

# **"The Fundamental Principles and Detailed Basic Principles"**

(Adopted by the National Convention)

## **Chapter (I)**

### **State Fundamental Principles**

**(1) In connection with the State, it is laid down that -**

- (a) Myanmar Naing-Ngan is a sovereign, independent nation;
- (b) the State shall be known as Pyidaungsu Thamada Myanmar Naing-Ngan Daw;
- (c) The State is a nation wherein various national races make their homes together.
- (d) sovereign power of the State is derived from the citizens and is in force in the whole country;
- (e) the territorial boundary of the State is as it is on the day this State Constitution comes into force.

**(2) In connection with the aims and objectives of the State, it is laid down that -** the State is consistently aimed at -

- (a) non-disintegration of the Union,
- (b) non-disintegration of national solidarity,
- (c) perpetuation of sovereignty,
- (d) flourishing of a discipline-flourishing genuine multiparty democracy
- (e) further burgeoning of the noblest and worthiest of worldly values namely justice, liberty and equality in the State,
- (f) for the Tatmadaw to be able to participate in the national political leadership role of the State.

**(3) In connection with multiparty democracy, it is stipulated that -**

- the State practises discipline-flourishing genuine multiparty democracy.

**(4) In connection with State structure, it is laid down that -**

- (a) the Union is constituted by Pyidaungsu (Union) systems;
- (b) the existing seven divisions are designated seven regions and the existing seven states are designated seven states. Those seven regions and seven states are of equal status and authority;
- (c) the names of those seven regions and seven states are retained as they are at present;
- (d) if it is desired to change the name of a region or a state, it shall be done so with enactment of law after ascertaining the wishes of citizens residing in the region or state concerned;
- (e) in regions or states, self-administered areas are to be prescribed for national races who reside together in communities on the same common stretches of land in appropriate sizes of population, other than national races who have already got regions or states;

**(5) In connection with separation and distribution of sovereign State power, it is laid down that -**

- (a) the three branches of State power, namely legislative power, executive power and judicial power are separated as much as possible and exert reciprocal control, check and balance among themselves;
- (b) the three branches of State power, so separated are distributed among Pyidaungsu (Union), regions, states and self-administered areas.

**(6) In connection with legislature, it is laid down that -**

- (a) the legislative power of the State is distributed among Pyidaungsu Hluttaw, Region Hluttaws and State Hluttaws. legislative power stipulated by the State Constitution shall be distributed to self-administered areas;
- (b) Pyidaungsu Hluttaw consists of two Hluttawsone Hluttaw elected on the basis of township as well as on the basis of population and the other one with equal number of representatives elected from regions and states;
- (c) there will be a Region Hluttaw in each of the seven regions and a State Hluttaw in each of the seven states;
- (d) Pyidaungsu Hluttaw, Region Hluttaws and State Hluttaws include Tatmadaw servicemen Hluttaw representatives nominated as such by the Defence Services Commander-in-Chief in numbers stipulated by the State Constitution;
- (e) for national races with appropriate sizes of population, national race representatives are to be permitted to participate in legislatures of regions, states or self-administered areas concerned.

**(7) In connection with executive branch, it is laid down that -**

- (a) the head of executive of the State is the President of the State;
- (b) the executive power of the State is distributed among the administrative organs of Pyidaungsu, regions and states; self-administrative power shall be distributed to self-administered areas as stipulated by the State Constitution;
- (c) Pyidaungsu, regions, states, self-administered areas and district' executive organs include Tatmadaw servicemen nominated by Deform Services Commander-in-Chief to undertake responsibilities of the defence, security, border administration etc.
- (d) for national races of which representatives are so permitted to participate in legislatures of regions, states or self-administered areas in accord with above paragraph (6) sub-paragraph (e), representatives are to be permitted to participate, mainly to undertake their national race affairs, in administration of respective region, state or selfadministered area:

**(8) In connection with the judiciary It is laid down that -**

- (a) the judicial power of the State is distributed among Supreme Court of the Union (Supreme Court), Region Taya Hluttaw (Region High Court), State Taya Hluttaw (State High Court) and law courts of different levels including law courts of self-administered areas:
- (b) in the Pyidaungsu is constituted one Supreme Court of the Union. Supreme Court of the Union is the supreme law court of the State;
- (c) Supreme Court of the Union has powers to issue writs;
- (d) a Region Taya Hluttaw is constituted in each of the regions and a State Taya Hluttaw is constituted in each of the states;

- (e) the following are stipulated as judicial principles-
  - independent administration of justice in accord with law;
  - administration of justice in public except where restricted by law;
  - giving of right of defence and right of appeal by law in cases.

**(9) In connection with the Tatmadaw, it is laid down that -**

- (a) the Tatmadaw is strong, modern and must be the sole existing Tatmadaw;
- (b) the Tatmadaw has the right to independently administer all affairs concerning the forces;
- (c) the Defence Services Commander-in-Chief is the Supreme Commander of all armed forces;
- (d) the Tatmadaw has the right to administer for participation of the entire people in State security and defence;
- (e) the Tatmadaw is mainly responsible for safeguarding non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty;
- (f) the Tatmadaw is mainly responsible for safeguarding the State Constitution.

**(10) In connection with citizens and citizens' fundamental rights and responsibilities, it is laid down that -**

- (a) every citizen shall enjoy rights of equality, rights of liberty and rights of justice etc. as prescribed in the State Constitution;
- (b) there shall be no right to hold a citizen in detention for more than 24 hours without the permission of a law court;
- (c) public peace and tranquillity and prevalence of law and order is the responsibility of every citizen;
- (d) necessary law shall be enacted to make citizens' freedoms, rights, benefits, responsibilities and restrictions effective, firm and complete.

**(11) In connection with the national races, it is laid down that -**

- (a) the State shall help develop language, literature, fine arts and culture of the national races;
- (b) the State shall help promote solidarity, mutual amity, and respect and mutual help among the national races;
- (c) the State shall help promote socio-economic development including education, health, economy, transport and communications of less developed national races.

**(12) In connection with the peasantry, it is laid down that -**

- (a) the State shall enact necessary law to protect the rights of the peasantry;
- (b) the State shall help the peasantry get equitable value for their agricultural produce.

**(13) In connection with workers, it is laid down that -**

- the State shall enact necessary laws to protect the rights of workers.

**(14) In connection with Intellectuals and intelligentsia, it is laid down that -**

- the state shall help promote the interests of the intellectuals and intelligentsia.

- (15) In connection with the State service personnel, it is laid down that -**
- (a) State service personnel shall be free from party politics;
  - (b) the State shall enact necessary laws for State service personnel to have due security in service and sufficiency of food, clothing and shelter, for married women in service to get maternity benefits, and for welfare to ease livelihood of persons who have retired from service.
- (16) In connection with national culture, it is laid down that -**
- the State shall help for development, consolidation and preservation of national culture.
- (17) In connection with education and health, it is laid down that -**
- (a) The State shall earnestly strive to improve education and health of the people;
  - (b) the State shall enact necessary law to enable the national people to participate in matters of education and health of the people;
  - (c) the State shall implement free compulsory primary education system,
  - (d) the State shall implement a modern education system that will promote all-around correct thoughts and good morals and contribute towards building of the nation.
- (18) In connection with agriculture, it is laid down that -**
- the State shall provide inputs such as technology investments, machinery, raw materials etc. as much as it can for changeover from manual to mechanize agriculture.
- (19) In connection with industry, it is laid down that -**
- the State shall provide inputs such as technology investments, machinery, raw materials etc. as much as it can for development of industries.
- (20) In connection with employment, it is laid down that -**
- the State shall, as much as it can, help reduce unemployment among the people.
- (21) In connection with mothers, children, the old and the infirm, it is laid down that -**
- (a) the State shall care for mothers and children, orphans, fallen Tatmadaw servicemen's children, the old and the infirm, and the disabled;
  - (b) the State shall arrange for disabled Tatmadaw servicemen to be able to make a respectable livelihood and get free vocational training.
- (22) In connection with the youths, it is laid down that -**
- the State shall strive to imbue youths with strong and dynamic patriotic spirit, correct way of thinking and the five noble strengths.
- (23) In connection with religion, it is laid down that -**
- (a) every citizen is equally entitled to freedom of conscience and the right freely to profess and practise religion subject to public order, morality or health and to the other provisions of the State Constitution.

**(24) In connection with the economy, it is laid down that -**

- (a) the State economic system shall be market economic system;
- (b) the State permits all economic forces such as the State itself, regional organizations, cooperative organizations, joint-venture organizations and private concerns etc. to take part in economic activities for the development of national economy;
- (c) the State shall prevent acts that harm public interests through monopolization or manipulation of prices by an individual or group with intent to jeopardize fair competition in economic activities;
- (d) the State shall strive towards uplift of living standard of the people and development of general investments;
- (e) the State will not nationalize economic enterprises;
- (f) the State will not demonetize the currency that is legally put into circulation.

**(25) In connection with the land, the waters, the atmosphere and natural resources, it is laid down that -**

- (a) the State is the ultimate owner of all the land, and natural resources above and below the ground, above and beneath the water and in the atmosphere within its territorial boundary;
- (b) the State shall enact necessary law to supervise economic forces' extraction and utilization of State owned natural resources;
- (c) the State shall permit citizens right of private property, right of inheritance, right of private enterprise, right of initiative and right of patent in accord with law.

**(26) In connection with elections, it is laid down that -**

- (a) every citizen shall have the right to vote and to stand for election according to law;
- (b) voters concerned shall have the right, in accord with provisions of the State Constitution, to recall elected people's representatives.

**(27) In connection with political parties, it is laid down that -**

- the State shall enact necessary law for systematic formation of political parties for flourishing discipline-flourishing genuine multiparty democracy.

**(28) In connection with state of emergency, it is laid down that -**

- (a) when there arises a state of emergency characterized by inability to perform executive functions in accord with provisions of the State Constitution in a region or a state or a self-administered area, the President of the State is empowered to exercise executive power in that region, state or self-administered area and if necessary in doing so, the President of the State is empowered to exercise legislative powers concerning that region, state or self-administered area in accord with provisions of the State Constitution;
- (b) when there arises or there is sufficient reason to arise a state of emergency endangering life and property of the people in a region, a state or a self-administered area, the Tatmadaw has the right, in accord with provisions of the State Constitution, to prompt that danger and provide protection;
- (c) when there arises a state of emergency that could cause disintegration of the Union, disintegration of national solidarity and loss of national sovereignty, due to take over of sovereign State power or attempts therefor by wrongful forcible means

such as insurgency or violence, the Defence Services Commander- in-Chief has the right to take over and exercise State power in accord With provisions of the State Constitution.

**(29) In connection with foreign affairs, it is laid down that -**

- (a) the State practises independent, active and nonaligned foreign policy, aims at world peace and friendly relations with nations, and upholds the principles of peaceful co- existence among nations;
- (b) the State *never* starts aggression against ant nation;
- (c) no forcing troops are permitted to be deployed within the borders of the Union.

**(30) In connection with punishments, it is laid down that -**

- (a) there is no right for any penal law to provide for retrospective effect;
- (b) there is no right to prescribe punishments that violate human dignity.

**(31) In connection with the natural environment, It is laid down that -**

- the slate shall protect the natural environment.

**(32) In connection with general provisions, it is laid down that -**

- a Constitutional Tribunal shall be sat up to interpret provisions of the State Constitution; to scrutinize whether or not laws enacted by Pyidaungsu Hluttaw, Region Hluttaws and State Hluttaws and functions of executive authorities of Pyidaungsu, regions, stated and self- administered areas are in conformity with the State Constitution to decide on disputes in connection with the State Constitution between Pyidaungsu and regions, between Pyidaungsu and states, between regions and states, among regions and states and between regions or states and selladministered areas and among selfadministered areas themselves to perform other duties prescribed in the State Constitution.



## Chapter (II)

### The State Structure

- (1) The State is constituted by Pyidaungsu (Union) system.
- (2) The State is delineated and constituted with the seven regions and seven states as follows:
  - Kachin State
  - Kayah State
  - Kayin State
  - Chin State
  - Sagaing Region
  - Taninthayi Region
  - Bago Region

- Magway Region
- Mandalay Region
- Mon State
- Rakhine State
- Yangon Region
- Shan State
- Ayeyawady Region
- Union territories.

(3) Regions and States are of equal status and authority.

(4) If it is desired to change the name of a region or a state, it shall be done so with enactment of law after ascertaining wishes of the citizens who have the right to vote and are residing in the region or state concerned.

**(5) Designation of Union territories**

- (a) Nay Pyi Taw, that is the Capital of the Union, is designated as Union territory placed under direct administration of the President of the Union,
- (b) if the need arises to designate areas that have special situation in connection with national defence' security, administration and economy etc. as Union territories they may be so designated as Union territories after enacting laws.

**(6) Constituting the Union**

- Villages are organized into village -tract,
- wards are organized into town or township,
- village-tracts and wards or towns are organized into township,
- townships are organized into district,
- districts are organized into region or state,
- in a self-administered zone townships therein are organized into the self-administered zone,
- in a self-administered division townships therein are organized into district and districts are organized into the self-administered division,
- if there be self- administered division or selfadministered zone in a region or a state, the sell administered division, self- administered zone an. districts are organized into region or state,
- regions, states and Union territories are organized as the Union.

(7) No part of the territory of the Union, namely regions, states and self- administered areas etc. shall ever secede from the Union.

**(8) Re-delineation of the territorial boundary of the Union**

- (a) If the need arises to re-delineate the territorial boundary of the Union, the President of the Union shall first inform the leader of the Pyidaungsu Hluttaw and ask him to seek the opinion of the Pyidaungsu Hluttaw,
- (b) The leader of the Pyidaungsu Hluttaw, after receiving the intimation of the President of the Union on re-delineation of the territorial boundary of the Union, shall seek the opinions of the Hluttaw representatives as follows:

- (1) assenting votes of more than half the total number of representatives included in the Hluttaw with equal numbers of representatives elected from regions and states,
- (2) assenting votes of more than half the total number of representatives included in the Hluttaw elected on the basis of population,
- (3) assenting votes of more than half the number of representatives from the region or state involving the boundary concerned in the two Hluttaws,
- (c) the leader of the Pyidaungsu Hluttaw, after obtaining the assenting votes as mentioned above, shall inform the President of the Union for redelinate the territorial boundary of the Union,
- (d) If any Hluttaw or representatives from the region state involving the boundary concerned in the two Hluttaws, following the methods mentioned above, dissent in connection with the redelineation of the territorial boundary of the Union, action shall be taken after obtaining the opinion of the Pyidaungsu Hluttaw. If threefourths and upwards of the tot number of the Pyidaungsu Hluttaw representative assent, the leader of the Pyidaungsu Hluttaw shall inform the President of the Union for the re-delineation of the territorial boundary of the Union as necessary,
- (e) the President of the Union shall take necessary measures for re-delineation of the territorial boundary of the Union after obtaining the opinions of the Pyidaungsu Hluttaw.

**(9) Re-delineation of the territorial boundaries of a region or a state**

- (a) If there arises cause to re-delineate the boundary of a region or a state, first of all the wishes of persons with voting rights residing in the township involved in. the re-delineation of the boundary shall be sought,
- (b) re-delineation of the territorial boundary shall not be effected at all without supporting vote of more than half the total number of eligible voters residing in the township involved in the redelineation of the boundary.
- (c) If more than half the total number of eligible voters in the township concerned vote in support at the re-delineation of the boundary, the wishes of the involved region or state Hluttaw representatives shall be sought.
- (d) the President of the Union. with the or the Pyidaungsu Hluttaw shall redelineate the territorial boundary of a region or a state. after getting the supporting vote of three-fourths and upwards of the total number of involved region or state Hluttaw representatives,
- (e) the decision of the Pyidaungsu Hluttaw shall be sought if an invoked region or state Hluttaw passes a decision against re-delineation of the boundary.
- (f) the President of the Union shall re-delineate the boundary of the region or state as necessary if it supported by three-fourths and upwards of the total number of representatives in the Pyidaungsu Hluttaw.

**(10) Re-delineation of the boundary, organization and change of name of a village, village-tract, ward, town, township and district in a region, state, all-administered division or selfadministered zone**

- If occasion arises to make changes in the boundary, organisation or name of a village, village-tract, ward, town, township or district in a region, state, self-administered division or

selfadministered zone, the region or slate executive authority concerned shall submit recommendations to the President of the Union and the President of the Union shall then act accordingly.

**(11) Change of name of a self-administered division or self-administered zone**

- If it is desired to change the name of a selfadministered division or self-administered zone, the same method shall be applied with the case of a change of the name of the region or state.

**(12) In connection with prescribing of selfadministered division or self-administered zone in accord with these basic principles, the following detailed basic principles are laid down:**

- (a) to group together Leshi, Lahe and Namyun Townships in Sagaing Division and prescribe it Naga Self-Administered Zone;
- (b) to group together Ywangan and Pindaya Townships in Shan State and prescribe it Danu Self-Administered Zone;
- (c) to group together Hopong, Hsihseng and Pinlaung Town-ships in Shan State and prescribe it Pa-O Self-Administered Zone;
- (d) to group together Namhsan and Manton Townships in Shan State and prescribe it Palaung Self-Administered Zone;
- (e) to group together Konkyan and Laukkai Townships in Shan State and prescribe it Kokang Self- Administered Zone;
- (f) to group together Hopang, Mongmao, Panwai, Nahpam, Pangsang (Pankham) and Metman townships in Shan State and prescribe it Wa Self- Administered Division;



**Chapter (III)**

**The Head of State**

- (1) The Head of State is the President of the Union,
- (2) The President of the Union represents the nation,
- (3) The President of the Union occupies a position of the highest honour in the whole of the Union of Myanmar,
- (4) **Qualifications of the President and Vice-Presidents -**
  - (a) The President of the Union shall be loyal to the Union and the citizenry,

- (b) The President of the Union must be a citizen of Myanmar who was, and both of whose parents were, born in the territory under the jurisdiction of the State, belonging to the nationality of Myanmar,
- (c) The elected President of the Union shall be a person who has fully attained the age of 45.
- (d) The President of the Union shall be well acquainted with affairs of State such as political, administrative, economic and military affairs,
- (e) The President of the Union shall be a person who has been residing continuously in the country for at least 20 years up to the time of the election,
- (f) The President of the Union himself, parents, spouse, children and their spouses shall not owe allegiance to a foreign power, shall not be subject of a foreign power or citizen of a foreign country. They shall not be persons entitled to the rights and privileges of a subject or citizen of a foreign country,
- (g) The President of the Union shall possess specific qualifications required of the President in addition to qualifications required to stand for election to the Hluttaw.
- (h) The Vice-Presidents shall possess qualifications required of the President.

**(5) Election of the President and Vice-Presidents -**

- (a) The president of the Union shall be elected by the presidential electoral college.
- (b) The presidential electoral college shall be organized with three groups of the Pyidaungsu Hluttaw representatives as follows :
  - (1) Group formed with elected Hluttaw representatives live in the Hluttaw with equal numbers of representatives elected from regions and states.
  - (2) Group formed with elected Hluttaw representatives lives in the Hluttaw elected on the basis of population and township.
  - (3) Group formed with Tatmadaw member Hluttaw representatives nominated as such by the Commander-in-Chief of the Defence Services for the said two Hluttaws.
- (c) Each group shall elect a Vice-President from among Hluttaw representatives or from among persons who are not Hluttaw representatives,
- (d) A body comprising trio leaders and deputy leaders of the Pyidaungsu Hluttaw and the two Hluttaws of the Pyidaungsu Hluttaw shall scrutinize whether or not the Vice-Presidents possess the qualification prescribed for the President,
- (e) The presidential electoral college made up of all the Pyidaungsu Hluttaw representatives shall elect by vote one of the three Vice-Presidents who are presidential candidates, as the President of the Union;
- (f) Law shall be enacted as required for presidential election.

