression “The Minister, the Ministry of Energy”, the expression “Warden” shall be substituted by the expression “Managing Director of the Myanma Oil and Gas Enterprise” , the expression “Assistant Warden” shall be substituted by the expression “General Manager assigned for the relevant notified oilfield the expression “ Financial Commissioner” shall be substituted by the expression ‘the Minister, the Ministry of Energy” respectively.
3. Sub-section (e) of section 2 of the Oilfields Act, 1918 shall be substituted as follows?

"(e) “ Operator” means and includes any company incorporated by or
under the laws of the Union of Myanmar holding a permit to

conduct the petroleum operations or was assigned to conduct the petroleum operations on behalf of the contractor or parties under a contract;”

4. Sub-section (i) of section 4 of the Oil fields Act, 1918 shall be substituted as follows:

“4. (1) the Minister for the Ministry of Energy may, by notification, define the jurisdiction of the Managing Director of the Myanmar Oil and Gas Enterprise.”

5. Sub-section (3) of section 4 of the Oilfields Act, 1918 shall be substituted as follows:

“4.(3) The Minister for the Ministry of Energy may, by notification, appoint General Manager assigned for the relevant notified oilfield to assist the Managing Director of the Myanmar Oil and Gas Enterprise in performing his duties and exercising his power within his jurisdiction.”

6. The expression “shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.” contained in sub-section (2) of section 12 of the Oilfields Act, 1918 shall be substituted by the expression “shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to ten thousand kyats or with both” and the expression “five hundred

rupees” shall be substituted by the expression “fifty thousand kyats” and the expression “one thousand rupees” contained in sub-section (3) of section 13 shall be substituted by the expression “one hundred thousand kyats” respectively.

7. Clause (g) of sub-section (2) of section 13 of the Oilfields Act, 1918 shall be substituted as follows:

“2(g) provide for the prevention of waste of oil or gas and also the prevention of environmental pollution by petroleum operations;”

8. Clause (s) of sub-section (2) of the Oilfields Act, 1918 shall be substituted as follows:

“(2)(s) prescribe the manner in which the operator operating the contract area shall demarcate such area and provide for the preservation of the demarcation marks prescribed;”

9. Sub-section (4) of section 13 of the Oilfields Act, 1918 shall be substituted as follows:

“(4) The Minister for the Ministry of Energy may, also, by rule, attach to the breach of any rule under clauses (g),(h), (i), (j), (k),(l), (m),(w),(x), (y) (dd),(ee), (ff), (ii),(jj) and (11) of sub-section (2) which are to be in accordance with generally accepted international petroleum industry practice the penalty of forfeiture of any permit for the exploration and production of oil or gas or both held by the operator on which the offence has been committed.”

10. Section 5 prescribed in the Oilfields Act, 1918 shall be deleted.
11. Section 14 of the Oilfields Act, 1918 shall be substituted as follows:

“14. For the purpose of carrying out the provisions of this Act:

 - (a) the Ministry of Energy may, with the approval of the Government issue rules and procedures;
 - (b) the Ministry' of Energy may issue regulations, bye-laws, orders and directives.”
12. Section 15 of the Oilfields Act, 1918 shall be substituted as follows:

“15. If there is a dispute between the operators on demarcation of contract area, the Ministry of Energy may intervene in such dispute in accordance with the prevailing rules and regulations.”

(Sd.) Than Shwe

Senior General

Chairman

The State Peace and Development Council

The Union of Myanmar

The State Peace and Development Council

**The Law Amending the Myanmar Maternal and Child Welfare
Association Law**

(The State Peace and Development Council Law No. 35 /2010)

The 10th Waning Day of Nadaw, 1372 M.E.