**(6) Term of office of the President or the Vice- Presidents -**

- (a) The term of office of the president or the Vice-Presidents is five years,
- (b) After expiry of incumbent term, the President and the Vice- Presidents shall carry on in office till the time the new President and Vice-Presidents are duly elected,
- (c) The President and the Vice-Presidents shall not serve more than two terms,
- (d) An interim period to serve as the President or the Vice- President shall not be counted as one term of office,

(e) If a vacancy is filled for the presidency or Vice-Presidency for any reason, the term of office of the President or the Vice-President shall be up to the end of the original term of office.

(7) The President or the Vice-Presidents shall not be representatives of any Hluttaw.

(8) If a Hluttaw representative be elected President or Vice-President, this person shall be deemed to have resigned from his seat in the Hluttaw, and if a service personnel be elected President or Vice- President, the person shall be deemed to have resigned or retired from the date of such election.

(9) If a person elected President or Vice-President happens to be member of a political party, this person shall not participate in party activities of that party organization, from the date of such election, during the term of office.

**(10) In taking oath of office by the President and the Vice-Presidents, the following points are to be included:**

- to be loyal to the Union of Myanmar and the citizenry,
- to hold always in esteem non-disintegration of the Union. non-disintegration of national solidarity and perpetuation at sovereignty,
- to uphold and abide by the State Constitution and to abide by laws of the State.
- to carry out the responsibilities uprightly to the best of ones ability.
- to strive for further flourishing of worldly values such as justice. liberty and equality,
- to solemnly declare and pledge dedication of life and position to the service of the Union of Myanmar

(11) The President or the Vice-Presidents shall exercise responsibilities and rights assigned and vested by the constitution and other laws.

(12) The President and the Vice-Presidents shall not accept any other office or position of emolument.

(13) The President and the Vice-Presidents shall furnish lists of assets namely family owned land, houses, buildings, businesses savings and other valuables stating their values belonging to the respective families led by theft and send them to the leader of the Pyidaungsu Hluttaw.

(14) The President and the Vice-Presidents shall be entitled to enjoy the emolument and facilities of office in accord with law. Each shall also be entitled to have a suitable residence.

(15) Except in the case of removal from office following impeachment, the President and the Vice- Presidents shall enjoy pension and appropriate allowances on retirement after expiry of the term of office.

**(16) Impeachment of the President or the Vice-President**

(a) The President or any Vice-President shall be impeached for one of the following reasons:

- (1) treason,
- (2) violation of provisions in the Constitution.
- (3) misconduct,
- (4) being disqualified for the Presidency or Vice-Presidency under the Constitution,
- (5) inefficient discharge of duties assigned to him in accord with the law.

(b) If it is desired to impeach the President or any Vice-President, not less than one fourth of the total membership of any of the two Hluttaws included in the Pyidaungsu Hluttaw is to sign a charge and submit it to the leader of the Hluttaw concerned,

(c) Further action shall be taken if not less than two-thirds of the total membership of the Hluttaw concerned support the charge,

(d) If one Hluttaw supports to take action in connection with the charge, the other Hluttaw shall investigate the charge or form a body to investigate the charge,

(e) The President or the Vice-President shall have the right to refute the charge personally or through a representative when it is investigated,

(f) If not less than two-thirds of the total membership of the Hluttaw by which the charge was investigated or caused to be investigated declares after the investigation that the charge has been sustained and then decides that the offence, the subject of the charge, is such as to render the President or the Vice-President unfit to continue in office, that Hluttaw shall submit it to the leader of the Pyidaungsu Hluttaw to remove the President or Vice-President from office,

(g) The leader of the Pyidaungsu Hluttaw shall proclaim removal of the President or Vice-President immediately after the receipt of the intimation.

(17) The President or Vice-President shall be allowed to resign from office of his own volition before the expiry of the term of office.

**(18) In connection with the methods to be applied if the post of the President or Vice-President falls vacant -**

(a) one of the Vice-Presidents who has won the second highest votes in the presidential election shall serve as Acting President if the post of the President falls vacant due to his resignation, death, permanent disability or any other cause.

(b) a vacancy of the President comes about while the Pyidaungsu Hluttaw is in session, the Acting President shall promptly inform the leader of the Pyidaungsu Hluttaw for filling it within seven days.

(c) on receipt of the intimation, the leader of the Pyidaungsu Hluttaw shall move for electing of a Vice-President by the representatives group which had elected the Vice-President who later got elected President but now vacated the presidency,

(d) after the representatives group concerned has elected a Vice-President, the electoral college made up of all the Pyidaungsu Hluttaw representatives shall elect the President of the Union out of three Vice-Presidents,

(e) if the vacancy comes about when the Pyidaungsu Hluttaw is not in session, the leader of the Pyidaungsu Hluttaw shall summon a Pyidaungsu Hluttaw session within 21 days from the date of receipt of the intimation from the Acting President and carry on for filling the vacant presidency in the way stated above.

(f) if the post of a Vice-President falls vacant due to resignation, death, permanent disability or any other cause while the Pyidaungsu Hluttaw is in session, the President shall promptly inform the leader of the Pyidaungsu Hluttaw to enable the Hluttaw representatives group which has elected the just vacated Vice-President to elect a new Vice-President within seven days.

(g) if the vacancy comes about when the Pyidaungsu Hluttaw is not in session the leader of the Pyidaungsu Hluttaw shall summon the Pyidaungsu Hluttaw session within 21 days, and carry on for filling the Vice-Presidency by the Hluttaw representatives group in the prescribed method.



## **Chapter (IV)**

### **Legislature**

#### **Formation of Legislature**

##### **1. In connection with the legislature,**

(a) the legislative powers of the State are distributed among Pyidaungsu Hluttaw, region hluttaws and state hluttaws;

(b) legislative power prescribed by the Constitution is distributed to self-administered areas.

##### **2. In connection with the two Hluttaws,**

(a) the Hluttaw formed with Hluttaw representatives elected on the basis of population as well as on the basis of township and Tatmadaw member Hluttaw representatives nominated by the Commander-in-Chief of the Defence Services shall be known as Pyithu Hluttaw;

(b) the Hluttaw formed with Hluttaw representatives elected in equal numbers from regions and states and Tatmadaw member Hluttaw representatives nominated by the Commander-in-Chief of the Defence Services shall be known as Amyotha Hluttaw.

#### **Formation of the Pyidaungsu Hluttaw**

### **3. In connection with formation of the Pyidaungsu Hluttaw,**

Pyidaungsu Hluttaw comprises the following two Hluttaws:

- (a) Pyithu Hluttaw formed with Hluttaw representatives elected on the basis of population as well as on the basis of township and Tatmadaw member Hluttaw representatives nominated by the Commander-in-Chief of the Defence Services;
- Amyotha Hluttaw formed with Hluttaw representatives elected in equal numbers from regions and states and Tatmadaw member Hluttaw representatives nominated by the Commander-in-Chief of the Defence Services.

### **4. In connection with formation of Pyithu Hluttaw,**

“Pyithu Hluttaw shall be formed with a maximum of 440 Hluttaw representatives as follows:

- (a) Not more than 330 Hluttaw representatives elected on the basis of township as well as on the basis of population from constituencies designated in accord with the law after combining a newly formed township with one of the suitable townships adjacent to it if the total number of townships exceeds 330;
- (b) Not more than 110 Tatmadaw member Hluttaw representatives nominated in accord with law by the Commander-in-Chief of the Defence Services.”

### **5. In connection with the leaders and the deputy leaders of respective Hluttaws,**

– the leader who is to lead in supervising the Hluttaw meeting held for the taking of oath of office by Hluttaw representatives and electing of Hluttaw okkahta and deputy okkahta on the day of commencement of the first Hluttaw meeting for each tenure of a Hluttaw concerned shall be called thabapati; the leader and the deputy leader of Pyidaungsu Hluttaw shall be called nayaka and the deputy nayaka; the leader and the deputy leader of Pyithu Hluttaw, Amyotha Hluttaw, region hluttaw or state hluttaw shall be called okkahta and deputy okkahta.

### **6. In connection with election of thabapati of Pyithu Hluttaw.**

- (a) a Pyithu Hluttaw representative shall be elected as thabapati of Pyithu Hluttaw at the commencement of the first meeting of Pyithu Hluttaw for each tenure of Pyithu Hluttaw;
- (b) the thabapati shall take the oath of office before the Pyithu Hluttaw;
- (c) the thabapati shall supervise the Pyithu Hluttaw meeting till completion of election of okkahta and deputy okkahta of Pyithu Hluttaw.

### **7. In connection with election of okkahta and deputy okkahta of Pyithu Hluttaw,**

- (a) in Pyithu Hluttaw,
  - (1) Pyithu Hluttaw representatives shall elect one okkahta and one deputy okkahta from amongst Pyithu Hluttaw representatives;
  - (2) In the event the post of okkahta or deputy okkahta becomes vacant, a replacement shall be elected at the nearest meeting of Pyithu Hluttaw;

- (3) In the event okkahta is unable to perform the duties of okkahta, deputy okkahta shall temporarily perform the duties of okkahta.
- (b) methods for electing okkahta and deputy okkahta of Pyithu Hluttaw shall be prescribed by law.

**8. In connection with performance and termination of duties of okkahta and deputy okkahta of Pyithu Hluttaw,**

- (a) Okkahta and deputy okkahta of Pyithu Hluttaw shall perform their duties up to the time before commencement of the first meeting of the next tenure of Pyithu Hluttaw;
- (b) Okkahta or deputy okkahta, in the event of resigning from the post, being caused to cease to be Pyithu Hluttaw representative, having no right to continue to be Pyithu Hluttaw representative, being withdrawn by Pyithu Hluttaw from duties of okkahta or deputy okkahta, or passing away, shall have been caused to cease to be okkahta or deputy okkahta.

**9. In connection with responsibilities, rights and privileges of okkahta and deputy okkahta of Pyithu Hluttaw,**

– responsibilities, rights and privileges of okkahta and deputy okkahta of Pyithu Hluttaw shall be prescribed by law.

**10. In connection with the status of okkahta and deputy okkahta of Pyithu Hluttaw,**

– Okkahta of Pyithu Hluttaw is prescribed to be of the same status as Vice - President, and the deputy okkahta is prescribed to be of the same status as Union Minister, for the purpose of reference in prescribing by law responsibilities, rights and privileges of okkahta and deputy okkahta of Pyithu Hluttaw.

**Formation of Pyithu Hluttaw Committees**

**11. In Pyithu Hluttaw,**

**(a) In connection with formation of Pyithu Hluttaw committees,**

- (1) Pyithu Hluttaw shall form bills committee, public accounts committee, Hluttaw rights committee, and government's guarantees, pledges and undertakings scrutiny committee with Pyithu Hluttaw representative;
- (2) In the event occasion arises to have studies made and submitted on defence and security matters or Tatmadaw affairs, Pyithu Hluttaw shall form the defence and security committee with Tatmadaw member Pyithu Hluttaw representatives, prescribing a period of time for it. The defence and security committee so formed may if necessary co-opt non-Tatmadaw member Pyithu Hluttaw representatives in accord with requirements at work;
- (3) If necessary to have studies made and submitted on legislative affairs, executive affairs, national races affairs, economic affairs, financial affairs, social affairs, foreign affairs or other affairs, Hluttaw committees may be formed with Pyithu Hluttaw representatives, with a period of time prescribed for it;

(4) Pyithu Hluttaw shall prescribe the number of members, duties, rights, privileges and tenures of Pyithu Hluttaw committees;

(5) for forming a joint committee comprising equal numbers of representatives from Pyithu Hluttaw and Amyotha Hluttaw, if some matter arises to coordinate with Amyotha Hluttaw, Pyithu Hluttaw may elect and assign Pyithu Hluttaw representatives who will serve on that committee. The tenure of the joint committee shall be up to the time of submitting the report to the Hluttaw concerned.

(6) In the event both Pyithu Hluttaw and Amyotha Hluttaw have some matter to study, apart from matters to be handled by committees as in Sub - paragraphs (1) and (2) mentioned above, okkahtas of these Hluttaws may coordinate between themselves and form a joint committee comprising equal numbers of representatives from Pyithu Hluttaw and Amyotha Hluttaw. Pyithu Hluttaw may elect and assign Pyithu Hluttaw representatives to serve on that committee. The tenure of that joint committee shall be up to the time of submitting the report to the Hluttaw concerned.

**(b) In connection with formation of Pyithu Hluttaw commissions and bodies,**

(1) If necessary to study matters other than those studied by Pyithu Hluttaw Committees, Pyithu Hluttaw may form commissions and bodies with Pyithu Hluttaw representatives or with inclusion of suitable citizens;

(2) When forming those commissions and bodies, Pyithu Hluttaw shall prescribe the number of members, duties, rights and privileges of those commissions and bodies.

**12. In connection with the tenure of Pyithu Hluttaw,**

– The tenure of Pyithu Hluttaw is five years from the day of commencement of the first meeting of that Hluttaw.

**13. In connection with formation of Amyotha Hluttaw,**

– Amyotha Hluttaw shall be formed with a maximum of 224 Hluttaw representatives, as follows:

(a) 168 Amyotha Hluttaw representatives elected in equal numbers of 12 from each region or state inclusive of the respective Union territories, and including one representative from each selfadministered division or self-administered zone;

(b) 56 Tatmadaw member Amyotha Hluttaw representatives nominated by the Commander-in-Chief of Defence Services in accord with law at the rate of four representatives from each region or state inclusive of the respective Union territories.

(c) In forming the Amyotha Hluttaw in accord with the subparas (a) and (b), the words “the respective Union territories” mean Union territories designated by this Constitution and Union territories proclaimed by Pyidaungsu Hluttaw after enacting laws concerning the matter to elect Amyotha Hluttaw representatives are inclusive in the State or Division or the Region or State they are included in.

**14. In connection with election of thabapati of Amyotha Hluttaw,**

- (a) an Amyotha Hluttaw representative shall be elected as thabapati of Amyotha Hluttaw at the commencement of the first meeting of Amyotha Hluttaw for each tenure of Amyotha Hluttaw;
- (b) the thabapati shall take the oath of office before the Amyotha Hluttaw;
- (c) the thabapati shall supervise the Amyotha Hluttaw meeting till completion of election of okkahta and deputy okkahta of Amyotha Hluttaw.

**15. In connection with election of okkahta and deputy okkahta of Amyotha Hluttaw,**

- (a) in Amyotha Hluttaw,
  - (1) Amyotha Hluttaw representatives shall elect one okkahta and one deputy okkahta from amongst Amyotha Hluttaw representatives;
  - (2) In the event the post of okkahta or deputy okkahta becomes vacant, a replacement shall be elected at the nearest meeting of Amyotha Hluttaw;
  - (3) In the event okkahta is unable to perform the duties of okkahta, deputy okkahta shall temporarily perform the duties of okkahta.
- (b) methods for electing okkahta and deputy okkahta of Amyotha Hluttaw shall be prescribed by law.

**16. In connection with performance and termination of duties of okkahta and deputy okkahta of Amyotha Hluttaw,**

- (a) Okkahta and deputy okkahta of Amyotha Hluttaw shall perform their duties up to the time before commencement of the first meeting of the next tenure of Amyotha Hluttaw;
- (b) Okkahta or deputy okkahta, in the event of resigning from the post, being caused to cease to be Amyotha Hluttaw representative, having no right to continue to be Amyotha Hluttaw representative, being withdrawn by Amyotha Hluttaw from duties of okkahta or deputy okkahta, or passing away, shall have been caused to cease to be okkahta or deputy okkahta.

**17. In connection with responsibilities, rights and privileges, of okkahta and deputy okkahta of Amyotha Hluttaw,**

– responsibilities, rights and privileges of okkahta and deputy okkahta of Amyotha Hluttaw shall be prescribed by law.

**18. In connection with the status of okkahta and deputy okkahta of Amyotha Hluttaw,**

– Okkahta of Amyotha Hluttaw is prescribed to be of the same status as Vice-President, and the deputy okkahta is prescribed to be of the same status as Union Minister, for the purpose of reference in prescribing by law responsibilities, rights and privileges of okkahta and deputy okkahta of Amyotha Hluttaw.

**19. In connection with formation of Amyotha Hluttaw committees,**

- (a) Amyotha Hluttaw shall form bills committee, public accounts committee, Hluttaw rights committee, and government's guarantees, pledges and undertakings scrutiny committee with Amyotha Hluttaw representatives;
- (b) In the event occasion arises to have studies made and submitted on defence and security matters or Tatmadaw affairs, Amyotha Hluttaw shall form the defence and security committee with Tatmadaw member Amyotha Hluttaw representatives, prescribing a period of time for it. The defence and security committee so formed may if necessary co-opt non-Tatmadaw member Amyotha Hluttaw representatives in accord with requirements at work;
- (c) If necessary to have studies made and submitted on legislative affairs, executive affairs, national races affairs, economic affairs, financial affairs, social affairs, foreign affairs or other affairs, Hluttaw committees may be formed with Amyotha Hluttaw representatives, with a period of time prescribed for it;
- (d) Amyotha Hluttaw shall prescribe the number of members, duties, rights, privileges and tenures of Amyotha Hluttaw committees;
- (e) For forming a joint committee comprising equal numbers of representatives from Amyotha Hluttaw and Pyithu Hluttaw, if some matter arises to coordinate with Pyithu Hluttaw, Amyotha Hluttaw may elect and assign Amyotha Hluttaw representatives who will serve on that committee. The tenure of the joint committee shall be up to the time of submitting the report to the Hluttaw concerned;
- (f) In the event both Amyotha Hluttaw and Pyithu Hluttaw have some matter to study, apart from matters to be handled by committees as in Subparagraphs (a) and (b) mentioned above, okkahtas of these Hluttaws may coordinate between themselves and form a joint committee comprising equal numbers of representatives from Amyotha Hluttaw and Pyithu Hluttaw. Amyotha Hluttaw may elect and assign Amyotha Hluttaw representatives to serve on that committee. The tenure of that joint committee shall be up to the time of submitting the report to the Hluttaw concerned.

**20. In connection with formation of Pyithu Hluttaw commissions and bodies,**

- (a) If necessary to study matters other than those studied by Amyotha Hluttaw committees, Amyotha Hluttaw may form commissions and bodies with Amyotha Hluttaw representatives or with inclusion of suitable citizens;
- (b) When forming those commissions and bodies, Amyotha Hluttaw shall prescribe the number of members, duties, rights and privileges of those commissions and bodies.

**21. In connection with the tenure of Amyotha Hluttaw,**

– The tenure of Amyotha Hluttaw is the same as that of Pyithu Hluttaw. The tenure of Amyotha Hluttaw expires on the day that of Pyithu Hluttaw expires.

**22. In connection with performance of duties by the nayaka and deputy nayaka of Pyidaungsu Hluttaw,**

- (a) The okkahta and deputy okkahta of Amyotha Hluttaw shall serve also as the nayaka and deputy nayaka of Pyidaungsu Hluttaw from the day the tenure of office the Pyithu Hluttaw commences up to the end of 30 months. The okkahta and deputy okkahta of Pyithu Hluttaw shall serve also as nayaka and deputy nayaka of Pyidaungsu Hluttaw for the remaining tenure of office;
- (b) In the event the nayaka of Pyidaungsu Hluttaw is unable to perform the duties of nayaka, the deputy nayaka shall temporarily perform the duties of the nayaka.

**23. In connection with formation of the Region Hluttaw or State Hluttaw,**

Region or State Hluttaw shall be formed as follows:

- (a) In Regions or States, Region or State Hluttaw representatives - two elected from each township;
- (b) In Regions, Region Hluttaw representatives — one elected from each national race decided by the authorities concerned as having population which constitutes 0.1 percent of the population of the State, of the remaining national races other than those who have already got the respective Region or as self-administered area in that region;
- (c) In State, State Hluttaw representatives- one elected from each national race decided by the authorities concerned as having population which constitutes 0.1 percent of the population of the State, of the remaining national races other than those who have already got the respective State or a self-administered area in that state;
- (d) Region or State Tatmadaw member Hluttaw representatives nominated by the Commander-in-Chief of Defence Services in a number equal to one - third of the total number of Hluttaw representatives elected under subparagraphs (a) and (b) or (a) and (c).

**24. In connection with election of the thabapati of Region or State Hluttaw,**

- (a) A Region or State Hluttaw representative shall be elected as thabapati of Region or State Hluttaw at the commencement of the first meeting of Region or State Hluttaw for each tenure of Region or State Hluttaw;
- (b) The thabapati shall take the oath of office before the Region or State Hluttaw;
- (c) The thabapati shall supervise the Region or State Hluttaw meeting till completion of election of okkahta and deputy okkahta of Region or State Hluttaw.

**25. In connection with election of okkahta and deputy okkahta of Region or State Hluttaw,**

- (a) in Region or State Hluttaw,
  - (1) Region or State Hluttaw representatives shall elect one okkahta and one deputy okkahta from amongst Region or State Hluttaw representatives;
  - (2) In the event the post of okkahta or deputy okkahta becomes vacant, a replacement shall be elected at the nearest meeting of the Hluttaw;

- (3) In the event okkahta is unable to perform the duties of okkahta, deputy okkahta shall temporarily perform the duties of okkahta.
- (b) methods for electing okkahta and deputy okkahta of Region or State Hluttaw shall be prescribed by law.

**26. In connection with performance and termination of duties of okkahta and deputy okkahta of Region or State Hluttaw;**

- (a) Okkahta and deputy okkahta of Region or State Hluttaw shall perform their duties up to the time before commencement of the first meeting of the next tenure of Region or State Hluttaw;
- (b) Okkahta or deputy okkahta, in the event of resigning from the post, being caused to cease to be Region or State Hluttaw representative, having no right to continue to be Region or State Hluttaw representative, being withdrawn by Region or State Hluttaw from duties of okkahta or deputy okkahta, or passing away, shall have been caused to cease to be okkahta or deputy okkahta.

**27. In connection with responsibilities, rights and privileges of okkahta and deputy okkahta of Region or State Hluttaw, - responsibilities, rights and privileges of okkahta and deputy okkahta of Region or State Hluttaw shall be prescribed by law.**

**28. In connection with the status of okkahta and deputy okkahta of Region or State Hluttaw,**

- Okkahta of Region or State Hluttaw is prescribed to be of the same status as Union Minister and the deputy okkahta is prescribed to be of the same status as Region or State Minister, for the purpose of reference in prescribing by law responsibilities, rights and privileges of okkahta and deputy okkahta of Region or State Hluttaw.

**29. In connection with formation of Region or State Hluttaw committees and bodies,**

- (a) The Region or State Hluttaw may, if and when necessary, form committees and bodies with the Region or State Hluttaw representatives concerned to study and report on legislative affairs and national races affairs entrusted by the Constitution;
- (b) The Region or State Hluttaw may include suitable citizens in the committees and bodies;
- (c) When forming committees and bodies, Region or State Hluttaw shall prescribe the number of members, duties, rights, privileges and tenure of those committees or bodies.

**30. In connection with the tenure of Region or State Hluttaw,**

– The tenure of Region or State Hluttaw is the same as that of Pyithu Hluttaw. The tenure of Region or State Hluttaw expires on the day that of Pyithu Hluttaw expires.

**31. In connection with duties, rights and privileges of Pyithu Hluttaw, Amyotha Hluttaw and Region or State Hluttaw representatives,**

– duties, rights and privileges of Pyithu Hluttaw, Amyotha Hluttaw and Region or State Hluttaw representatives shall be prescribed by law.

**32. In connection with prescribing of the qualifications of the Pyithu Hluttaw representatives,**

– Persons who possess the following qualifications have the right to stand for election as Pyithu Hluttaw representatives:

- (a) having attained the age of 25 years;
- (b) being a citizen born of parents both of whom are also citizens;
- (c) having settled in the Union of Myanmar for at least 10 consecutive years up to the time of being elected Pyithu Hluttaw representative; Exception - ‘The period of staying abroad with the permission of the government shall be deemed to have settled in the Union.
- (d) possessing qualifications prescribed in the election law.

**33. In connection with those who have no right to stand for election as Pyithu Hluttaw representatives,**

The following persons shall not have the right to stand for election as Pyithu Hluttaw representatives:

- (a) person serving prison term, having been convicted by the court concerned for having committed an offence;
- (b) person still within the period the authorities have prescribed that he or she has no right to be elected as Pyithu Hluttaw representative for having been punished for a commitment of offence that makes him or her lose qualifications required of a Pyithu Hluttaw representative before or after the State Constitution comes into force;
- (c) persons adjudged to be of unsound mind as provided for in the relevant law;
- (d) person who has not yet been cleared from being declared destitute;
- (e) person owing allegiance to a foreign government, or a subject of a foreign government or a citizen of a foreign country;
- (f) person who is entitled to rights and privileges of a subject of a foreign government, or a citizen of a foreign country;
- (g) person who obtains and makes use or member of an organization that obtains and makes use of money, land, housing, building, vehicle, property etc. directly or indirectly from a foreign country’s government, or religious organization or other organizations;
- (h) person who commits or abets or member of an organization that commits or abets acts of inciting, making speeches or issuing declarations to vote or not to vote;
- (i) members of a religious order;
- (j) civil service personnel;

**proviso:** The expression shall not apply to Tatmadaw member Hluttaw representatives.

(k) person who obtains and makes use or member of an organization that obtains and makes use of State funds, land, housing, buildings, vehicles or property directly or indirectly;

**proviso:** (1) The expression 'State funds' does not apply to pension or allowances officially granted by the State for services rendered for the benefit of the State.

(2) The expression 'land, housing, buildings, vehicles and property belonging to the State' does not apply to State-owned land, housing, buildings and apartments, other buildings and apartments, State-owned aircraft, trains, vessels and motorcars and property etc. which have been permitted by the State to be used under an existing law or as required by duty or leased from the State on payment;

(l) person still within the period the authorities have pre-scribed that he or she has no right to be elected as Pyithu Hluttaw representative for commission of an unlawful act or for failure to act in conformity under the election law making him or her lose qualifications required of a Pyithu Hluttaw representative before or after the State Constitution comes into force.

**34. In connection with qualifications of Tatmadaw member Hluttaw representatives,**

- Tatmadaw members nominated by the Commander-in-Chief of the Defence Services as Pyithu Hluttaw representatives in accord with law shall possess qualifications prescribed for Pyithu Hluttaw representatives.

**35. In connection with qualifications of Amyotha Hluttaw representatives,**

- Amyotha Hluttaw representatives

(a) shall have completed 30 years of age;

(b) shall possess qualifications to have the right to stand for election as Pyithu Hluttaw representatives other than the age limit;

(c) shall be subject to provisions which disqualify a person from standing for election as Pyithu Hluttaw representatives.

**36. In connection with the qualifications of Tatmadaw member Amyotha Hluttaw representatives,**

Tatmadaw members nominated by the Commander-in-Chief of the Defence Services as Amyotha Hluttaw representatives in accord with law shall possess qualifications prescribed for Amyotha Hluttaw representatives.

**37. In connection with qualifications of the Region or State Hluttaw representatives,**

Region or State Hluttaw representatives

(a) shall possess qualifications to have the right to stand for election as Pyithu Hluttaw representatives;

(b) shall be subject to provisions which disqualify a person from standing for election as Pyithu Hluttaw representatives.

**38. In connection with the qualifications of Tatmadaw member Region or State Hluttaw representatives,**

- Tatmadaw members nominated by the Commander-in-Chief of the Defence Services as Region or State Hluttaw representatives in accord with law shall possess qualifications prescribed for the Region or State Hluttaw representatives.

**Sharing of Legislative Power**

**1. Concerning Defence and Security of the Union**

**(A) In the Union Legislative List -**

1. The defence of the Union of Myanmar and of its every part, and to prepare a defence programme thereof;
2. Defence and security industries;
3. Arms and ammunition and explosives including biological and chemical weapons;
4. Nuclear energy, nuclear fuel and radiation, and mineral resources that produce them;
5. Declaration of war and declaration of peace;
6. Peace and stability of State and the rule of law;
7. Police Force.

**2. Concerning foreign affairs sector**

**(A) In the Union Legislative List -**

1. diplomats, consular officials and trade representatives;
2. the United Nations;
3. participation in international, regional and bilateral conferences, seminars, meetings, associations and other organizations and the implementation of their resolutions;
4. realization and materialization of international and regional treaties, agreements, conventions, bilateral agreements and other contracts;
5. passports, entry visas and certificates of identity;
6. entry into the Union of Myanmar, departure from the country, immigration control and deportation order;
7. the extradition of criminals to the home country and request made therefrom.

**3. Concerning finance and planning affairs**

**(A) In the Union Legislative List -**

- (1) The Union budget
- (2) The Union Fund
- (3) Currency and coinage
- (4) The Central Bank of Myanmar and financial institutions
- (5) Foreign Exchange control
- (6) Capital and money market
- (7) Insurance
- (8) Income tax
- (9) Commercial tax
- (10) Stamp duty

- (11) Customs
- (12) State lottery
- (13) Tax appeal
- (14) Service enterprises of the Union
- (15) Disposal of Union-owned property through sale or rent or other means
- (16) Disbursement of loans from the Union funds
- (17) Investment with the Union funds
- (18) Loans borrowed from inside and outside the country
- (19) Acquisitions of the Union
- (20) External financial assistance and aid
- (21) National Plan
- (22) Data collection
- (23) National Archives
- (24) Investment, and
- (25) Inspection of statistics

**(B) In the Region or State Legislative List -**

- (1) The Region or State Budget
- (2) The Region or State Fund
- (3) Land revenue
- (4) Excise duties (excluding narcotic drugs and psychotropic substances)
- (5) Development Affairs revenues such as building and land revenue, water tax, street light tax, wheel tax
- (6) Service enterprises of the Regions or States
- (7) Disposal of the Region or State-owned property through sale, rent or other means
- (8) Disbursement of loans within the country from the regional or State Fund
- (9) Investment of funds from the Regional or State Fund within the country
- (10) Regional projects
- (11) Small loans enterprise

**4. Concerning economic sector**

**(A) In the Union Legislative List -**

- (1) Economy;
- (2) Trade;
- (3) Cooperatives;
- (4) Corporations, boards, enterprises, companies and partnerships;
- (5) Imports and exports, and control of their quality;
- (6) Hotels and accommodation; and
- (7) Tour business.

**(B) In the Region or State Legislative List -**

1. Economic activities carried out in a region or state in accord with the law enacted by the Pyidaungsu;
2. Trade activities carried out in a region or state in accord with the law enacted by the Pyidaungsu; and
3. Cooperative activities carried out in a region or state in accord with the law enacted by the Pyidaungsu.

## **5. Concerning agriculture and livestock breeding sector**

### **(A) In the Union Legislative List -**

- (1) land management,
- (2) reclamation of vacant, fallow and virgin lands,
- (3) settlement and land records,
- (4) survey
- (5) dams, embankments and water supply managed by Pyidaungsu,
- (6) technology, hydrology and seismic survey,
- (7) registration,
- (8) mechanized farming,
- (9) agricultural research,
- (10) chemical fertilizer and insecticide,
- (11) marine fisheries,
- (12) animal reproduction, disease control and treatment and research

### **(B) In the Region or State Legislative List -**

- (1) agriculture
- (2) prevention and control of pests,
- (3) proper use of chemical fertilizer and systematic production of inorganic fertilizer,
- (4) agricultural loans and savings,
- (5) dams, embankments, lakes, ditches and supply of irrigation water, for which the divisions or states have the right to manage,
- (6) freshwater fisheries, and
- (7) livestock breeding and keeping of animals systematically in accord with the law enacted by the Union

## **6. Concerning energy, electricity, mining and forestry sector**

### **(A) In the Union Legislative List -**

- (1) oil, gas and other liquid and solid products considered dangerously inflammable according to Pyidaungsu Law;
- (2) Union electricity production and distribution;
- (3) minerals, mines, safety of mines workers, and environmental conservation and reconstruction;
- (4) gems;
- (5) pearl;
- (6) forest; and
- (7) conservation and protection of wildlife, natural trees and natural areas including the environment.

### **(B) In the Region or State Legislative List -**

- (1) small electricity production and distribution industry under the supervision of the region or the state, except big and medium electricity production and distribution under the supervision of the Union;
- (2) salt and salt products;
- (3) the cutting and polishing of gem stones in the region or state;

- (4) village-owned fuel wood plantations; and
- (5) recreation centres, zoological gardens and botanical gardens.

## **7. Concerning industrial sector**

### **(A) In the Union Legislative List -**

- (1) Industries to be undertaken by the Pyidaungsu level;
- (2) Industrial Zones;
- (3) Standardization and specification of manufactured commodities;
- (4) Science and technology and research on science and technology;
- (5) Standardization of weights and measures; and
- (6) Intellectual properties such as copyrights, patents, trademarks, industrial designs.

### **(B) In the Region or State Legislative List -**

- (1) Industries other than those designated to be undertaken by the Pyidaungsu level; and
- (2) Cottage industries.

## **8. Concerning transport, communication and construction sector**

### **(A) In the Union Legislative List -**

- (1) Inland Water Transport
- (2) Maintenance of waterways
- (3) Water resources and river systems improvement
- (4) Maritime shipping
- (5) Port terminals
- (6) Lighthouse, lightship and lighthouse facilities
- (7) Shipbuilding, repair and maintenance
- (8) Air transport
- (9) Aviation, flight control and building of airfields
- (10) Road transport
- (11) Railways
- (12) Roads and bridges under the management of Pyidaungsu
- (13) Posts, telecommunications, telephones, fax, e-mail, Internet, Intranet and similar communication services
- (14) TV, satellite communication, transmission and reception and similar communication services
- (15) Residences and buildings

### **(B) In the Region or State Legislative List -**

- (1) Ports, jetties and pontoons under the management of the Region of State
- (2) Roads and bridges under the management of the Region or State
- (3) Systematic movement of the private-owned vehicles within a Region or State.

## **9. Concerning social sector**

### **(A) In the Union Legislative List -**

- (1) Curricula, syllabus, teaching methods, research, and projects and programmes;

- (2) Courses of universities, degree colleges and institutes and other higher education organizations;
- (3) Examinations designed by the Union;
- (4) Private schools and courses;
- (5) National sports;
- (6) National health;
- (7) Development of traditional medical science and medicines;
- (8) Free hospitals and dispensaries and private hospitals and dispensaries;
- (9) Maternal and child welfare;
- (10) Red Cross society;
- (11) Counterfeiting of food, medicines, medical equipment and cosmetics and mixing them with other ingredients;
- (12) Caring children, youths, women, the disabled, the aged and homeless;
- (13) Relief and rehabilitation;
- (14) Fire Brigade;
- (15) Working hours, breaks, holidays, and occupational safety;
- (16) Labour disputes;
- (17) Social security;
- (18) Labour organizations;
- (19) The matters managed by the Pyidaungsu concerning;
  - (aa) archaeological or historical regions, edifices, monuments, records, stone inscriptions, ink inscription on stucco, palm leaves, handwritings, handwork, inanimate objects and archaeological undertakings
  - (bb) Museums and libraries;
- (20) Literature, theatrical art, music, traditional arts and crafts, movies and videos; and
- (21) Birth and death registration.

**(B) In the Region or State Legislative List -**

- (1) Traditional medicines that are not contrary to traditional medicine policies set by the Union;
- (2) Social welfare tasks in regions or states;
- (3) Fire prevention and natural disaster preparedness;
- (4) Freight handling;
- (5) Matters for which the region or the state has the right to supervise;
  - (aa) preservation of cultural heritage;
  - (bb) museums and libraries;
- (6) Opera house, cinema hall and video house; and
- (7) Photo, painting and sculpture exhibitions.

**10. Concerning management sector**

**(A) In the Union Legislative List -**

- (1) General administration
- (2) Management of village and urban areas
- (3) House rent and land rent
- (4) Narcotic drugs and psychotropic substances
- (5) State secrets
- (6) Associations

- (7) Prisons
- (8) Border area development
- (9) Census
- (10) Citizenship, naturalization, revocation of citizenship, citizenship scrutiny and registration
- (11) Titles and decorations

**(B) In the Region or State Legislative List -**

- (1) Development affairs
- (2) Human settlement and housing development
- (3) Honorary titles and medals

**11. Concerning judicial sector**

**(A) In the Union Legislative List -**

- (1) Administration of justice
- (2) Lawyers
- (3) Penal laws and procedures
- (4) Civil laws, contract, arbitration, civil wrong, insolvency, Trust and people who can administer because of the trust, guardians and wards, transfer of property and inheritance
- (5) Evidence Act
- (6) Limitation
- (7) Valuation of suit
- (8) Specific relief
- (9) Foreign jurisdiction
- (10) Admiralty jurisdiction
- (11) Robbery at sea, and crimes committed on land or in the international waters or in space in violation of the international laws.

**Legislative List of Self-administered Division or Selfadministered Zone Leading Body**

12. Self-administered division or self-administered zone leading bodies are vested with the legislative power relevant to the following matters for their respective divisions or zones;

- (a) Town and village plan,
- (b) Construction, repair and maintenance of roads and bridges,
- (c) Public health,
- (d) Development affairs,
- (e) Fire prevention
- (f) Pasture,
- (g) Forest protection and conservation,
- (h) Environmental conservation in accord with the law enacted by the Pyidaungsu,
- (i) Water and electricity supply in towns and villages, and
- (j) Town and village markets.

### **Legislation on other matters**

13. Legislative power is vested in the Pyidaungsu Hluttaw in connection with other matters not stated in the legislative list of the Union, Region or State, and self-administered division or zone leading bodies.

### **Legislation on Union territories**

14. Pyidaungsu Hluttaw shall enact the required laws if the need arises to do so for the Union territories in connection with matters for which legislative powers are delegated to the Region or State Hluttaws or the self-administered division or zone leading bodies.

### **Effectiveness of Laws**

15. In connection with the effect of laws enacted by Hluttaws at different levels and self-administered area leading bodies;

(1) If anyone of the provisions stipulated in a law enacted by the leading body of a self-administered division or a self-administered zone is in contrast with anyone of the stipulations contained in a law enacted by the respective region Hluttaw or state Hluttaw, adherence to the law must be in accord with the stipulations contained in the law enacted by the region Hluttaw or state Hluttaw.

(2) If anyone of the provisions stipulated in a law enacted by the leading body of a self-administered division or a self-administered zone is in contrast with anyone of the stipulations contained in a law enacted by the Pyidaungsu Hluttaw, observance of the law must be in accord with the stipulations contained in the law enacted by the Pyidaungsu Hluttaw.

(3) If anyone of the provisions stipulated in a law enacted by a region Hluttaw or a state Hluttaw is in contrast with anyone of the stipulations contained in a law enacted by the Pyidaungsu Hluttaw, observance of the law must be in accord with the stipulations contained in the law enacted by the Pyidaungsu Hluttaw.

(4) If anyone of the provisions stipulated in a law enacted by the Pyidaungsu Hluttaw or a region Hluttaw or a state Hluttaw or a self-administered division or a self-administered zone leading body or anyone of the existing laws is in contrast with anyone of the stipulations contained in the Constitution, observance of the law must be in accord with the stipulations contained in the Constitution.

### **Formation of Financial Commission, Duties and Powers**

16. In connection with financial matters including the formation of Financial Commission

(a) The budgets of Union ministries and of organizations at Union level are to be checked under the aegis of a Vice-President nominated by the President of the State, and budget appropriations of Union ministries and organizations at Union level are to be submitted to the Financial Commission.

(b) The budgets of regions or states are to be checked under the aegis of the other Vice-President nominated by the President of the State, and budget appropriations of regions or states are to be submitted to the Financial Commission.