(31st, December, 2010)

The State Peace and Development Council hereby enacts the following Law:

1. This **Law shall be called the Law Amending the Myanmar Maternal and Child Welfare Association Law.**
2. Sections 7, 7A, 8 and 9 of the Myanmar Maternal and Child Welfare Association Law shall be substituted as follows:

"7. The Ministry of Health shall form the Central Council comprising the following persons, with the approval of the Government:

- | | | |
|-----|---|----------|
| (a) | A person appointed by the Government | Chairman |
| (b) | 10 persons appointed by the Government | Member |
| (c) | 14 Chairmen of the Region or State | Member |
| | Maternal and Child Welfare Supervisory Body | |
| (d) | Chairman of the Nay Pyi Taw Maternal and Child Welfare Supervisory Body | Member |
| (e) | Five persons interested in volunteer service | Member |

8. In the Central Council, the members of the Central Council shall elect, from among themselves, a Vice-Chairman, a Secretary, two Joint Secretaries, a Treasurer and an Auditor other than the Chairman.
9. The Executive Committee of the Central Council shall be formed with a total number of 11 persons comprising the Chairman of the Central Council as the Chairman, the persons elected under section 8 in the positions for which they are elected and other four members of the Central Council elected by the members of the Central Council as the Executive Committee members."
3. Sections 13, 14 and 15 of the Myanmar Maternal and Child Welfare Association Law shall be substituted as follows:
 - "13. The Executive Committee of the Township Association and Branch Associations shall be formed with a total number of seven persons comprising a Chairman, a Secretary, a Treasurer, an Auditor and three members.
 14. In the Executive Committee of the Township Association:
 - (a) the wife of the Officer-in-charge of the Township General Administration Department or, if the Officer-in-charge of the Township General Administration Department has no wife, the wife of an officer of the Township General

Administration Department who is assigned duty by the Officer-in-charge of the Township General Administration Department shall carry out as the Chairman;

- (b) the wife of the Township Medical Officer or, if the Township Medical Officer has no wife, the wife of a township level gazetted Health Officer who is assigned duty by the Chairman of the Township Association shall carry out as the Secretary;
- (e) the wife of the Township Education Officer or, if the Township Education Officer has no wife, the wife of the Educational Service Personnel who is assigned duty by the Chairman of the Township Association shall carry out as the member;
- (d) women interested in volunteer service who are assigned duty by the Chairman of the Township Association shall carry out as the Treasurer, Auditor and two members.

15. In the Executive Committee of the Branch Association:

- (a) the wife of the Chairman of the Ward or Village-tract Peace and Development Council or, if the Chairman of the Ward or Village-tract Peace and Development Council has no wife, a suitable woman who is assigned duty by the

Officer-in-charge of the District General Administration Department has no wife, the wife of a gazetted officer from the relevant District General Administration Department who is assigned duty by the relevant Officer-in-charge of the District General Administration Department as the Chairman and other four suitable women as members and their functions and duties shall be prescribed."

(Sd.) Than Shwe

Senior General

Chairman

The State Peace and Development Council

The State Peace and Development Council

The Law Amending the Animal Health and Development Law

(The State Peace and Development Council Law No. 36 /2010)

The 10th Waning Day of Nadaw ,1372 M.E.

(31st December, 2010)

The State Peace and Development Council hereby enacts the following Law:

1. This Law shall be called **the Law Amending the Animal Health and Development Law**.
2. Sub-sections (a) and (b) of section 2 of the Animal Health and Development Law shall be substituted as follows:
 - “(a) **Animal** means mammal, bird or bee. This expression also includes the semen, ovum or embryo of any category of animal and creature specified as animal by notification issued by the Ministry from time to time.
 - (b) **Animal product** means milk, egg or any part of the body of an animal. This expression also includes bee and bee products obtained from beehive.”
3. Sub-section (e) of section 2 of the Animal Health and Development Law shall be substituted as follows:
 - “(c) **Recommendation Certificate** means a certificate issued by the Department in accordance with the stipulations after inspecting over the animal, animal product or animal feed for importation or re-exportation.”

Chairman of the Ward or Villagertract Peace and
Development Council shall carry out as the Chairman;

- (b) suitable persons who are assigned duty by the Chairman of the Branch Association shall carry out as the Secretary, Treasurer, Auditor and three members."