(c) To submit to the Pyidaungsu Hluttaw the draft of Union budget containing the Union budget with the expenditures of Union territories, the distribution of

appropriate funds from Union Fund Account to regions or states, the provision of funds as a special issue and loans permission; or the draft of financial allotment; to make suggestions on financial matters worth undertaking; and to carry out the duties assigned by the Pyidaungsu Hluttaw through the promulgation of law, the Financial Commission is to be formed with the following persons:

- (1) The President Chairman
  - (2) The Vice-Presidents Vice-Chairmen
  - (3) The Pyidaungsu Attorney-General Member
  - (4) The Pyidaungsu Auditor-General Member
  - (5) The Chief Ministers of Regions and States Members
  - (6) The Nay Pyi Taw City Council Chairman Member
  - (7) The Pyidaungsu Minister for Finance Secretary
- (d) (1) When forming the Financial Commission, the President of the State has the right to appoint a suitable person as a member on a temporary basis, if the post of a member remains vacant for a certain reason.
- (2) The President of the State is to announce the formation of the Financial Commission. However, orders and directives necessary for the Financial Commission can be announced by either the President of the State or the person to whom duties are assigned by the President of the State.
- (e) To submit to the Pyidaungsu Hluttaw the draft of Union budget containing the Union budget, the distribution of appropriate funds from Union Fund Account to regions or states, the provisions of funds as a special case and disbursing of necessary loans, the Financial Commission is to submit them to the President of the State.
- (f) The financial Commission, if need be, may seek advice from financial experts.

### **Submission of Bill on Union Budget**

- (g) On behalf of the Union Government, the President of the State or the person to whom duties are assigned by the President of the State is to submit the draft of the Union budget to the Pyidaungsu Hluttaw.
- (h) (1) Salary and allowance of heads and members of organizations set up according to the Constitution of the State and expenditures of those organizations at Union level;
- (2) Debts the Union has to settle, expenditures related to those debts, and other expenditures related to money borrowed by the Union.
- (3) Expenditures to be paid according to verdict or order or decree released by the court or a particular tribunal; and
- (4) Other expenditures to be paid according to a particular existing law or a particular international treaty, for which discussions can be held at the Pyidaungsu Hluttaw. However, rejection and deduction are not allowed.
- (i) The Pyidaungsu Hluttaw shall exercise in accord with majority consent the right to pass approval and to make rejection and deduction for other expenditures, save the expenditures mentioned in above paragraph (h).
- (j) The Union Government is to take necessary steps according to the Union budget law enacted by the Pyidaungsu Hluttaw.
- (k) Additional funds allotment law is to be enacted in accord with the procedures mentioned above, if appropriations and permitted expenditure contained in the

Union budget law promulgated by the Pyidaungsu Hluttaw for the fiscal year concerned in addition to the appropriations of extra income and expenditure are necessary to be allowed.

(l) The Union Government is to take necessary steps according to the additional funds allotment law enacted by the Pyidaungsu Hluttaw.

(m) Region or State Hluttaws concerned are to be in harmony with majority consent to exercise the right to pass approval and to make rejection and deduction to the budgets of regions or states through negotiation on the chief minister concerned including the funds received by respective regions or states from the Union Fund Account according to the Union budget law or the additional fund allotment law.

In doing so:

- (1) Salary and allowance of heads and members of organizations set up according to the Constitution of the State and expenditures of those organizations at Union level;
- (2) Salary and allowance of heads and members of leading bodies of self-administered area set up according to the Constitution of the State and expenditures of those bodies.
- (3) Debts the region or state has to settle, expenditures related to those debts, and other expenditures related to money borrowed by the region or state;
- (4) Expenditures to be paid according to verdict or order or decree released by the court or a particular tribunal; and
- (5) Other expenditures to be paid according to a particular existing law enacted by Region or State Hluttaw, for which discussions can be held at the Region or State Hluttaw. However, rejection and deduction are not allowed.

### **Taxes to be collected by Region or State**

(n) Taxes to be collected according to the law of the region or state and to be put in the Region or State Fund Account are as follows:

- (1) Land tax;
- (2) Excise;
- (3) Water tax, embankment tax of dams and embankments the region or state has the right to manage, and tax on the use of electricity produced by such facilities managed by the region or state;
- (4) Tolls from roads and bridges the region or state has the right to manage;
- (5) (aa) Royalty collected from freshwater fisheries,  
(bb) Royalty collected from marine fisheries located in limited distance;
- (6) Tax collected according to vehicles and vessels law of the region or the state;
- (7) Other benefits and profits realized from the sale and rent of property owned by the region or state;
- (8) Charges, taxes and other incomes realized from services provided by the region of state;
- (9) Fines imposed at Region or State Judicial Hluttaws including Region or State courts, taxes and other incomes collected for services provided;
- (10) Interests realized from the lending of money of the region or state funds;
- (11) Profits realized from investment made by the region or state;

- (12) Taxes collected for extraction of the following items from forests in the region or state:
  - (aa) Taxes collected on all other timber except teak and designated hardwood;
  - (bb) Taxes collected on firewood, charcoal, rattan, bamboo, birdnest, cutch, thanatkha, turpentine, eaglewood, and honey-based products.
- (13) Registration fees;
- (14) Taxes on entertainment;
- (15) Salt tax;
- (16) Funds received from the Union Fund Account;
- (17) Contributions by organizations relevant to development affairs in the region or state;
- (18) Unclaimed cash and property;
- (19) Treasure trove;
- (o) The region or state has the right to use their funds in accord with the law.

### **Other taxes to be paid to Union Fund**

- (p) Except the taxes to be collected by the region or state, the Union is to collect all other taxes according to law and deposit them in the Union Fund Account
- (q) If incomes and types of taxes are designated to be collected by the region or state for Union territories, the Union is to collect them according to law and put them in the Union Fund Account.
- (r) The Union has the right to use the Union Fund Account in accord with the law.

### **Legislature of Hluttaws Pyidaungsu Hluttaw**

- (1) The first session of the Pyidaungsu Hluttaw should be held within 15 days after the beginning of the first session of the Pyithu Hluttaw. The Speaker of the Pyidaungsu Hluttaw shall convene the Pyidaungsu Hluttaw.
- (2) The Speaker of the Pyidaungsu Hluttaw shall convene the Pyidaungsu Hluttaw session at least once a year. The maximum time limit between one meeting and another shall not exceed 12 months.
- (3) The following functions and duties shall be carried out at the Pyidaungsu Hluttaw meetings:
  - (a) Recording the address delivered by the President;
  - (b) Reading out and recording the message sent by the President and other messages permitted by the President;
  - (c) Submitting and discussing and making decision on a bill;
  - (d) Discussing and deciding the opinion and remarks of the President concerning a bill approved by the Pyidaungsu Hluttaw;
  - (e) Discussing and deciding the matter the Pyidaungsu Hluttaw has to implement in accord with the provisions contained in the Constitution;
  - (f) Discussing, deciding and recording the reports presented to the Pyidaungsu Hluttaw;
  - (g) Submitting proposals, and holding discussions and making decisions;
  - (h) Raising questions and giving replies;

- (i) Implementing the matters permitted by the Speaker of the Pyidaungsu Hluttaw.
- (4) The Speaker of the Pyidaungsu Hluttaw shall convene a special session or an emergency session of the Pyidaungsu Hluttaw as may be necessary.
- (5) The Speaker of the Pyidaungsu Hluttaw shall convene a special session or an emergency session of the Pyidaungsu Hluttaw soonest when the President informs the Speaker of the Pyidaungsu Hluttaw to convene a special session or an emergency session of the Pyidaungsu Hluttaw.
- (6) The Speaker of Pyidaungsu Hluttaw shall convene a special session of the Pyidaungsu Hluttaw when at least one-fourth of the total number of members of the Pyidaungsu Hluttaw ask to convene the Pyidaungsu Hluttaw.
- (7) (a) The first day session of the Pyidaungsu Hluttaw shall be valid if more than half the number of members, who have the right to attend the Pyidaungsu Hluttaw meeting, are present. The meeting if invalid, shall be adjourned.  
(b) The meetings that are adjourned due to invalidity in accord with the subparagraph (a) as well as the valid meetings that are extended will be valid if at least one third of the Hluttaw members are present.
- (8) (a) Save as otherwise provided by this Constitution, a matter that should be decided through voting, shall be determined by a majority of votes of the members present and voting.  
(b) The Speaker of the Pyidaungsu Hluttaw or the Deputy Speaker acting as such, shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.
- (9) If for a period of 15 consecutive days a member of Pyidaungsu Hluttaw is, without permission of the Speaker absent from all meetings of the Pyidaungsu Hluttaw, the Speaker shall inform the Hluttaw concerned to take action against the member according to the prescribed rules. Provided that in computing the said period of 15 days no account shall be taken of any period during which the Chamber is prorogued, or is adjourned.
- (10) Although there are vacant seats, the Pyidaungsu Hluttaw shall have the right to carry on its tasks. Moreover, the session shall not be annulled, if the acts of some person who was not entitled to do so sat or voted or took part in the proceedings are discovered later.
- (11) The functions and records of Pyidaungsu Hluttaw shall be published for public information. But the functions and records restricted by a law or decisions of the Pyidaungsu Hluttaw shall not be published.

### **Submission of Bills**

- (12) (a) The Pyidaungsu Hluttaw shall have the right to make laws for the whole or any part of the Union concerning the matters stated in the Union Legislative List.

- (b) If a bill initiated in the Pyithu Hluttaw or the Amyotha Hluttaw is approved by both Pyithu Hluttaw and Amyotha Hluttaw, it shall be presumed that the bill is approved by the Pyidaungsu Hluttaw.
- (13) (a) When the Pyidaungsu Hluttaw enacts a law, it may —
- (i) entrust the right to issue rules ,regulation and bye-laws concerning the law to the Union level organizations formed according to the Constitution.
  - (ii) authorize the respective organizations or authority to issue notifications, orders, directives and procedures.
- (b) The rules, regulations, notifications, orders, directives and procedures issued with the right vested by a law shall be in consonant with the stipulations contained in the Constitution and the law concerned.
- (c) If both the Pyithu Hluttaw and the Amyotha Hluttaw decide to annul or amend any one the rules, regulations or bye-laws, it shall be presumed that the rules, regulations or bye-laws are annulled or amended by the Pyidaungsu Hluttaw.
- (d) If there is any disagreement between the Pyithu Hluttaw and the Amyotha Hluttaw concerning the said rules, regulations or bye-laws, it shall be decided by the Pyidaungsu Hluttaw.
- (e) If a decision is made to annul or amend any of the rules, regulations or bye-laws according to the paragraph (c) or paragraph (d), the decision shall be without prejudice, however, to the validity of any action previously taken under the rules, regulations or bye-laws.
- (14) The Pyidaungsu Hluttaw -
- (a) shall give the decision on matters in connection with ratifying, cancelling and withdrawing from international agreements, regional treaties or bilateral agreements submitted by the President.
  - (b) may fix the international, regional or bilateral agreements that do not need Pyidaungsu Hluttaw’s approval and delegate the President to ratify, denounce and withdraw from them.
- (15) (a) Matters that requires decision of the Pyidaungsu Hluttaw, agreement and approval should be implemented as follows:
- (i) If the Pyidaungsu Hluttaw is in session, the matter shall be decided at that session.
  - (ii) If the Pyidaungsu Hluttaw is not in session, the discussion and decisions on the matter shall be made at the nearest Pyidaungsu Hluttaw session.
  - (iii) A special session or an emergency session shall be convened to discuss and decide the matters which need prompt action for public interest.
- (b) When the President after issuing an order having the force of law submits it to the Pyidaungsu Hluttaw for approval, the Pyidaungsu Hluttaw shall:
- (i) pass a resolution to approve it or not.
  - (ii) fix the further period to which the said order shall continue to be in force if the Pyidaungsu Hluttaw approves the order.
  - (iii) The order having the force of law shall cease to have effect from the date on which it is disapproved by the Pyidaungsu Hluttaw.

- (16) (a) Of the matters included in the Union Legislative List, the Union level organizations formed under the Constitution, shall have the right to submit bills on matters under their management, to the Pyidaungsu Hluttaw in accord with the prescribed procedures.
- (b) Bills on national plans, annual budgets and taxation, which are to be submitted exclusively by the Union government shall be presented to the Pyidaungsu Hluttaw in accord with the prescribed provisions for decision.
- (17) Except the bills that are prescribed by the Constitution to be initiated exclusively at the Pyidaungsu Hluttaw, the bills initiated by the Union level organizations formed under the Constitution, at the Pyidaungsu Hluttaw shall be discussed initially at the Pyithu Hluttaw or the Amyotha Hluttaw according to the prescribed provisions.
- (18) If a need arises to scrutinize the bills, before they are being discussed exclusively at the Pyidaungsu Hluttaw, they are to be scrutinized jointly by the Pyidaungsu Hluttaw bill committee and the Amyotha Hluttaw bill committee, and the bills together with the findings and comments of the joint committee can be submitted to the Pyidaungsu Hluttaw in accord with prescribed provisions.
- (19) If there arises disagreement between the Pyithu Hluttaw and the Amyotha Hluttaw concerning a bill, the bill shall be discussed and approved in the Pyidaungsu Hluttaw.

### **Promulgation of Law**

- (20) (a) Within 14 days after the date the President receives the bills sent to him by the Pyidaungsu Hluttaw after approving them and the bills in like manner as if the Pyidaungsu Hluttaw have approved them, he shall sign the bills and shall promulgate them into law.
- (b) The President shall send a bill back to the Pyidaungsu Hluttaw together with his comments within the fixed time to sign and promulgate it into a law.
- (c) Although the President does not send a bill back to the Pyidaungsu Hluttaw together with his comments within the fixed time, if the bill is not signed by the President within 14 days after the date of presentation, the same shall become a law in like manner as if he had signed it on the last of the said 14 days.
- (21) (a) If the President sends back the bill to the Pyidaungsu Hluttaw together with his comments within the fixed time, the Pyidaungsu Hluttaw after studying the President's comments, can accept his comments or can decide to amend the bill, or shall make a decision to approve the bill in its original state if it does not agree the President's comments.
- (b) The President shall sign the bill and enact it into a law on the last of the said seven days if the bill so amended according to his comments or his comments are not accepted and the bill approved in its original state is sent back to him with the Pyidaungsu Hluttaw's decision.
- (c) If the bill sent back to the President by the Pyidaungsu Hluttaw is not signed by the President within the fixed time, the same shall become a law in like manner as if he has signed it on the last date of the said time limit.

(22) The laws signed by the President and the laws deemed to have been signed by the President shall be published in the official gazette. The law shall come into force on the date of such promulgation unless the contrary intention is expressed.

(23) Members of the organizations representing the Union level organizations formed under the Constitution while attending the Pyidaungsu Hluttaw with the permission of the Speaker have right to explain the bills and other matters in connection with their respective organizations.

### **Duties of the Pyidaungsu Hluttaw Speaker**

(24) The Pyidaungsu Hluttaw Speaker shall -

- (a) supervise the Pyidaungsu Hluttaw sessions;
- (b) invite the President, if the President informs him of his desire to address the Pyidaungsu Hluttaw;
- (c) have the power to invite organizations and persons representing any Union level organizations formed under the Constitution to attend and give clarifications on one of the matters of the on going discussions of the Pyidaungsu Hluttaw session if necessary;
- (d) implement his other duties and functions designated by the Constitution or any law.

(25) The Union level organizations formed under the Constitution shall submit their general situation, necessary to be presented to the Pyidaungsu Hluttaw, with the permission of the Speaker.

- (26)
- (a) Subject to the provisions contained in the Constitution, and the provisions prescribed in the Pyidaungsu Hluttaw law, members of the Pyidaungsu Hluttaw shall have freedom of speech and voting at the Pyidaungsu Hluttaw and the Pyidaungsu Hluttaw Joint Committee. Concerning the discussions and functions of the Pyidaungsu Hluttaw and the Joint Committee, a Pyidaungsu Hluttaw member shall be absolutely privileged, except under the laws of the Pyidaungsu Hluttaw.
  - (b) Subject to the provisions contained in the Constitution, and the provisions prescribed in the Pyidaungsu Hluttaw law, members of organizations or persons representing any one of the Union level organizations invited to attend the Pyidaungsu Hluttaw have the freedom of speech. No action shall be taken against such persons for their speeches, except under the laws of the Pyidaungsu Hluttaw.
  - (c) However, if the persons mentioned in the above paragraph (a) and paragraph (b) commit physical assaults, they shall be liable to punishment according to the existing law.

(27) If there arises a need to arrest a Pyidaungsu Hluttaw member attending a Pyidaungsu Hluttaw session or a person attending the Pyidaungsu Hluttaw session at the invitation of the Speaker of the Pyidaungsu Hluttaw, the reliable evidence shall be submitted to the Speaker of the Pyidaungsu Hluttaw. He shall not be arrested without the prior permission of the Pyidaungsu Hluttaw Speaker.

(28) The reports, documents and Hluttaw records published by the Pyidaungsu Hluttaw or under its authority shall be privileged.

### **Pyithu Hluttaw and Amyotha Hluttaw**

1. (a) The first regular session of the Pyithu Hluttaw shall be convened within 90 days after the general election commences.  
(b) (1) The term of the Amyotha Hluttaw commences on the date on which the term of the Pyithu Hluttaw commences.  
(2) The first regular session of the Amyotha Hluttaw shall be convened within seven days after the commencement of the term of the Hluttaw.
2. (a) (1) The State Peace and Development Council shall convene the first regular session of the Pyithu Hluttaw after the Constitution comes into force.  
(2) The Speaker of the Pyithu Hluttaw who continues to perform his duties in accord with provisions of this Constitution shall convene first regular sessions for the next terms of the Pyithu Hluttaw.  
(b) (1) The State Peace and Development Council shall convene the first regular session of the Amyotha Hluttaw after the Constitution comes into force.  
(2) The Speaker of the Amyotha Hluttaw who continues to perform his duties in accord with provisions of this Constitution shall convene first regular sessions for the next terms of the Amyotha Hluttaw.
3. (a) (1) Members of the Pyithu Hluttaw shall take oaths before the Speaker of the Pyithu Hluttaw at the first regular session of the Pyithu Hluttaw  
(2) The members of the Pyithu Hluttaw, who have not taken oaths, shall take oaths before the Speaker of the Hluttaw at the session of the Pyithu Hluttaw they first attend.  
(b) (1) Members of the Amyotha Hluttaw shall take oaths before the Speaker of the Amyotha Hluttaw at the first regular session of the Amyotha Hluttaw.  
(2) The members of the Amyotha Hluttaw, who have not taken oaths, shall take oaths before the Speaker of the Hluttaw at the session of the Amyotha Hluttaw they first attend.
4. (a) The Speaker of the Pyithu Hluttaw shall convene regular session of the Pyithu Hluttaw at least once a year. The interval between two regular sessions shall not exceed 12 months.  
(b) The Speaker of the Amyotha Hluttaw shall convene regular session of the Amyotha Hluttaw at least once a year. The interval between two regular sessions shall not exceed 12 months.
5. (a) The following matters are carried out at the sessions of the Pyithu Hluttaw:
  - (1) Recording the address delivered by the President;
  - (2) Reading out and recording the messages sent by the President and the messages permitted by the Speaker;
  - (3) Submitting, discussing and making decision on a bill;
  - (4) Discussing and deciding the matters the Pyithu Hluttaw shall implement in accord with the provisions of the Constitution;

- (5) Discussing, deciding and recording the reports presented to the Pyithu Hluttaw;
  - (6) Submitting proposals, holding discussions and making decisions;
  - (7) Raising questions and making replies;
  - (8) Implementing the matters permitted by the Speaker of the Pyithu Hluttaw.
- (b) The following matters are carried out at the sessions of the Amyotha Hluttaw.
- (1) Recording the address delivered by the President;
  - (2) Reading out and recording the messages sent by the President and the messages permitted by the Speaker;
  - (3) Submitting, discussing and making decision on a bill;
  - (4) Discussing and deciding the matters the Amyotha Hluttaw shall implement in accord with the provisions of the Constitution;
  - (5) Discussing, deciding and recording the reports presented to the Amyotha Hluttaw;
  - (6) Submitting proposals, holding discussions and making decisions;
  - (7) Raising questions and making replies;
  - (8) Implementing the matters permitted by the Speaker of the Amyotha Hluttaw.
6. (a) (1) A session of the Pyithu Hluttaw is valid if more than half the number of members who have the right to attend the Pyithu Hluttaw session are present on the first day of the session. If a session is not valid it shall be adjourned.  
 (2) The sessions that are held under subparagraph (1) due to invalidity of the session and the sessions that are extended due to validity of the sessions are valid if at least one-third of the Pyithu Hluttaw members are present.
- (b) (1) A session of the Amyotha Hluttaw is valid if more than half the number of members who have the right to attend the Amyotha Hluttaw session are present on the first day of the session. If the session is not valid it shall be adjourned.  
 (2) The sessions that are held under subparagraph (1) due to invalidity of the sessions and the sessions that are extended due to validity of the sessions are valid if at least one-third of the Amyotha Hluttaw members are present.
7. (a) (1) Save as otherwise provided by this Constitution, a matter that should be decided through voting at the Pyithu Hluttaw shall be determined by a majority of votes of the members present and voting.  
 (2) The Speaker of the Pyithu Hluttaw or the Deputy Speaker discharging duties as the Speaker at the Pyithu Hluttaw shall not vote in the first instance in the sessions of the Pyithu Hluttaw, but shall have and exercise a casting vote in the matters of an equality of votes.
- (b) (1) Save as otherwise provided by this Constitution, a matter that should be decided through voting at the Amyotha Hluttaw shall be determined by a majority of votes of the members present and voting.  
 (2) The Speaker of the Amyotha Hluttaw or the Deputy Speaker discharging duties as the Speaker at the Amyotha Hluttaw sessions shall not vote in the first instance in the sessions of the Amyotha Hluttaw, but shall have and exercise a casting vote in the matters of an equality of votes.

8. (a) (1) The Pyithu Hluttaw may declare the seat of a member vacant in accord with the rules prescribed if he is absent, without permission of the Pyithu Hluttaw, from a session for 15 days consecutively. Provided that in computing the said period of 15 days no account shall be taken of any period during which the session is prorogued or is adjourned.  
(2) The Pyithu Hluttaw shall take action against a member in accord with the rules prescribed if the Speaker of the Pyidaungsu Hluttaw informed the Pyithu Hluttaw that that member is absent from a Pyidaungsu Hluttaw session for a period of 15 consecutive days without permission of the Pyidaungsu Hluttaw.
- (b) (1) The Amyotha Hluttaw may declare the seat of a member vacant in accord with the rules prescribed if he is absent, without permission of the Amyotha Hluttaw, from a session for 15 days consecutively. Provided that in computing the said period of 15 days no account shall be taken of any period during which the session is prorogued or is adjourned.  
(2) The Amyotha Hluttaw shall take action against a member in accord with the rules prescribed if the Speaker of the Pyidaungsu Hluttaw informed the Amyotha Hluttaw that that member is absent from a Pyidaungsu Hluttaw session for a period of 15 consecutive days without permission of the Pyidaungsu Hluttaw.
9. (a) Even if there are vacant seats, the Pyithu Hluttaw shall have the right to carry out its functions and duties. Moreover, the session shall not be annulled, even if the acts of some person who was not entitled to do so, sat or voted or took part in the proceedings are discovered later.  
(b) Even if there are vacant seats, the Amyotha Hluttaw shall have the right to carry out its functions and duties. Moreover, the session shall not be annulled, if the acts of some person who was not entitled to do so, sat or voted or took part in the proceedings are discovered later.
10. (a) The functions and records of the Pyithu Hluttaw shall be published for public information. However, the functions and records restricted by a law or decisions of the Pyithu Hluttaw shall not be published.  
(b) The functions and records of Amyotha Hluttaw shall be published for public information. However, the functions and records restricted by a law or decisions of the Amyotha Hluttaw shall not be published.
11. (a) Of the matters included in the Union Legislative List, except the matters prescribed in this Constitution which shall be initiated exclusively as bills in the Pyidaungsu Hluttaw, the remaining matters shall be initiated in the Pyithu Hluttaw according to the prescribed provisions.  
(b) Of the matters included in the Union Legislative List, except the matters prescribed in this Constitution which shall be initiated exclusively as bills in the Pyidaungsu Hluttaw, the remaining matters shall be initiated in the Amyotha Hluttaw according to the prescribed provisions.

12. (a) (1) After issuing a rule, regulation or a bye-law in line with the law enacted by the Pyidaungsu Hluttaw, the organ concerned shall distribute the rule, regulation or bye-law to the Pyithu Hluttaw members at the nearest regular session of the Pyithu Hluttaw under the arrangements permitted by the Speaker of the Pyithu Hluttaw.
- (2) If it is found that a rule, regulation or bye-law is not in conformity with the provisions of the law concerned, Hluttaw members may submit a proposal to annul or amend the rule, regulation or byelaw to the Pyithu Hluttaw within 90 days from the date that rule, regulation or bye-law is circulated.
- (3) If the Pyithu Hluttaw and the Amyotha Hluttaw do not reach a consensus in making a decision to annul or amend a rule, regulation or bye-law, it shall be presented to the Pyidaungsu Hluttaw.
- (b) (1) After issuing a rule, regulation or byelaw in line with the law enacted by the Pyidaungsu Hluttaw, the organ concerned shall distribute the rule, regulation or bye-law to the Amyotha Hluttaw members at the nearest regular session of the Amyotha Hluttaw under the arrangements permitted by the Speaker of the Amyotha Hluttaw.
- (2) If it is found that a rule, regulation or bye-law is not in conformity with the provisions of the law concerned, Hluttaw members may submit a proposal to annul or amend the rule, regulation or byelaw to the Amyotha Hluttaw within 90 days from the date that rule, regulation or byelaw is circulated.
- (3) If the Amyotha Hluttaw and the Pyithu Hluttaw do not reach a consensus in making a decision to annul or amend a rule, regulation or bye-law, it shall be presented to the Pyidaungsu Hluttaw.
13. (a) (1) If the Pyidaungsu Hluttaw sends the bills submitted by a Union level organization formed under the Constitution to the Pyithu Hluttaw in accord with prescribed rules, they shall be presumed that the bills are initiated in the Pyithu Hluttaw and shall be discussed and passed resolution in the Pyithu Hluttaw.
- (2) Of the matters stated in the Union Legislation List, except the matters prescribed in the Constitution for which bills shall be submitted to the Pyidaungsu Hluttaw to make a decision, members of the Pyithu Hluttaw have the right to initiate the bills related to the remaining matters in the Pyithu Hluttaw. Such bills shall be under discussion at the Pyithu Hluttaw in line with the prescribed rules.
- (3) The bills approved by the Pyithu Hluttaw shall be forwarded to the Amyotha Hluttaw for holding discussions and making a decision.
- (b) (1) If the Pyidaungsu Hluttaw sends the bills submitted by a Union level organization formed under the Constitution to the Amyotha Hluttaw in accord with prescribed rules, they shall be presumed that the bills are initiated in the Amyotha Hluttaw and shall be discussed and passed resolution in the Amyotha Hluttaw.
- (2) Of the matters stated in the Union Legislation List, except the matters prescribed in the Constitution for which bills shall be submitted to the Pyidaungsu Hluttaw to make a decision, members of the Amyotha Hluttaw

have the right to initiate the bills related to the remaining matters in the Amyotha Hluttaw. Such bills shall be under discussion at the Amyotha Hluttaw in line with the prescribed rules.

(3) The bills approved by the Amyotha Hluttaw shall be forwarded to the Pyithu Hluttaw for holding discussions and making a decision.

14. (a) (1) After receiving a bill sent by the Amyotha Hluttaw, the Pyithu Hluttaw can make a decision that it agrees or disagrees, or agrees with amendments. The Pyithu Hluttaw shall return the bill together with its decision to the Amyotha Hluttaw.
- (2) When the Amyotha Hluttaw returns the bill sent by the Pyithu Hluttaw to the Amyotha Hluttaw, with amendments, the Pyithu Hluttaw shall forward the bill to the Speaker of the Pyidaungsu Hluttaw if it accepts the amendments of the Amyotha Hluttaw.
- (3) The Pyithu Hluttaw shall seek the decision of the Pyidaungsu Hluttaw if it disagrees with the Amyotha Hluttaw in dealing with the bill sent by the Pyithu Hluttaw to the Amyotha Hluttaw.
- (b) (1) After receiving a bill sent by the Pyithu Hluttaw, the Amyotha Hluttaw can make a decision that it agrees or disagrees, or agrees with amendments. The Amyotha Hluttaw shall return the bill together with its decision to the Pyithu Hluttaw.
- (2) When the Pyithu Hluttaw returns the bill sent by the Amyotha Hluttaw to the Pyithu Hluttaw, with amendments, the Amyotha Hluttaw shall forward the bill to the Speaker of the Pyidaungsu Hluttaw if it accepts the amendments of the Pyithu Hluttaw.
- (3) The Amyotha Hluttaw shall seek the decision of the Pyidaungsu Hluttaw if it disagrees with the Pyithu Hluttaw in dealing with the bill sent by the Amyotha Hluttaw to the Pyithu Hluttaw.
15. (a) Members of a Union level body formed under the Constitution shall have the right -
- (1) to explain and discuss the bills or other matters of their bodies while attending a session of the Pyithu Hluttaw with the permission of the Speaker of the Pyithu Hluttaw.
- (2) to explain and discuss the bills or other matters of their bodies while attending sessions of the committees, commissions and bodies of the Pyithu Hluttaw with the permission of the head of the committee, commission and body concerned.
- (b) Members of a Union level body formed under the Constitution shall have the right -
- (1) to explain and discuss the bills or other matters of their bodies while attending a session of the Amyotha Hluttaw with the permission of the Speaker of the Amyotha Hluttaw.
- (2) to explain and discuss the bills or other matters of their bodies while attending sessions of the committees, commissions and bodies of the Amyotha Hluttaw with the permission of the head of the committee, commission and body concerned.

16. (a) The Speaker of the Pyithu Hluttaw -
- (1) shall supervise sessions of the Pyithu Hluttaw;
  - (2) shall invite the President of the Union if he informs his desire to deliver a speech at a session of the Pyithu Hluttaw;
  - (3) has the right to invite members or persons representing a Union level body formed under the Constitution to a session of the Pyithu Hluttaw if necessary for a matter under way at a session of the Pyithu Hluttaw;
  - (4) shall discharge other duties and functions prescribed under the Constitution or a law.
- (b) The Speaker of the Amyotha Hluttaw -
- (1) shall supervise sessions of the Amyotha Hluttaw;
  - (2) shall invite the President of the Union if he informs he wishes to deliver a speech at a session of the Amyotha Hluttaw;
  - (3) has the right to invite members or persons representing a Union level body formed under the Constitution to a session of the Amyotha Hluttaw if necessary for a matter under way at a session of the Amyotha Hluttaw;
  - (4) shall discharge other duties and functions prescribed under Constitution or a law.
17. (a) (1) Members of the Pyithu Hluttaw shall have the freedom of speech and vote in the Pyithu Hluttaw and the committee of the Pyithu Hluttaw, subject to the provisions of the Constitution and the Pyithu Hluttaw. No action shall be taken against such persons for their speeches, except under the law of the Pyithu Hluttaw.
- (2) Members or persons representing a Union level body formed under the Constitution who are permitted to attend or invited to a session of the Pyithu Hluttaw or a committee of the Pyithu Hluttaw shall have the freedom of speech in the Pyithu Hluttaw or the committees of the Pyithu Hluttaw, subject to the provisions of the Constitution and the Pyithu Hluttaw. No action shall be taken against such persons for their speeches, except under the law of the Pyithu Hluttaw.
- (3) Action shall be taken against those members stated in sub-paragraphs (a) and (b) in accord with the rules and regulations and procedures of the Pyithu Hluttaw and the existing laws if they make physical assault in enjoying the privileges.
- (b) (1) Members of the Amyotha Hluttaw shall have the freedom of speech and vote in the Amyotha Hluttaw and the committee of the Amyotha Hluttaw, subject to the provisions of the Constitution and the Amyotha Hluttaw. No action shall be taken against such persons for their speeches, except under the law of the Amyotha Hluttaw.
- (2) Members or persons representing a Union level body formed under the Constitution who are permitted to attend or invited to a session of the Amyotha Hluttaw or a committee of the Amyotha Hluttaw shall have the freedom of speech in the Amyotha Hluttaw or the committees of the Amyotha Hluttaw, subject to the provisions of the Constitution and the Amyotha Hluttaw. No action shall be taken against such persons for their speeches, except under the law of the Amyotha Hluttaw.

- (3) Action shall be taken against those members stated in sub-paragraphs (a) and (b) in accord with the rules and regulations and procedures of the Amyotha Hluttaw and the existing laws if they make physical assault in enjoying the privileges.
18. (a) (1) If there arises a need to arrest a Pyithu Hluttaw member attending a Pyithu Hluttaw session or a person attending the Pyithu Hluttaw session with the permission or at the invitation of the Speaker of the Pyithu Hluttaw, the reliable evidence shall be submitted to the Speaker of the Pyithu Hluttaw. He shall not be arrested without prior approval of the Speaker of the Pyithu Hluttaw.
- (2) If there arises a need to arrest a member of a committee or commission or organization formed by the Pyithu Hluttaw attending a session of the committee or commission or body, the reliable evidence shall be submitted to the Speaker of the Pyithu Hluttaw through the head of the committee or commission or body concerned. He shall not be arrested without prior approval of the Speaker of the Pyithu Hluttaw.
- (3) If there arises a need to arrest a member of the Pyithu Hluttaw when the Pyithu Hluttaw or the Pyithu Hluttaw committee or the commission or the body formed by the Pyithu Hluttaw is not in session, reliable evidence in support of such arrest shall promptly be submitted to the Speaker of the Pyithu Hluttaw.
- (b) (1) If there arises a need to arrest a Amyotha Hluttaw member attending a Amyotha Hluttaw session or a person attending the Amyotha Hluttaw session with the permission or at the invitation of the Speaker of the Amyotha Hluttaw, the reliable evidence shall be submitted to the Speaker of the Amyotha Hluttaw. He shall not be arrested without prior approval of the Speaker of the Amyotha Hluttaw.
- (2) If there arises a need to arrest a member of a committee or commission or body formed by the Amyotha Hluttaw attending a session of the committee or commission or body, the reliable evidence shall be submitted to the Amyotha Hluttaw Speaker thorough the head of the committee or commission or body concerned. He shall not be arrested without prior approval of the Speaker of the Amyotha Hluttaw.
- (3) If there arises a need to arrest a member of the Amyotha Hluttaw when the Amyotha Hluttaw or the Amyotha Hluttaw committee or the commission or the body formed by the Amyotha Hluttaw is not in session, reliable evidence in support of such arrest shall promptly be submitted to the Speaker of the Amyotha Hluttaw.
19. (a) The reports, publications and records published by the Pyithu Hluttaw or under its authority shall be privileged.
- (b) The reports, publications and records published by the Amyotha Hluttaw or under its authority shall be privileged.

## Region and State Hluttaw

1. (a) The term of the Region or State Hluttaw comes into force on the day on which that of the Pyithu Hluttaw comes into force.  
(b) The first regular session of the Region or State Hluttaw shall be convened within 15 days after the commencement of the term of the Hluttaw.
2. (a) The State Peace and Development Council shall convene the first regular session of the Region or State Hluttaw after the Constitution comes into force.  
(b) The Speaker of the Region or State Hluttaw who continues to perform his duties in accord with the provisions of the Constitution shall convene the first regular session for the next terms of Region or State Hluttaw.
3. (a) Members of the Region or State Hluttaw shall take oaths before the chairman of the Region or State Hluttaw at the first regular session of the Region or State Hluttaw.  
(b) Members of the Region or State Hluttaw who have not taken oaths, shall take oaths before the Speaker of the Hluttaw at the session of the Region or State Hluttaw they first attend.
4. The Speaker of the Region or State Hluttaw shall convene the regular session of the Region or State Hluttaw at least once a year. The interval between two regular sessions shall not exceed 12 months.
5. The following matters are carried out at the session of the Region or State Hluttaw.
  - (a) Recording the address delivered by the Union President;
  - (b) Reading out and recording messages sent by the President and other messages permitted by the Speaker;
  - (c) Recording the address delivered by the Region or State Chief Minister;
  - (d) Submitting, discussing and making decision on a bill;
  - (e) Discussing and deciding the matters the Region or State Hluttaw shall implement in accord with the provisions of the Constitution and any of the existing laws;
  - (f) Discussing, deciding and recording the reports presented to the Region or State Hluttaw;
  - (g) Submitting proposals, holding discussions and making decisions;
  - (h) Raising questions and making replies;
  - (i) Implementing matters permitted by the Speaker of Region or State Hluttaw;
6. (a) The Speaker of the Region or State Hluttaw concerned may convene special session or emergency session of Region or State Hluttaws if necessary.  
(b) The Speaker of the Region or State Hluttaw shall convene a special or emergency session of the Hluttaw as soon as possible when the Region or State Chief Minister informs to do so.  
(c) The Speaker of the Region or State Hluttaw shall convene a special session of the Hluttaw as soon as possible if at least one-fourth of the Region or State Hluttaw members so requisition.

7. (a) A session of the Region or State Hluttaw is valid if more than half the number of members who have the right to attend the session of the Region or State Hluttaw are present on the first day of the session. The session if invalid shall be adjourned.  
(b) The sessions that are held under sub-paragraph (a) due to invalidity of the sessions and the sessions that are extended due to validity of the sessions are valid if at least one-third of the Hluttaw members, who have the right to attend a session of the Region or State Hluttaw, are present.
8. (a) Save as otherwise provided by this Constitution, a matter that should be decided through voting in the Region or State Hluttaw shall be determined by a majority of votes of the members present and voting.  
(b) The Speaker of the Region or State Hluttaw or the Deputy Speaker discharging duties as the Speaker shall not vote in the first instance in the sessions of the Region or State Hluttaw, but shall have and exercise a casting vote in the matters of an equality of votes.
9. If for a period of 15 consecutive days a member of the Region or State Hluttaw is, without permission of the Hluttaw, absent from a session of the Region or State Hluttaw, the Region or State Hluttaw can declare the seat of the member vacant in accord with prescribed rules. In computing the said period of 15 days, no account shall be taken of any period during which the session is prorogued, or is adjourned.
10. Even if there are vacant seats, the Region or State Hluttaw shall have the right to carry out its tasks. Moreover, the session shall not be annulled, even if the acts of some person who was not entitled to do so sat or voted or took part in the proceedings are discovered later.
11. The functions and records of the Region or State Hluttaw shall be published for public information. But, the functions and records restricted by a law or decisions of the Region or State Hluttaw shall not be published.
12. The Region or State Hluttaw has the power to make laws for the whole or any part of the Region or State concerning the matters stated in the Region or State Legislative List.
13. (a) When the Region or State Hluttaw enacts a law, it may -
  - (1) entrust the right to issue rules, regulations and bye-laws related to the law to a Region or State level organization formed under the Constitution.
  - (2) entrust the power to issue notifications, orders, directives and procedures related to the law to the organization or authority concerned.

(b) The rules, regulations, bye-laws, notifications, orders, directives and procedures issued with the right vested by a law shall be consonant with the provisions contained in the Constitution and the law concerned.

(c) After issuing a rule, regulation or bye-law enacted under the law by the Region or State Hluttaw, the organization concerned shall circulate the rules, regulation or bye-law to Hluttaw members during the nearest regular session of the Region or State Hluttaw with arrangements permitted by the Hluttaw Speaker.