In section 29 of the Myanmar Maternal and Child Welfare Association

- (a) sub-section (c) shall be substituted as follows:

"(c) in each Region or State, the Region or State Maternal and Child Welfare Supervisory Bodies shall be formed with a total number of five members comprising the wife of the relevant Officer-in-charge of the Region or State General Administration Department or, if the Officer-in-charge of the Region or State General Administration Department has no wife, the wife of a Senior Officer from the Region or State General Administration Department who is assigned duty by the Officer-in-charge of the Region or State General Administration Department as the Chairman and other four suitable women as members and their functions and duties shall be prescribed."

(b) after sub-section (c). sub-section (d) shall be inserted as follows:

"(d) in Nay Pyi Taw, the Nay Pyi Taw Maternal and Child

Welfare Supervisory Body shall be formed with a total number of five members comprising the wife of the Officer-in-charge of the Nay Pyi Taw General Administration Department or, if the Officer-in-charge of the Nay Pyi Taw General Administration Department has no wife, the wife of the Senior Officer from the Nay Pyi Taw General Administration Department who is assigned duty by the Officer-in-charge of the Nay Pyi Taw General Administration Department as the Chairman and other four suitable women as members and their functions and duties shall be prescribed."

(c) -sub-sections (d) and (e) shall be renumbered serially as sub-sections (e) and (f). respectively.

5. After section 29 of the Myanmar Maternal and Child Welfare Association Law, section 29A shall be inserted as follows:

"29A. The District Maternal and Child Welfare Supervisory Body shall form the District Maternal and Child Welfare Supervisory Bodies in each District with a total number of five members comprising the wife of the relevant Officer-in-charge of the District General Administration Department or, if the relevant

4. After sub-section (f) of section 4 of the Animal Health and Development Law, sub-sections (g) and (h) shall be inserted as follows:

“(g) carrying out the works in respect of public health relating to veterinary medicine including prevention and control of contagious diseases infected from animal to human being and inspection of animal, animal products for public health;

(h) carrying out measures of works relating to apiculture.”

5. Section 10 of the Animal Health and Development Law shall be substituted as follows:

“10. A person importing animal, animal product or animal feed shall, in respect of the imported material;

(a) apply to the Department to obtain a recommendation certificate in accord with the prescribed manners for the right of importation, before applying for the import licence or permit to the relevant government department;

(b) submit to the inspection by the Department when it has arrived by importation or when he himself has brought it from overseas.”

6. After sub-section (b) of section 13 of the Animal Health and Development Law, sub-section (c) shall be inserted as follows:

‘■(c) In respect of imported animal, animal product or animal feed, the relevant government department or organization shall:

- (i) communicate and inform urgently to the Department to enable making of necessary- inspections;
- (ii) release or allow the importer to continue to transport them only if he submits the recommendation certificate issued by the Department under sub-section (d) of section 12;
- (iii) transfer them to the Department for enabling to continue to take action as may be necessary', if the recommendation certificate issued by the Department under s"n-<prfinn trO of section 12 cannot be submitted."

7. After sub-section (d) of section 15 of the Animal Health and Development Law, sub-sections (e), (f) and (g) shall be inserted as follows:

- ”(e) may carry out the works in respect of public health relating to veterinary medicine including prevention and control of contagious diseases infected from animal to human being and inspection of animal, animal products for public health by own arrangement or by coordinating with the relevant government department or organization.
- (f) shall collect and record data in respect of livestock breeding, the manufacture of animal product, carrying out the work relating to animal health.
- (g) may carry out measures, as may be necessary, for the prevention and control of contagious disease and the works relating to the

rational appropriation and use of bee habitat in respect of apiculture.”

8. The expressions “ with fine which may extend to Kyats 5,000 or with imprisonment for a term which may extend to 6 months “ contained in sections 22,23 and 24 of the Animal Health and Development Law shall be substituted by the expressions “ with fine not exceeding Kyats 50,000 or with imprisonment for a term not exceeding 1 year " respectively.

9. The expression “ with fine which may extend to Kyats 1,000 ” contained in section 25 of the Animal Health and Development Law shall be substituted by the expression “ with fine not exceeding Kyats 50,000 or with imprisonment for a term not exceeding 6 months or with both.”

10. Section 29 of the Animal Health and Development Law shall be substituted as follows:

“29. A person desirous of importing or exporting animal, animal product or animal feed shall attach the recommendation certificate when he applies to obtain licence or permit to the relevant government department, organization that has the authority to issue relevant licence or permit.**

(Sd.) Than Shwe

Senior General

Chairman

The State Peace and Development Council

The Union of Myanmar

The State Peace and Development Council

The Tipitakadhara Tipitakakovida Selection Board Law

(The State Peace and Development Council Law No. 37 / 2010)

The 10^h Waning Day of Nadaw. 1372 M.E.

(31^s, December. 2010)

The State Peace and Development Council hereby enacts this Law:

Chapter I

Title and Definition

1. This Law shall be called the **Tipitakadhara Tipitakakovida Selection Board Law**.

2. The expressions contained in this Law shall have the meanings given hereunder:

(a) **Ovadacariya Group** means Tipitaka Ovudacariya Group formed under this Law.

(b) **Ovadacariya Sayadaw'** means member Sayadaw of the Tipitaka Ovadacariya Group formed under this Law.

(c) **Selection Board** means the Tipitakadhara Tipitakakovida Selection Board formed under this Law.

(d) **Selection Examination** means the Tipitakadhara Tipitakakovida Selection Examination held under this Law.

Chapter II

Aims

3. 'The aims of this Law are as follows:

- (a) to cause stability development and propagation of Theravada Buddha Sasana in the Union of Myanmar;
- (b) to enable the continuous emergence of outstanding monks of the Sasana who pass the three baskets of Pitakas by reciting from memory and written:
- (c) to enable holding systematically the stable and perpetual Tipitakadhara Tipitakakovidā Selection Examination.

Chapter III

Formation of the Tipitaka Ovadacariya Group

4. The Ministry of Religious Affairs shall form the Tipitaka Ovadacariya Group comprising nine Sayadaws including the Sayadaws of State Central Executive Sangha and other suitable Sayadaws in accord with the counsel of the State Sangha Maha Nayaka Group.
5. The Ovadacariya Sayadaws shall elect the Sayadaw who has the longest period of monkhood among them as the Chairman of Ovadacariya Sayadaw. The Sayadaw assigned duty by the Chairman of the Ovadacariya Group shall act as a secretary Sayadaw.

6. The term of the Ovadacariya Group shall be six years from the day of the formation.
7. The Ministry of Religious Affairs may substitute and assign duty, as may be necessary, to the Ovadacariya Sayadaws and reform the Ovadacariya Group in accord with the counsel of the State Sangha Malta Nayaka Group.
8. The Ovadacariya Group may counsel as may be necessary' to the Selection Board when the Selection Board requests or on its own volition.

Chapter IV

Formation of the Tipitakadhara Tipitakakovida Selection Board

9. The Ministry of Religious Affairs shall form the Jipilakadhara Tipitakakovida Selection Board comprising the Director General of the Religious Affairs Department as Chairman, the Director General of the Department for Promotion and Propagation of the Sasana as Vice-Chairman, suitable six lay persons including at least four experts in the study of Parivatti literature as members, a person assigned duty by the Chairman as secretary.
10. The person who has involved with any of the following facts shall not be assigned duty as a member of the Selection Board:
 - (a) being not a buddhist;
 - (b) being not a Myanmar citizen, associate citizen or naturalized citizen;
 - (c) having removed or terminated from the post of a public servant;

- (d) being convicted due to commission of an offence of moral turpitude.

11. Any member of the Selection Board shall be deemed to be terminated as member from the Selection Board if any of the following causes arises:

- (a) death;
- (b) resigning from membership of the Selection Board;
- (c) involving with any provision contained in section 10;
- (d) being determined as unsound mind as provided in the relevant law;
- (e) departing illegally from the Union of Myanmar;
- (f) committing violation of moral precepts which affect the dignity of the Selection Board;
- (g) being absent from the meeting of the Selection Board for three consecutive times without requesting leave.

12. The Ministry of Religious Affairs shall fill the vacancy and assign duty to a suitable person who has not involved with the provisions contained in section 10 when there is vacancy of any member in the Selection Board.