(d) If a rule, regulation or bye-law is found not consonant with the provisions of the law concerned, Region or State Hluttaw members can submit a proposal to annul or

- amend the rules, regulations or bye-law to the Region or State Hluttaw within 90 days from the date they are circulated.
- (e) If a decision is made by the Region or State Hluttaw to annul or amend a rule, regulation or bye-law, the decision shall not affect the matters implemented under the rules, regulation or bye-law.
14. (a) Matters that require decision, assent and approval of the Region or State Hluttaw shall be implemented as follows:
- (1) If the Region or State Hluttaw is in session, the matter shall be decided at that session.
  - (2) If the Region or State Hluttaw is not in session, the discussions and decisions on the matter shall be made at the nearest Region or State Hluttaw session.
  - (3) A special session or an emergency session shall be convened to discuss and decide the matters which need prompt action for public interest.
15. (a) Of the matters included in the Region or State Legislative List, the Region or State level organizations formed under the Constitution have the right to submit bills on matters implemented under their managements to the Region or State Hluttaw in accord with the prescribed provisions.
- (b) Bills on Region or State plans, annual budgets and taxation which are to be submitted exclusively by the Region or State Government shall be submitted to the Region or State Hluttaw in accord with the prescribed provisions.
16. Of the matters included in the Region or State Legislative List, except those prescribed under the Constitution to be submitted exclusively as bills by the Region or State Government, the Region or State Hluttaw members have the right to submit bills on the remaining matters in accord with the prescribed provisions.
17. The Region or State Hluttaw shall make a decision when the Region or State Government submits Region or State budget in accord with the prescribed provisions.
18. (a) The Region or State Chief Minister shall -
- (1) sign the bill approved by the Region or State Hluttaw and promulgate it into a law, within seven days after receiving it.
  - (2) sign the bill approved by the Self-Administered Region Leading Body and promulgate it into a law, within 14 days after receiving it.
- (b) If the Region or State Chief Minister does not sign the bill and promulgate it into a law within the fixed time, the bill shall come into force in like manner as if he had signed it on the last date of the fixed time.
- (c) The bills signed by the Region or State Chief Minister and bills which have come into force in like manner as if they were signed by him, shall be promulgated in the official Gazette. The laws shall come into force on the date of such promulgation unless the contrary intention is expressed.
19. (a) Of the members of an organization representing a Region or State level organization formed under the Constitution, the organization members who are members of the Region or State Hluttaw shall have the right of discussing and voting

concerning bills or matters related to the organization concerned in the Hluttaw sessions.

(b) Of the members of an organization representing a Region or State level organization formed under the Constitution, those members who are not Region or State Hluttaw members while attending the session with the permission of the Hluttaw Speaker shall have the right of discussion concerning bills or matters related to the organization concerned.

20. The Speaker of Region or State Hluttaw shall:

(a) supervise Region or State Hluttaw sessions.

(b) invite the Union President if he informs him of his desire to address the Region or State Hluttaw session.

(c) make necessary arrangements when the Region or State Chief Minister informs him of his desire to deliver an address.

(d) have the right, if necessary, to invite members or persons of an organization representing a Region or State level organization formed under the Constitution to the Region or State Hluttaw session to make clarification as regards matters under discussion.

(e) perform other duties and responsibilities entrusted by the Constitution or a law.

21. (a) Subject to the provisions stated in the Constitution or in the Region or State Hluttaw Law, members of the Region or State Hluttaw have freedom of speech and voting at the Region or State Hluttaw as well as at Region or State Hluttaw committee and organization. Concerning the discussions and functions, a Region or State Hluttaw member shall be privileged except under the Region or State Hluttaw Law.

(b) Subject to the provisions stated in the Constitution or in the Region or State Hluttaw Law, members or persons representing a Region or State level organization formed under the Constitution who are permitted or invited to attend a Region or State Hluttaw session have freedom of speech at the Region or State Hluttaw or Region or State Hluttaw committees and bodies. Concerning such discussions, they shall be privileged except under the Region or State Hluttaw Law.

(c) Action shall be taken against those members stated in sub-paragraph (a) and (b) in accord with the rules and regulations and procedures of the Region or State Hluttaw and existing laws if they make physical assault in enjoying the privileges.

22. (a) If there arises a need to arrest a Region or State Hluttaw member attending a Region or State Hluttaw session or a person attending the Hluttaw session with the permission or at the invitation of the Hluttaw Speaker, the reliable evidence shall be submitted to the Hluttaw Speaker. He shall not be arrested without prior approval of the Hluttaw Speaker.

(b) If there arises a need to arrest a member of a committee or a body formed by the Region or State Hluttaw attending a session of the committee or body, the reliable evidence shall be submitted to the Hluttaw Speaker through the head of the committee or body concerned. He shall not be arrested without prior approval of the Hluttaw Speaker.

(c) If there arises a need to arrest a member of Region or State Hluttaw while the Hluttaw or the committee or the body formed by the Hluttaw is not in session,

reliable evidence in support of such arrest shall promptly be submitted to Region or State Hluttaw Speaker.

23. The reports, documents and record published by the Region or State Hluttaw or under its authority shall be privileged.



## **Chapter (V)**

### **Executive**

#### **Formation of Executive Pyidaungsu (Union) government**

1. In connection with formation of the Pyidaungsu (Union) government,
  - (a) The Executive Head of State is the President of the State;
  - (b)
    - (1) the executive power of the State is distributed among the Pyidaungsu, regions and states;
    - (2) self-administrative power is distributed to selfadministered areas as stipulated by the State Constitution.
  - (c) The Union government of the State shall be formed with the following persons:
    - (1) the President of the State;
    - (2) Vice-Presidents;
    - (3) Union ministers;
    - (4) the Attorney-General of the Union.
  - (d) With the approval of the Pyidaungsu Hluttaw, the President of the State shall-
    - (1) designate the Union government ministries as necessary. Moreover, he can make changes in and addition to the designated ministries;
    - (2) allocate the number of Union Ministers as necessary. Moreover, he can increase or reduce the allocated number.
  - (e) Union Ministers shall possess the following qualifications:
    - (1) they must have attained the age of 40 years;
    - (2) with the exception of age limit, they shall possess qualifications prescribed for Pyithu Hluttaw representatives;
    - (3) they shall be loyal to the State and citizenry.

#### **Union Ministers and Deputy Ministers**

2. In connection with appointment of Union ministers,
  - (a) The President of the State shall appoint Union ministers-
    - (1) he shall select suitable persons who possess prescribed qualifications from among the Hluttaw representatives or non-Hluttaw representatives;

(2) he shall obtain a list of nomination of suitable Tatmadaw members from the Commander-in-Chief of Defence Services for ministries of defence, security/ home affairs and border affairs;

(3) he shall consult with the Commander-in-Chief of Defence Services if he desires to appoint Tatmadaw members as Union ministers for the ministries other than defence, security/ home affairs and border affairs.

(b) The President of the State is to prepare together the list of persons he has selected and that of Tatmadaw members from the Commander-in-Chief of Defence Services, submit them to the Pyidaungsu Hluttaw and seek its approval,

(c) Pyidaungsu Hluttaw has no right to refuse a person nominated by the President of the State for the appointment of Union Minister unless it can prove the person concerned does not possess qualifications prescribed for Union Ministers,

(d) The President of the State has the right to submit again the list furnished with new name replacing the one who has not been approved by the Pyidaungsu Hluttaw for the appointment of the Union Minister,

(e) The President of the State shall appoint persons approved by the Pyidaungsu Hluttaw as Union Ministers; in appointing them, the President of the state is to allocate the ministry, or ministries which each Union Minister is to take charge,

(f) The President of the State shall inform the Pyidaungsu Hluttaw whenever he appoints the Union Ministers,

(g) The Union Ministers shall be responsible to the President of the state.

3. In connection with appointment of and assigning of duties to Deputy Ministers,

(a) The President of the State shall have the right to appoint the following persons, from among Hluttaw representatives or non- Hluttaw representatives, who possess the following qualifications, as the Deputy Ministers to assist the Union Ministers-

(1) must be persons who have attained 35 years of age;

(2) with the exception of age limit, all who possess the qualifications prescribed for Hluttaw representatives;

(3) must be loyal to the State and the citizenry.

(b) If the President is to appoint and assign duties to Deputy Ministers for defence, security/ home affairs and border affairs, he shall obtain a list of nomination including suitable Tatmadaw members from the Commander-in-Chief of Defence Services,

(c) The President of the State shall consult with the Commander-in-Chief of Defence Services if he desires to appoint and assign duties to Tatmadaw members as Deputy Ministers for ministries other than defence, security/ home affairs and border affairs,

(d) The President of the State, in appointing and assigning duties to Deputy Ministers, shall allocate the ministries concerned,

(e) The Deputy Ministers shall be responsible to the respective Union Ministers and, through the respective Union Ministers, to the President of the State.

4. In connection with impeachment of any Union Minister,

(a) Any Union Minister shall be impeached for one of the following reasons:

(1) treason;

(2) violation of any provision of the Constitution;

(3) misconduct;

- (4) being disqualified for Union Minister under the Constitution;
- (5) inefficient discharge of duties assigned to him in accord with the law.
- (b) When any Union Minister is impeached, it is to proceed in accord with provisions of the Constitution regarding impeachment of the President or the Vice - President,
- (c) However, when the charge against any Union Minister who is impeached is maintained and the Hluttaw concerned decides that he is not fit to continue to hold office as Union Minister and informs the President of the matter, the President shall remove the Union Minister from office,
- (d) If the Hluttaw concerned decides that the charge has been refuted, the okkahta of the Hluttaw shall inform the President.

5. In connection with the term of office, resignation, removal from office and replacement of Union Ministers and Deputy Ministers,

- (a) The term of office of Union Minister and Deputy Minister shall generally be the same as the term of office of the President,
- (b) If the Union Minister or Deputy Minister desires to resign from office of his own volition due to a certain cause before the expiry of the term of office, then he shall do so only after tendering his written resignation to the President,
- (c) The President shall-
  - (1) have the right to order the resignation of a Union Minister or Deputy Minister, who has failed to discharge his duties, and can remove him from office if he fails to comply with the orders;
  - (2) coordinate with the Commander-in-Chief of Defence Services and take steps if it is concerned with Tatmadaw member Union Minister or Deputy Minister who is to be caused to resign or to be removed from office.
- (d) If the post of Union Minister or Deputy Minister falls vacant due to resignation, removal from office, death or an cause, the President shall have the right to appoint and assign duties to a new Union Minister or Deputy Minister in accordance with the provisions of the Constitution regarding appointment of the Union Minister or Deputy Minister. The term of office of newly appointed Union Minister or Deputy Minister shall be the same as the remaining term of office of the President,
- (e) If the Union Minister or Deputy Minister is a representative of a Hluttaw, it is to be assumed that he has resigned as a Hluttaw representative from the date he is appointed Union Minister or Deputy Minister,
- (f)
  - (1) If the Union Minister or Deputy Minister is a civil servant, then it is to be assumed that he has retired as a civil servant according to the civil service rules and regulations from the date he is appointed Union Minister or Deputy Minister;
  - (2) Tatmadaw members who have been appointed Union Ministers and Deputy Ministers for defence, security/ home affairs and border affairs need not retire and resign from the Tatmadaw.
- (g) If the Union Minister or Deputy Minister is a member of a political party, then he shall refrain from participating in party activities during the term of office from the date he is appointed Union Minister or Deputy Minister,
- (h)
  - (1) When the post of the President who appointed and assigned duties to Union Ministers and Ministers has fallen vacant due to resignation or death or any cause before the expiry of the term of office, the Union Ministers and Deputy Ministers shall continue to perform their duties until the new

President, who has been elected and replaced the vacant post, has appointed and assigned duties to new Union Ministers and Deputy Ministers;

(2) The term of office of the newly appointed Union Ministers and Deputy Ministers shall be the same as the remaining term of office of the new President.

(i) Responsibilities, rights and privileges of Pyidaungsu Ministers and Deputy Ministers shall be prescribed by law.

### **Pyidaungsu Attorney-General and Deputy Attorney-General**

6. In connection with the term of the Attorney-General, it shall be called Pyidaungsu Attorney-General.

7. In connection with the appointment and assignment of duties of Pyidaungsu Attorney-General,

(a) with the approval of the Pyidaungsu Hluttaw, the President of the State shall appoint a person, from among the Hluttaw representatives or persons who are not Hluttaw representatives, having the following qualifications, Pyidaungsu Attorney-General so as to get advice on legal matters and assign duties of a legal character:

(1) having attained the age of 45 years;

(2) apart from the age limit, having qualifications prescribed for Pyithu Hluttaw representatives;

(3) (aa) who has been for at least five years a judge of the Region or State Taya Hluttaw (High Court), or

(bb) who, if he is a judicial officer or a law officer, has been for at least ten years in a position not lower than region or state level, or

(cc) who has been an advocate of the Taya Hluttaw (High Court) of at least 20 years' standing, or

(dd) Who is assumed by the President to be a legal expert of prominent reputation,

(4) being a person who is loyal to the State and the citizens,

(b) Pyidaungsu Hluttaw shall not have the right to reject the person nominated by the President to be appointed Pyidaungsu Attorney-General unless it can prove clearly that he is not qualified for being Pyidaungsu Attorney-General,

(c) the President of the State has the right to submit new nomination to the Pyidaungsu Hluttaw in place of a person who has not been approved to be appointed and assigned duties as Pyidaungsu Attorney-General,

(d) Pyidaungsu Attorney-General is a member of the Pyidaungsu Government,

(e) Pyidaungsu Attorney-General is responsible to the President of the State

8. In connection with impeachment of Pyidaungsu Attorney-General,

(a) Pyidaungsu Attorney-General shall be impeached for one of the following reasons:

(1) treason,

(2) violation of any of the provisions in the Constitution,

(3) misconduct,

(4) being disqualified for the post of Pyidaungsu Attorney-General under the Constitution

- (5) inefficient discharge of duties assigned to him in accord with the law.
- (b) if it is desired to impeach Pyidaungsu Attorney-General, it shall proceed in accordance with provisions regarding the impeachment of the President of the State or Vice-President,
- (c) if the respective Hluttaw submits that the charge has been sustained and the offence or the subject of the offence, is such as to render the Pyidaungsu Attorney-General unfit to continue in office. the President of the State shall terminate the Pyidaungsu Attorney-General from duties,
- (d) if the respective Hluttaw decides that the charge has been refuted, the Hluttaw Chairman shall report the decision to the President of the State.

9. In connection with appointment of Deputy Attorney-General,

(a) The President of the State shall appoint of his own volition a person having the following qualifications from among Hluttaw representatives or persons who are not Hluttaw representatives Deputy Attorney-General to assist Pyidaungsu Attorney-General:

- (1) being a person who has completed the age of 40,
  - (2) apart from the age limit, having qualifications prescribed for Pyithu Hluttaw representatives,
  - (3) being a person
    - (aa) who has been for at least five years a judge of region or state Taya Hluttaw (High Court), or
    - (bb) who, he is a judicial personnel or a law personnel, has been at least ten years in a position not lower than region or state level, or
    - (cc) who has been the advocate of the Taya Hluttaw (High Court) of at least 15 years' standing, or
    - (dd) who is assumed by the President to be a legal expert of prominent reputation,
  - (4) being a person who is loyal to the State and the citizenry,
- (b) Deputy Attorney-General is responsible to the Pyidaungsu Attorney-General and to the President of the State through the Pyidaungsu Attorney-General.

10. In connection with the term of office, resignation, termination of duties and filling the vacant post of the Pyidaungsu Attorney-General or Deputy Attorney-General-

- (a) The term of office of the Pyidaungsu Attorney-General or Deputy Attorney-General shall generally be the same as that of the President of the State;
- (b) The Pyidaungsu Attorney-General or Deputy Attorney-General may resign of his own accord before the expiry date of the term of office after submitting his resignation to the President of the State;
- (c) The President of the State may instruct the Pyidaungsu Attorney-General or Deputy Attorney-General who cannot perform duties fully to resign and shall have right to remove him from office for failure to follow the instruction;
- (d) The President of the State shall, if the post of the Attorney-General or Deputy Attorney-General becomes vacant in the event of resignation, or being removed from office, or death, or any cause, appoint a new Attorney-General or Deputy Attorney-General in accord with the provisions under the Constitution. The remaining tenure of office of the President of the State shall be prescribed for the term of office of the new Attorney-General or Deputy Attorney-General;

- (e) If Pyidaungsu Attorney- General or Deputy Attorney-General is a representative of a Hluttaw, he shall be deemed to have vacated his seat in that Hluttaw from the date he is appointed the Attorney-General or the Deputy Attorney-General;
- (f) If Pyidaungsu Attorney-General or Deputy Attorney-General is a civil servant, he shall be deemed to have retired in accord with the existing rules and regulations from the date he is appointed the Attorney-General or the Deputy Attorney-General;
- (g) If Pyidaungsu Attorney-General or Deputy Attorney-General is a member of a political party, he shall not perform the duties of that party during his tenure of office from the date he is appointed the Attorney-General or Deputy Attorney-General;
- (h)
  - (1) When the post of the President of the State who had appointed and assigned duties to the Pyidaungsu Attorney-General and Deputy Attorney-General fell vacant in the event of resigning, passing away or any other reason, the new President of the State who has been elected as replacement shall continue to assign duties to them, or appoint and assign duties to new Pyidaungsu Attorney-General and new Deputy Attorney-General according to the provisions of the Constitution. If so, the Pyidaungsu Attorney-General and Deputy Attorney-General shall be allowed to continue to perform their duties up to the time when the new Pyidaungsu Attorney-General and Deputy Attorney-General have been appointed and assigned duties,
  - (2) The remaining tenure of office of the President of the State shall be prescribed for the term of office of the new Attorney-General or Deputy Attorney-General.
- (i) The duties, powers and privileges of Pyidaungsu Attorney-General or Deputy Attorney-General shall be prescribed by law.

11. In connection with prescribing the status of Pyidaungsu Attorney-General and Deputy Attorney-General,

- Pyidaungsu Attorney-General is prescribed to be of the same status as Pyidaungsu Minister and the Deputy Attorney-General is prescribed to be of the same status as Deputy Minister, for the purpose of reference in prescribing by law responsibilities, rights and privileges of Pyidaungsu Attorney-General and Deputy Attorney-General.

### **Union Auditor-General and Deputy Auditor-General**

12. In connection with the term of the Auditor-General,

- It shall be called Pyidaungsu Auditor-General.

13. In connection with the appointment of and assignment of duties of Pyidaungsu Auditor-General,

(a) with the approval of the Pyidaungsu Hluttaw, the President of the State shall appoint a person, from among the Hluttaw representatives or persons who are not Hluttaw representatives, having the following qualifications, Pyidaungsu Auditor-General so as to audit State budget and report to the Pyithu Hluttaw and Amyotha Hluttaw;

(1) being a person who has completed the age of 45;

(2) apart from the age limit, having qualifications prescribed for Pyithu Hluttaw representatives;

- (3) (aa) who has been for at least ten years an auditor of not lower than the region or the state level, or
- (bb) who has been for at least twenty years a Registered Accountant or a Certified Public Accountant, or
- (cc) who is assumed by the President to be a well-known accountant, statistician or economist of good reputation,
- (4) being a person who is loyal to the State and the citizens;
- (b) Pyidaungsu Hluttaw shall not have the right to reject the person nominated by the President to be appointed Pyidaungsu Auditor-General unless it can prove clearly that he is not qualified for being Pyidaungsu Auditor-General,
- (c) the President of the State has the right to submit new nomination to the Pyidaungsu Hluttaw in place of a person who has not been approved to be appointed and assigned as Pyidaungsu Auditor-General,
- (d) Pyidaungsu Auditor-General is responsible to the President of the State.