Chapter V

Functions and Duties of the Selection Board

13. The Selection Board shall, in accord with the counsel of the Ovadacariya Group, carry out the following functions and duties:

- (a) prescribing the scriptures of Pitaka for the selection examination:
 - (b) prescribing the qualifications and disciplines to be abided by the supervisor Sayadaws, examiner , Sayadaws, prompters to rectify Buddhist scriptures who are to participate in the selection examination:
 - (c) prescribing the qualifications to be possessed by reverend monks who sit in the selection examination and the disciplines to be abided by them;
 - (d) holding each two selection examination that are oral and written in every text of live precepts texts of Vinaya Pitaka, five texts of Part I and two texts of Part II of Abhidhamma Pitaka, three Dighanikaya texts of Suttana Pitaka, three Majjhimanikaya texts of Suttana Pitaka. five Samyuttanikaya texts of Suttana Pitaka, eleven Suttana Pitaka Ingutanikaya texts, nine Suttana Pitaka Khudaka Nikaya Part I and eleven texts of Pad II which are scripture texts of Selection Examination.
14. The Selection Board shall carry out the following functions and duties:
- (a) prescribing the day and place to hold the selection examination:
 - (b) administering to confer prizes, certificates, medals, titles and honours offered by the Government to outstanding reverend monks of Sasana who passed in the selection examination,

- (c) administering for enabling to offer rice for alms monthly to the outstanding monks of Sasana who passed in the selection examination;
- (d) administering to honour and support to the teachers and parents of Tipitakadhara Tipitakakovida title recipient Sayadaws;
- (e) administering in accord with the stipulations the donations and offertories received from the Government and other donors;
- (f) holding honouring ceremony for the outstanding monks of Sasana who passed in the selection examination;
- (g) appointing and assigning duty to the suitable, persons to participate and carry out in the selection examination;
- (h) administering for enabling to present train ticket, ship ticket, and other offertories presented by the Government to the outstanding monks of Sasana who passed at least one basket of Pitaka among three baskets of Pitaka in oral and written examinations in respect of Pitaka scriptures;
- (i) administering for enabling to present train ticket, ship ticket, air ticket and other offertories presented by the Government to the outstanding monks of Sasana who passed three baskets of Pitaka up to obtaining the title of Tipitakadhara Tipitakkovida in the oral and written examinations in respect of the Pitaka scriptures.

15. The Selection Board may administer other necessary matters to achieve success of the aims of this Law.

Chapter VI

Holding the Meetings

16. The Ovadacariya Group shall hold the regular meeting once in four months. It may also hold the special meeting if necessary.

17. In the Ovadacariya Group Meetings:

- (a) the Chairman Sayadavv shall act as the Speaker and if he is unable to attend the meeting, the secretary Sayadaw shall act as the Speaker;
- (b) it shall be deemed that a quorum is formed if at least seven meihbers of the Selection Board are present.

18. The Selection Board shall hold the regular meeting once in four months.

It may also hold the^pecial meeting if necessary.

19. In the Selection Board meeting:

- (a) the chairman shall act as the Speaker and if the chairman is unable to attend the meeting, the Vice-Chairman shall act as the Speaker.
- (b) it shall be deemed that a quorum is formed if at least seven members of the Selection Board are present.

20. The Ovadacariya Group and the Selection Board shall jointly hold the regular meeting at least twice in a year. It may also hold the joint special meeting.

if necessary. For enabling to hold Such joint meetings, the secretary of the Selection Board shall send notice in advance to the relevant Sayadaws and lay persons and arrange as may be necessary. The interval between die meetings shall not exceed six months.

21. In the joint meetings of the Ovadacariya Group and the Selection Board:

(a) the Chainnan Sayadaw of Ovadacariya Group shall act as the Speaker. If the Chairman Sayadaw of the Ovadacariya Group is unable to attend the meeting, the Secretary Sayadaw of the Ovadacariya Group shall act as the Speaker.

(b) it shall be deemed that the quorum is formed if at least seven of the Ovadacariya Sayadaws and seven members of the Selection Board are present.

22. All matters relating to selection examination arising in the meeting of Ovadacariya Group, the meeting of Selection Board and the joint meeting of such groups shall be decided by the majority votes of the relevant Ovadacariya Sayadaws and lay persons who are present at the meeting. It shall be decided by the desire of the relevant Speaker if there is an equality of votes cast.

Chapter VII

Fund and Reports

23. The Ministry of Religious Affairs shall bear the necessary expenses in carrying out the functions and duties by the Ovadacariya Group and the Selection Board under this Law.

24. The Selection Board shall keep the donation and offertories obtained from individual donors and organizations in accord with the prescribed procedures by the Ministry of Religious Affairs and spend in accord with the terms and conditions. It shall submit to the inspection of the relevant authority in respect of the spending of funds.

25. The Selection Board shall, in respect of finance and annual reports to the Ministry of Religious Affairs through the Religious Affairs Department:

- (a) submit the estimated expenditure for the next financial year before the end of the present financial year;
- (b) submit the balance sheet as soon as possible after the end of the financial year;
- (c) submit the annual report after having discussed and obtained approval in the last regular meeting of such year.

Chapter VIII

Donating to the Persons who have the Right to Accept the Donations

26. The Ministry of Religious Affairs shall assign duly to the Selection Board as prescribed to enable donation to the following Sanghas and lay persons;

- (a) tire Ovadacariya Sayadaws and the members of the Selection Board who attend the meetings of the relevant Ovadacariya Group and Selection Board for the purpose of carrying out the matters contained in this Law;

- (b) the supervisor Sayadaws, examiner Sayadaws, prompters, to rectify Buddhist scriptures, who serve duty in the selection examination.

27. • The Ministry of Religious Affairs shall present title certificate, medal and insignia prescribed under this Law according to the Pitaka passed to the outstanding monks of Sasana who passed one or two kinds of selection examination contained in sub section (d) of section 13.

28. The Ministry of Religious Affairs, in presenting the title certificate and medal under section 27. shall:

- (a) sign personally by (he Minister of the Ministry of Religious Affairs and the Chairman of the Ovadacariya Group on the title certificate.
- (b) insert seal of Slate and seal of the Selection Board including one white umbrella if he passes one basket of Pitaka, two white umbrellas if he passes two baskets of Pitaka. three while umbrellas if he passes three baskets of Pitaka in the middle of the medal.

29. The outstanding monks of Sasana who are presented rice, train ticket, ship ticket, air ticket and other offerings monthly because of passing the selection examination shall be terminated automatically from such donation if he becomes disqualified due to any of the following causes:

- (a) becoming a lay person;
- (b) death;
- (c) determined as unsound mind in accord with the provisions of the relevant law;
- (d) not accepting decision on moral purity from the relevant Vmisa Group or Vinaya experts in sects of sangha order due to the impeachment of offence of Parajika Vinaya Rule.
- (e) convicted of any offence:
- (0) departing illegally from the Union of Myanmar.

Chapter IX

Miscellaneous

30. The funds and properties, works carried out and pending works, rights and liabilities of the Tipitakadhara Selection Board formed under the Tipitakadhara Selection Board Act, 1960 which was repealed by section 35, shall devolve on the Selection Board.

31. The outstanding monks of Sasana who passed in the Tipitakadhara selection examination held by the Association to Support Buddha Sasana or the Ministry of Religious Affairs on behalf of State Sasana Association before this Law comes into force shall have the right to continue to **enjoy** the deserved rights under this Law consecutively.

32. The matters administered by the Ovadacariya Group or the Selection Board shall not be invalidated due to the vacancy of any relevant member.

33. The rules contained in the first Schedule, the provisions and regulations contained in the second schedule and third schedule of Tipitakadhara Selection Act. 1960 which was repealed by section 35 may continue to be applicable in so far as they are not inconsistent with this Law.

34. In implementing the provisions of this Law:

(a) the Ministry' of Religious Affairs may, with the approval of the Government, issue such rules as may be necessary;

(b) the Ministry of Religious Affairs may issue such procedures, notifications, orders and directives as may be necessary and the Selection Board may issue such orders and directives as may be necessary.

35. The Tipitakadhara Selection Board Act. 1960 is hereby repealed.

(Sd.) Than Shwe

Senior General

Chairman

Tile State Peace and Development Council

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