14. In connection with impeachment of the Auditor-General of the Union,

- (a) the Auditor-General of the Union may be impeached for any of the following:
  - (1) breach of allegiance to the State
  - (2) violation of a provision of the Constitution
  - (3) moral turpitude
  - (4) default in qualifications of the Auditor-General of the Union
  - (5) inefficient discharge of duties assigned to him in accord with the law.
- (b) If it is desired to impeach the Auditor-General of the Union, it shall be proceeded in accord with the provisions for impeachment of the President or the Vice-President of the State;
- (c) If the Hluttaw conducting the inquiry decides and submits that the impeachment is true and that the person impeached is not fit to keep on serving as the Auditor-General of the Union, the President shall terminate that person's performance of duties as the Auditor-General of the Union;
- (d) If the Hluttaw conducting the inquiry decides and submits that the impeachment is false, it shall so be reported to the President of the State by the okkahta of the Hluttaw concerned.

15. In connection with the appointment of the Deputy Auditor-General,

- (a) The President of the State shall at own discretion appoint a person who possesses the following qualifications, from among Hluttaw representatives or non-Hluttaw representatives, as the Deputy Auditor-General to assist the Auditor-General of the Union:
  - (1) person who has completed 40 years of age
  - (2) person who possessing qualifications prescribed for Pyithu Hluttaw representatives, except for the age limit
  - (3) (aa) person who has served at least ten years in an auditor's post not lower than Region or State level, or
  - (bb) person who has served as Registered Accountant or Certified Public Accountant for at least 15 years, or
  - (cc) person whom the President of the State regards as one competent in statistics, or accounting or economics with high repute.
  - (4) person loyal to the State and the citizenry,

(b) The Deputy Auditor-General shall be responsible to the Auditor-General, and through the Auditor-General to the President of the State.

16. In connection with the tenure of post, the right to resign from the post, the right to effect termination of duties, and the right to make appointments to fill vacant posts of the Auditor-General of the Union and the Deputy Auditor-General etc,

(a) The tenure of the Auditor-General of the Union and the Deputy Auditor-General shall normally be the same as that of the President of the State,

(b) The Auditor-General of the Union or the Deputy Auditor - General, in the event of wishing to resign on own volition for some reason before the end of the tenure, may submit so in writing to the President of the State and do so,

(c) The President of the State may order the resignation of the Auditor-General of the Union or the Deputy Auditor - General who is unable to discharge the given duties fully, or, in the event of non-compliance, shall order termination of duties of the same,

(d) In the event there comes about a vacancy in the post of the Auditor - General of the Union or the Deputy Auditor - General due to resignation, termination of duties, death or any other cause before the end of the tenure of post, the President of the State may appoint- a new Auditor - General of the Union or Deputy Auditor - General in accord with the provisions on appointment of the Auditor-General of the Union or the Deputy Auditor- General as contained in the State Constitution. The tenure of the Auditor-General of the Union or Deputy Auditor-General shall be only for the remainder of the tenure of the President of the State,

(e) In the event the Auditor-General of the Union or the Deputy Auditor-General happens to be a representative in a Hluttaw, this person shall be deemed to have resigned as a Hluttaw representative from the date of appointment as the Auditor-General of the Union or the Deputy Auditor-General,

(f) In the event the Auditor-General of the Union or the Deputy Auditor-General happens to be a civil servant, this person shall be deemed to have retired as a civil servant in accord with existing service regulations from the date of appointment as the Auditor-General of the Union or the Deputy Auditor-General,

(g) In the event the Auditor-General of the Union or the Deputy Auditor-General happens to be a member of a political party, this person shall not participate in Party activities of that party organization during the tenure of the post from the date of appointment as the Auditor-General of the Union or the Deputy Auditor-General,

(h) (1) In the event there comes about a vacancy in the post of the President of the State who has appointed the Auditor- General of the union and the Deputy Auditor-General due to resignation, termination of duties, death or any other cause before the end of the tenure of office, the new President of the State elected as replacement may retain them or appoint a new Auditor-General of the Union and Deputy Auditor-General in accord with the provisions on appointment of the Auditor - General of the Union and the Deputy Auditor-General as contained in the State Constitution. In such an event, the President of the State may have the incumbents carry on in their posts till the new ones are appointed,

(2) The tenure of the Auditor-General of the Union and Deputy Auditor-General so appointed as replacements shall be only for the remainder of the tenure of the new President of the State.

(i) Duties, rights and privileges of the Auditor-General of the Union and Deputy Auditor-General shall be prescribed by law.

17. In connection with the status of the Auditor-General of the Union and the Deputy Auditor - General,

- the Auditor-General of the Union is prescribed to be of the same status as Union Minister, and the Deputy Auditor-General is prescribed to be of the same status as Deputy Minister, for the purpose of reference in prescribing by law duties, rights and privileges of the Auditor-General of the Union and the Deputy Auditor-General.

### **Formation of Union Civil Service Board**

18. In connection with formation of the Union Civil Service Board,

(a) The President of the State shall form the Union Civil Service Board to carry out duties of selecting and training personnel of civil service and laying down regulations of civil service,

(b) The President of the State shall appoint persons who possess the following qualifications as chairman and members of the Union Civil Service Board:

(1) person who is fully 50 years old

(2) person who possesses qualifications prescribed for Pyithu Hluttaw representatives except for the age stipulation

(3) members of the intelligentsia and intellectuals mature in experience

(4) person loyal to the State and the citizenry

(5) person who is not a member of a political party

(6) person who is not a Hluttaw representative

(c) The chairman of the Union Civil Service Board shall be responsible to the President of the State and members of the board shall be responsible through the chairman of the board to the President of the State,

(d) The tenure of the chairman and members of the Union Civil Service Board shall normally be the same as that of the President of the State,

(e) Formation of the Union Civil Service Board, duties, rights and privileges of the chairman and members, resignation and terminal on of duties shall be prescribed by law.

19. In connection with the status of the chairman of the Union Civil Service Board, the chairman of the Union Civil Service Board is prescribed to be of the same status as Union Minister, for the purpose of reference in prescribing by law duties, rights and privileges of the chairman of the Union Civil Service Board.

### **Region or State Government**

20. In connection with the terms referring to leader of Region or State and members of Region or State government,

(a) the leader of Region or State shall be known as Chief Minister of the Region or State;

(b) members of Region or State government shall be known as Minister of the Region or State.

21. In connection with formation of Region government or State government and appointment of the Chief Minister of Region or State,

(a) Region government is formed in a Region and State government is formed in a State,

(b) Region or State government is formed with the following persons:

- (1) Chief Minister of Region or State
- (2) Ministers of Region or State
- (3) Advocate - General of Region or State

(c) With the approval of Region or State Hluttaw concerned, the President of the State;

- (1) may prescribe Region or State ministries as necessary, and may make changes or additions to the ministries so prescribed;
- (2) may prescribe the number of Region or State ministers as necessary and may decrease and increase this number so prescribed;

(d) Chief Minister and Ministers of Region or State shall possess the following qualifications:

- (1) person who is fully 35 years old
- (2) person who possesses qualifications prescribed for Region or State Hluttaw representatives except for the age stipulation
- (3) person who is loyal to the State and the citizenry

(e) For appointment as the Chief Minister of Region or State, the president of the State shall

- (1) select a suitable Hluttaw representative who possesses prescribed qualifications from among Region or State Hluttaw representatives concerned;
- (2) send the nomination of the selected Hluttaw representative to the Region or State Hluttaw concerted and seek its approval thereof.

(f) The President of the State shall appoint the Hluttaw representative approved by Region or State Hluttaw as the Chief Minister of Region or State

(g) Region or State Hluttaw shall have no right to turn down the Hluttaw representative nominated by the President of the State for appointment as Chief Minister of Region or State, unless it can clearly show that person does not fully possess the qualifications prescribed for the post of the Chief Minister of Region or State

(h) The President of the State has the right to submit a new nomination to the Region or State Hluttaw in place of the person who does not get approval of the Region or State Hluttaw for appointment as the Chief Minister of Region or State.

22. In connection with the appointment of Region or State Ministers,

(a) In order to appoint Region or State Ministers, the Region or State Chief Minister shall

- (1) select suitable persons who possess prescribed qualifications from among the Region or State Hluttaw representatives or non- Hluttaw representatives;
- (2) ask a list of names of suitable Tatmadaw members from the Commander-in-Chief of Defence Services to assign security and border affairs responsibilities;
- (3) ask the nomination of the okkahta from the self-administered division or self-administered zone leading body in the respective region or state;

- (4) obtain the list of Hluttaw representatives elected to undertake the affairs of national races in the respective region or state from the respective Election Commission.
- (b) The Region or State Chief Minister shall prepare together the list of persons he has selected and that of Tatmadaw members nominated by the Commander-in-Chief of Defence Services, submit them to the respective Region or State Hluttaw and seek its approval;
- (c) Region or State Hluttaw has no right to reject a person nominated by the Region or State Chief Minister for the appointment of Region or State Minister unless it can prove clearly the person concerned does not possess qualifications prescribed for Region or State Ministers;
- (d) the Region or State Chief Minister has the right to submit again the list furnished with new name replacing the one who has not been approved by the Region or State Hluttaw for the appointment of the Region or State Minister;
- (e) the Region or State Chief Minister shall submit the names approved by the Region or State Hluttaw, that of okkahta of the self administered division or self-administered zone and that of Hluttaw representatives elected to undertake the affairs of national races for appointment as Region or State Ministers;
- (f) The President of the State shall appoint persons submitted by the Region or State Chief Minister as Ministers; in appointing them, he shall allocate, in consultation with the respective Region or State Chief Minister, the ministry or ministries which each Region or State Minister is to take charge;
- (g) The President of the State shall
- (1) assign duties to the self-administered division okkahtas or self-administered zone okkahtas who are Region or State Ministers, to undertake the affairs of respective self administered division or self-administered zone;
  - (2) assign duties to the Hluttaw representatives elected to undertake the affairs of national races, who are Region or State Ministers, to undertake the affairs of the national races concerned;
- (h) The President of the State shall exercise relaxation of stipulation on age limit in the State Constitution in appointing Region or State Ministers, the okkahta of the self administered division or self-administered zone or Hluttaw representatives elected to undertake the affairs of national races;
- (i) The President of the State, in consultation with the Prime Minister, may appoint Ministers for selfadministered division or self-administered zone and Ministers for national race affairs as Ministers concurrently in charge of other ministries as well;
- (j) The Region or State Chief Minister, if desirous of assigning Tatmadaw members as Region or State Ministers for other responsibilities other than security and border areas affairs responsibilities, shall coordinate with the Commander-in - Chief of Defence Services, obtain the approval of the respective Region or State Hluttaw, and submit it to the President of the State;
- (k) The President of the State is to send intimation of the appointments of Region or State Chief Minister and Ministers to the Region or State Hluttaw and Pyidaungsu Hluttaw;
- (l) (1) The Region or State Chief Minister Shall be responsible to the President of the State.

(2) The Region or State Ministers shall be responsible to the Region or State Chief Minister concerned, and, through the Chief Minister, to the President of the State.

(m) The term of office of the Region or State Chief Minister and Ministers shall normally be the same as that of the President of the State.

23. In connection with impeachment of Region or State Chief Minister or any of the Ministers,

(a) Region or State Chief Minister or any of the Ministers, shall be impeached for one of the following reasons:

(1) treason,

(2) violation of any of the provisions in the Constitution,

(3) misconduct,

(4) being disqualified for the post of Region or State Chief Minister or Minister under the Constitution:

(5) inefficient discharge of duties assigned to him in accord with the law.

(b) If it is desired to impeach a Region or State Chief Minister or Minister for any of the above reasons, a proposal in writing signed by not less than one-fourth of the total membership of the Region or State Hluttaw shall be submitted to the okkahta of the Hluttaw concerned,

(c) The Okkahta of the Hluttaw concerned shall form an investigation commission and cause the charge to be investigated. The term pending the completion of the investigation shall be determined depending on the magnitude of the charge,

(d) The Region or State Chief Minister or Minister thus charged shall have the right to appear or to be represented at the investigation of the charge and be given the chance to refute it,

(e) (1) The Okkahta of the Hluttaw shall report to the Region or State Hluttaw concerned the results of the investigation submitted to him by the investigation commission by which the charge against the Region or State Chief Minister or Minister has been investigated, and then report to the President of the State if a resolution is ' passed, supported by not less than two- thirds of the total membership of the Hluttaw concerned, declaring that the charge has been substantiated and that of the offence, the subject of the charge, is such as to render Region or State Chief Minister or Minister unfit to continue in office;

(2) The President of the State, upon receipt of the submission, shall proceed to remove the Region or State Chief Minister or Minister who has been impeached;

(3) If the Hluttaw concerned decides that the charge has been refuted, the Okkahta of the Hluttaw concerned shall report the decision to the President of the State.

24. In connection with resignation, removal from office and filling the vacated post of a Region or State Chief Minister or any of the Ministers, -

(a) If a Region or State Chief Minister desires to resign on his own volition or any reason before the expiry of the term of office, he shall be permitted to do so after he has submitted his letter of resignation to the President of the State,

(b) The President of the State shall

- (1) instruct the Region or State Chief Minister or Minister, who is incapable of performing duties properly, to re-sign, and proclaim removal from office in the event of failure to comply with his instruction,
  - (2) coordinate with the Commander-in-Chief of Defence Services if the person to resign or be removed from office is the Tatmadaw member Region or State Minister nominated by the Commander-in-Chief of Defence Services.
- (c) If the post of the Region or State Chief Minister or Minister becomes vacant in the event of resignation, or being re-moved from office, or death, or any reason, the President of the State shall take steps to till the vacant post in accord with the provisions of the Constitution in coordination with the Region or State Hluttaw. The remaining tenure of the President of the State shall be prescribed for the term of office of the newly appointed person,
- (d) (1) If the Region or State Minister is a civil servant, he shall be deemed to have retired from his position as civil servant in accord with the existing rules and regulations from the date he is appointed the Region or State Minister;  
(2) Tatmadaw members who have been appointed Region or State Ministers for Security and Border Affairs of the Region or State Governments need not retire or resign from the Tatmadaw.
- (e) Responsibilities, rights and privileges of the Region or State Chief Minister and Ministers shall be prescribed by law.

25. In connection with prescribing the status of the Region or State Chief Minister and Minister,  
- The Region or State Chief Minister is prescribed to be of the same status as Pyidaungsu Minister and the Region or State Minister is prescribed to be of the same status as Deputy Minister, for the purpose of reference in prescribing by law responsibilities, rights and privileges of the Region or State Chief Minister or Minister.

### **Region or State General Administration Department**

26. In connection with the head of the General Administration Department of the Region or State concerned,  
- The head of the General Administration Department of the Region or State concerned shall act ex officio as secretary of the government of the Region or State concerned. Moreover, the General Administration Department of the Region or State shall be the office of the government of the Region or State concerned.

### **Region or State Attorney-General**

27. In connection with the term referring to the Attorney-General of the Region or State,  
- It shall be called the Advocate-General of the Region or State.

28. In connection with the appointment of and assigning duties to the Advocate-General of the Region or State,  
(a) The Chief Minister of the Region or State shall get the approval of the Region or State Hluttaw concerned in appointing and assigning duties to a person, from among Hluttaw representatives or non-Hluttaw representatives, having the following

qualifications as the Region or State Advocate-General in order to get legal advice and assign duties of a legal character and submit the matter to the President:

- (1) being a person who has attained the age of 40 years;
  - (2) being a person who possesses qualifications, except for age limit, prescribed for Region or State Hluttaw representatives;
  - (3) (aa) being a person who has been for at least five years a judicial officer or a law officer not lower than the Region or State level, or being a person who has been for at least ten years a judicial officer or a law officer not lower than district level, or  
(bb) being a person who has been an advocate of the Taya Hluttaw (High Court ) of at least 15 years' standing.
  - (4) being a person loyal to the State and the citizenry.
- (b) The Chief Minister of the Region or State concerned shall send a nominee. after obtaining approval from the Hluttaw concerned for assignment of duties as the Advocate-General of the Region or State concerned, to the President who shall then appoint him the Advocate-General of the Region or State concerned,
- (c) The President has no right to reject the nominee to be appointed Advocate-General of the Region or State concerned unless it can be clearly proved that he does not fully possess qualifications prescribed for the post of the Advocate-General of the Region or State,
- (d) The Chief Minister of the Region or State has the right to submit again a new list furnished with a new nominee re-placing the person who has not been approved by the Region or State Hluttaw concerned for appointment as the Advocate-General of the Region or State concerned,
- (e) The Advocate-General of the Region or State is member of the government of that Region or State,
- (f) The Advocate-General of the Region or State is
- (i) responsible to the President of the State through the Chief Minister of the Region or State concerned;
  - (ii) responsible to the Pyidaungsu Attorney-General and to the Chief Minister of the Region or State concerned.
- (g) If there arises a cause to impeach the Advocate-General of the Region or State, it shall be proceeded in accordance with the provisions of the Constitution regarding impeachment of the Chief Minister or a Minister.
- (h) The Advocate-General of the Region or State is subject to provisions of the Constitution prescribed for the Chief Minister of the Region or State or Ministers concerning resignation, termination from duty, filling the vacant post and deeming the person to have retired in case of being a civil service personnel,
- (i) Responsibilities, rights and privileges of the Advocate-General of the Region or State shall be prescribed by law.

29. In connection with prescribing the status of the Advocate-General of the Region or State,

- The Advocate-General of the Region or State is prescribed to be of the same status as the Region or State Minister for the purpose of reference in prescribing by law responsibilities, rights and privileges of the Advocate-General of the Region or State.

## **Region or State Auditor-General**

30. In connection with the term regarding the Auditor-General of the Region or State,  
- It shall be called the Auditor- General of the Region or State.

## **Auditor-General of the Region or State**

31. In connection with appointment of and assigning duties to the Auditor-General of the Region or State,

(a) The Chief Minister of the Region or State shall select a person from among Hluttaw representatives or non - Hluttaw representatives who possesses the following qualifications for appointment of and assigning duties as the Auditor-General of the Region or State concerned to be able to audit the Region or State budget and submit it to the Region or State, Hluttaw concerned, obtain approval of the Region or State Hluttaw concerned and report the nomination to the President:

(1) being a person who has completed the age of 40;

(2) With the exception of age limit, being a person who has qualifications prescribed for Pyithu Hluttaw representative,

(3) (aa) being a person who has been for at least five years an auditor not lower than Region or State level, or who has been for at least ten years an auditor not lower than district level, or  
(bb) being a person who has been for at least 15 years a Registered Accountant or a Certified Public Accountant;

(4) being a person who is loyal to the State and the citizenry.

(b) The Chief Minister of the Region or State shall send a nominee, after obtaining approval from the Hluttaw concerned for assignment of duties as the Auditor-General of the Region or State concerned, to the President who shall then appoint the person the Auditor- General of the Region or State concerned,

(c) The President has no right to reject the nominee to be appointed Auditor - General of the Region or State concerned unless it can be clearly proved that he does not fully possess qualifications prescribed for the post of the Auditor-General of the Region or State,

(d) The Chief Minister of the Region or State has the right to submit again a new list furnished with a new nominee re-replacing the person who has not been approved by the Region or State Hluttaw concerned for appointment as the Auditor-General of the Region or State concerned,

(e) The Auditor-General of the Region or State is

(i) responsible to the President through the Chief Minister of the Region or State concerned;

(ii) responsible to the Pyidaungsu Auditor-General and to the Chief Minister of the Region or State concerned.

(f) If there arises a cause to impeach the Auditor-General of the Region or State , it shall be proceeded in accordance with the provisions of the Constitution regarding impeachment of the Chief Minister of the Region or State or a Minister,

(g) The Auditor- General of the Region or State is subject to provisions of the Constitution prescribed for the Chief Minister of the Region or State or Ministers concerning resignation, termination from duty, filling the vacant post and deeming the person to have retired in case of being a civil service personnel,

(h) Responsibilities, rights and privileges of the Auditor- General of the Region or State shall be prescribed by law.

32. In connection with prescribing the status of the Auditor-General of the Region or State,  
- The Auditor- General of the Region or State is prescribed to be of the same status as the Region or State Minister for the purpose of reference in prescribing by law responsibilities, rights and privileges of the Auditor- General of the Region or State.

### **Self-Administered Division or Self-Administered Zone Administrative Body**

33. In connection with the term referring to the administrative body of the self-administered division or self-administered zone,

- The administrative body of the self- administered division or self- administered zone shall be called the oo-zi aphwe (leading body) of the self- administered division or oo- zi aphwe (leading body) of the self administered zone.

34. In connection with the formation of the selfadministered division leading body and the selfadministered zone leading body,

(a) Being self- administered areas, self- administered divisions and self- administered zones are of equal status,

(b) There are self- administered division leading bodies and self-administered zone leading bodies formed in the self administered divisions and the self administered zones respectively. The leading bodies exercise legislative power vested in them under the Constitution,

(c) There shall include at least 10 members in the selfadministered division leading body or the self administered zone leading body,

(d) The self- administered division leading body or the self-administered zone leading body shall be constituted with the following persons:

(1) Region or State Hluttaw representatives elected from townships in the self- administered division or self- administered zone concerned;

(2) Tatmadaw member representatives nominated according to law by the Commander-in-Chief of Defence Services in order to assign duties regarding security or border affairs:

(3) additional representatives chosen and assigned by persons stated in sub-paragraphs (1) and (2).

(e) members of the self administered division leading body or self-administered zone leading body stated in above paragraph (d) (1) and (2) are to choose, after consultations among themselves, a suitable person as the self- administered division okkahta or self- administered zone okkahta out of the region or state Hluttaw representatives elected from the townships in the self- administered division or self-administered zone. The person thus chosen is to be submitted to the President of the State through the respective Region or State Chief Minister,

(f) The President of the State is to appoint the person in the nomination submitted as the Okkahta of the respective self-administered division or selfadministered zone,

(g) The Okkahta of the self- administered division or self administered zone is Minister in the region or state concerned. As such, provisions in the Constitution applying to the Ministers of the region or state will also apply to the self-administered division Okkahta or self- administered zone Okkahta,

(h) The Okkahta of the self-administered division or self-administered zone and members of the leading body concerned shall

(1) choose one representative for each national race, if there is any, the population of which is upwards of at least 10,000, residing in the self-administered division or self-administered zone as leading committee member with the exception of national races who have already got regions or states of their own. The person chosen and appointed as leading committee member shall possess qualifications prescribed for region or state Hluttaw representatives.

(2) choose suitable persons as members from among those residing in the self-administered division or self-administered zone concerned, who possess qualifications prescribed for region or state Hluttaw representatives, if the membership is not up to ten in the self-administered division leading body or self-administered zone leading body concerned so that membership will become at least ten.

(i) The Commander-in-Chief of Defence Services shall assign as necessary one-fourth of the total membership with Tatmadaw members in the self-administered division leading bodies or self-administered zone leading bodies.

(j) Tatmadaw members nominated according to law by the Commander-in-Chief of Defence Services to be assigned as members of the self-administered division leading bodies or self-administered zone leading bodies shall possess qualifications of the region or state Hluttaw representatives,

(k) (1) The Okkahta of the respective self-administered division leading bodies or self-administered zone leading bodies shall announce the names of members of the self-administered division leading body or self-administered zone leading body.

(2) The Okkahta of the self-administered division leading body or self-administered zone leading body shall be responsible to the respective region or state Chief Minister. and through the Chief Minister to the President of the State.

(3) Members of the self-administered division leading bodies or self-administered zone leading bodies shall be responsible to the Okkahta.

(4) The term of office, taking action, resignation, removal from duty, termination of duty and filling up vacant posts of the Okkahta and members of the self-administered division leading bodies or self-administered zone leading bodies shall be prescribed by law.

(l) Duties, rights and privileges of the Okkahta and members of the self-administered division leading bodies or self-administered zone leading bodies shall be prescribed by law.

### **Self-administered Division or Self-administered Zone General Administration Department**

(m) The head of General Administration Department in the respective self-administered division or self-administered zone concerned shall serve as secretary of the self-administered division leading body or self-administered zone leading body. Moreover, the General Administration Department in the self-administered division

or self-administered zone shall be the office of the self-administered division leading body or self-administered zone leading body.

### **Administration of Nay Pyi Taw**

35. In connection with administration of Nay Pyi Taw that is Union territory,
- (a) Nay Pyi Taw, that is Union territory, shall include all districts and townships within Nay Pyi Taw city development limits that exist on the day this Constitution comes into force.
  - (b) The President of the State may, as necessary, effect changes in demarcation of districts and townships in Nay Pyi Taw that is Union territory.
  - (c) The President of the State
    - (1) shall constitute a Nay Pyi Taw Council;
    - (2) shall appoint persons who possess prescribed qualifications as chairman and members of Nay Pyi Taw Council;
    - (3) shall obtain from the Commander-in-Chief of the Defence Services a nomination of suitable Tatmadaw member or members who possess prescribed qualifications for appointment as Council member or members for coordination of matters of security of Nay Pyi Taw that is Union territory;
    - (4) may, as necessary, prescribe, in accord with law, the number of members, including the chairman, to serve on Nay Pyi Taw Council.
  - (d) The chairman and members of Nay Pyi Taw Council shall possess the following qualifications:
    - (1) person fully 35 years old;
    - (2) person who possesses qualifications prescribed for Pyithu Hluttaw representatives except for the age stipulation;
    - (3) person who possesses other qualifications prescribed by the President of the State;
  - (e) The chairman of Nay Pyi Taw Council shall be responsible to the President of the State; members shall be responsible to the chairman of Nay Pyi Taw Council and through the latter to the President of the State.
  - (f) In connection with tenure, right to resign, termination of duties, and appointment to fill vacated posts of the chair-man and members of Nay Pyi Taw Council,
    - (1) The tenure of the chairman and members of Nay Pyi Taw Council shall normally be the same as that of the President of the State;
    - (2) The chairman or a member of Nay Pyi Taw Council, in the event of wishing to resign on own volition for some reason before the end of the tenure, may submit so in writing to the President of the State and do so;
    - (3) The President of the State
      - (aa) may order the resignation of the chairman or a member of Nay Pyi Taw Council who is unable to discharge the given duties fully or, in the event of non-compliance, shall order termination of the duties of the same.
      - (bb) shall act in coordination with the Commander-in-Chief of the Defence Services in the case of a Tatmadaw member who is a member of Nay Pyi Taw Council that is to resign or that is going to get termination of duties.

(4) In the event there comes about a vacancy in the post of the chairman or a member of Nay Pyi Taw Council due to resignation, termination of duties, death or any other cause, the President of the State may appoint a new chairman or member of Nay Pyi Taw Council in accord with the provisions in the State Constitution. The tenure of the new chairman or member of Nay Pyi Taw Council shall be only for the remainder of the tenure of the President of the State.

(g) In the event the chairman or member of Nay Pyi Taw Council happens to be a representative in a Hluttaw, this person shall be deemed to have resigned as a Hluttaw representative from the date of appointment as the chairman or member of Nay Pyi Taw Council.

(h) In the event the chairman or member of Nay Pyi Taw Council happens to be a civil servant, this person shall be deemed to have retired or resigned as a civil servant in accord with existing service regulations from the date of appointment as the chairman or member of Nay Pyi Taw Council.

(i) Tatmadaw member or members who are appointed member or members of Nay Pyi Taw Council for coordination of matters of security of Nay Pyi Taw need not retire or resign from the Tatmadaw.

(j) In the event the chairman or member of Nay Pyi Taw Council happens to be a member of a political party, this person shall not participate in party activities of that party organization during the tenure of the post from the date of appointment as the chairman or member of Nay Pyi Taw Council.

(k) Formation of Nay Pyi Taw Council, duties, rights and privileges of the chairman and members of Nay Pyi Taw Council shall be prescribed by law.

(l) The head of General Administration Department of Nay Pyi Taw is the secretary of Nay Pyi Taw Council. General Administration Department of Nay Pyi Taw is the office of Nay Pyi Taw Council.

36. In connection with prescribing of status of the chairman and members of Nay Pyi Taw Council,

- The chairman of Nay Pyi Taw Council is prescribed as of the same status as Union Minister, for purpose of reference in prescribing by law duties, rights and privileges of the chairman and members of Nay Pyi Taw Council.

37. In connection with administration at district and town-ship level,

- administration at district and township level shall be carried out, assigned to State service personnel.

38. In connection with administration at ward or village tract level,

-administration at ward or village tract level shall be carried out, assigned in accord with law, to a person of integrity respected by the community.

### **Sharing of the executive power**

### **Powers and Functions of the President**

1. The President shall be responsible to the Pyidaungsu Hluttaw. The Vice-Presidents shall be responsible to the President and also to the Pyidaungsu Hluttaw through the President.

2. To be able to discharge the duties assigned in accord with the Constitution or any of the law, the National Defence and Security Council led by the President shall be formed with the following persons:

1. President
2. Vice-President
3. Vice-President
4. Speaker of the Pyithu Hluttaw
5. Speaker of the Amyotha Hluttaw
6. Commander-in-Chief of Defence Services
7. Deputy Commander-in-Chief of Defence Services
8. Minister for Defence
9. Minister for Foreign Affairs
10. Minister for Home Affairs
11. Minister for Border Affairs

3. The President shall have

- (a) the right of pardon
- (b) the right of amnesty in accord with recommendation of the National Defence and Security Council.

4. The President shall

- (a) confer honours and awards
- (b) revoke titles, honours and awards.

5. The President shall establish or sever diplomatic relations with foreign nations with the approval of the Pyidaungsu Hluttaw. But in the cases which need immediate action, the President shall coordinate with the Nation Defence and Security Council to sever diplomatic relations with foreign nations, and he shall seek the approval of the Pyidaungsu Hluttaw concerning the action taken by him.

6. The President of the Union, in accord with law,

- (a) shall appoint and recall the diplomats of the country;
- (b) shall agree on the appointment of foreign diplomats and send information on the recall
- (c) shall accept the letters of accreditation presented by foreign diplomats.”

7. The President of the Union, in accord with law, shall appoint and dismiss heads of bodies of public services.

8. The President of the Union, in accord with law,

- (a) shall enter into, ratify or annul international, regional or bilateral treaties, or withdraw from such treaties with the approval of the Pyidaungsu Hluttaw; and
- (b) shall enter into, ratify or annul international, regional or bilateral treaties which do not require the approval of the Pyidaungsu Hluttaw, or withdraw from such treaties.

9. The President of the Union shall have the right to occasionally deliver an address or a message to the meeting of the Pyidaungsu Hluttaw, or the meeting of the Pyithu Hluttaw or

the Amyotha Hluttaw, or to the whole country on any matter regarding the policies and conditions of the State.

10. The President of the Union shall communicate with the Speaker of the Pyidaungsu Hluttaw to summon an emergency or special session of the Pyidaungsu Hluttaw if necessary.

11. (a) Except Union budget matters, the President shall have the right to issue an ordinance on administrative matters that need immediate action during intervals between sessions of the Pyidaungsu Hluttaw.

(b) If the President has not withdrawn the ordinance issued under sub para (a), he shall submit the ordinance for approval to the nearest session of the Pyidaungsu Hluttaw within 60 days after the promulgation of the ordinance. If the Pyidaungsu Hluttaw has not any schedule to hold a session within 60 days, the President shall cause to convene a special session of the Pyidaungsu Hluttaw for approval.

(c) The ordinance shall cease to have effect from the date on which it is disapproved by the Pyidaungsu Hluttaw.

(d) The ordinance issued by the President will be in force with the approval of the Pyidaungsu Hluttaw till required date.

(e) Even such an ordinance is revoked within 60 days after its promulgation; it shall be submitted to the nearest session of the Pyidaungsu Hluttaw.

(f) If such an ordinance contains matters which the Pyidaungsu Hluttaw has no right to make decision according to the Constitution, the ordinance ceases to have effect.

12. The President shall

(a) in coordination with the National Defence and Security Council, formed within the framework of the Constitution, take suitable military action in the face of aggression against the State;

(b) submit the action so taken to the Pyidaungsu Hluttaw for approval if it is in session or call an emergency meeting to present the matter for approval if the Pyidaungsu Hluttaw is not in session.

(c) declare war or make peace only with the assent of the Pyidaungsu Hluttaw.

13. “The President shall sign the laws passed and enacted by the Pyidaungsu Hluttaw after taking action according to the provisions of the Constitution. Such signed laws shall be promulgated in the official Gazette.”

14. The President shall not be responsible for answering to any Hluttaw or to any Court for the exercise or performance of the duties and functions vested in him by this Constitution or any of the existing laws or for any of his actions in the exercise and performance of these powers and functions. But the exemption should not concern the stipulation contained in this Constitution in connection with the impeachment made against him.”

### **The executive powers of Union of the Union Government**

1. Subject to the provisions of this Constitution, the executive power of the Union extends to the matters with respect to which the Pyidaungsu Hluttaw has power to make laws.

2. Subject to the provisions of this Constitution, the executive authority of the Union, shall be vested in the President; but nothing in his section shall prevent the Pyidaungsu Hluttaw from conferring duties and functions upon any authoritative body, or any person in authority, or be deemed to transfer to the President of the State any functions vested in any authoritative body concerned of any other person in authority concerned by existing laws.

3. (a) All executive actions of the Union Government shall be expressed in the name of the President.

(b) Orders and instruments made and executed in the name of the President shall be authenticated in such manner as may be specified in rules to be made by the President. In addition, the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it was not done by the President.

(c) The President shall make rules for the transaction of the business of the Union Government, and for the allocation of the said business among the ministers of the Union Government or to the official responsible under a certain law, except matters conferred on him by this Constitution to act in his own discretion.

(d) Without prejudice to the generality of the foregoing provisions, the allocation of business by the President may be region-wise as well as subject-wise.

4. The Union Government upholds and maintains stability, peace, and the prevalence of law and order in the country.

5. The Union Government shall lay down its policies in accord with the stipulations contained in this Constitution. The Union Government shall draw necessary projects in accord with the policies and implement them with the approval of the Pyidaungsu Hluttaw.

6. Based on annual budgets of the Union, drawn after coordination with the Financial Commission, the Union Government shall draft the bill on Union budget, and shall submit it to the Pyidaungsu Hluttaw in the line with the stipulations contained in this Constitution for approval.

7. The Union Government shall have the right to use the funds within the allotment of the normal expenditure included in the latest-enacted Union budget law of the Pyidaungsu Hluttaw, if the Pyidaungsu Hluttaw cannot approve the Union Government-submitted bill before the end of fiscal year.

8. The Union Government shall submit the bill concerning the matters the Pyidaungsu Hluttaw can enact into law within the framework of the provisions of this Constitution, and shall submit it to the Pyidaungsu Hluttaw.

9. The ministries of the Union Government shall manage, guide and supervise their subordinate government departments and organizations to ensure that the said subordinate bodies are conducting their functions in accord with the stipulations of this Constitution and the existing laws.

10. The Union Government cooperates and coordinates with the region government, the state government, and the self-administered area leading body to enable them to effectively and successfully carry out their tasks.

11. The Union Government, save constitutional disputes and the disputes over the re-delineation of territorial boundary, shall -

- (a) cooperate, coordinate and make decisions if necessary on disputes over administration between regions and states; among regions; among states; between regions or states and self-administered areas; and among selfadministered areas; and
- (b) cooperate, coordinate and solve the disputes over administration between regions or states and Union territories and between selfadministered areas and Union territories; and make decisions if necessary.

12. The Union Government, in accordance with law, shall -

- (a) constitute Union-related service organizations as necessary, and stipulate the duties and functions for such organizations; and
- (b) appoint the required number of staff.

13. The Union Government shall -

- (a) implement administrative resolutions passed occasionally by the Pyidaungsu Hluttaw, and submit the measures it has taken to the Pyidaungsu Hluttaw.
- (b) submit the report on the entire affairs of the Union to the Pyidaungsu Hluttaw on an occasional basis.”

### **Executive power of the region or state government**

1. Subject to the provisions of this Constitution, the executive power of the region or state government extends to the matters with respect to which the region or state Hluttaw has power to make laws. Moreover, in such manner, the executive power of the region or state government also extends to the matters with respect to which the region or state government has been allowed to carry out in accord with any of the Union laws.

2. The region and state governments shall have the responsibility to assist the Union Government in its drive to ensure the stability of the State, community peace and tranquillity and the rule of law.

3. Subject to the policies adopted by the Union Government and Union laws, the region or state governments shall implement the projects in connection with the task to be implemented in the respective regions or states with the approval of the region or states hluttaw.

4. Region or State governments shall submit to the respective Hluttaws of the Regions and States the budget bill of the Regions and States concerned based on the annual budget of the Union Government on accord with the provisions in this Constitution.

5. If the Region or State Hluttaw cannot pass the bill on the budget of the region or state submitted by the region or state government concerned, the said region or state government shall have the right to use the funds of the current expenditure included in the last-enacted budget law of the region or state hluttaw.

6. In accordance with the provisions of Constitution, the region or state government shall have the right to submit to the Region or State Hluttaw the necessary Bill relevant to the matters embodied in the Region or State Legislative List.

7. The region or state government shall -
  - (a) manage, guide, supervise and inspect the performance of the region or state ministries and their subordinate government departments and organizations to ensure that they conduct their functions in accordance with the provisions of this Constitution, or with those of the existing laws.
  - (b) supervise, inspect, cooperate and coordinate in accordance with law the performance of the civil service organizations discharging duties in their respective regions or states.
8. To implement the tasks under its charge in accordance with the Union Law for State Civil Service, or through coordination in advance with the Union government, the region or state government shall -
  - (a) establish civil service organizations of region or state as necessary;
  - (b) appoint the required number of civilian staff.
9. The region or state government shall—
  - (a) implement the resolutions occasionally passed by the Region or State Hluttaw concerned, and submit the report on the measures taken to the Region or State Hluttaw concerned.
  - (b) submit the report on the entire affairs of its area to the Union government and to the Region or State Hluttaw concerned.
10. The region or state government shall implement the tasks occasionally assigned by the Union government.”

**Executive power of leading body of self-administered divisions and self-administered zones**

1. Subject to provisions of the Constitution, the self-administrative power of the self-administered division and self-administered zone leading bodies extends to the following matters:
  - (a) with respect to which the self-administered division and self-administered zone leading bodies has power to make laws;
  - (b) with respect to which the self-administered division and self-administered zone leading body has power to implement matters in accord with any law enacted by the Pyidaungsu Hluttaw; and
  - (c) with respect to which the self-administered division and self-administered zone leading body has power to implement matters in accord with any law enacted by the respective Region or State Hluttaws.
2. Self-administered division or self-administered zone leading body has the duty to help the Union Government in its drive to ensure stability of the State, community peace and tranquillity and the rule of law.
3. The self-administered division or the self-administered zone leading bodies shall
  - (a) subject to the policies of the Union Government, draw work programmes for development of their territory and shall coordinate the matter with the respective region government or state government;
  - (b) draw annual budgets and coordinate with the region or state government concerned in accord with the provisions of the Constitution for approval;
  - (c) have the right to use the allotted budget funds included in the budget law of the region or state concerned;

- (d) use the fund of the current expenditure permitted within the last-enacted budget law of the hluttaw of the region or state concerned if they cannot obtain the budget allotment in time due to region or state hluttaw's failure to enact the budget law in time.
4. Self-administered division and self-administered zone leading bodies shall, in accord with the law, supervise and coordinate the functions of civil service organizations discharging duties in their territory.
  5. The self-administered division and self-administered zone leading bodies shall submit reports stating the general situation of the territory to the Union Government and the region or state government concerned.
  6. The self-administered division and self-administered zone leading bodies shall carry out the task assigned occasionally to them by the Union Government and the region or state government concerned.”

### **State Service personnel**

1. State service personnel shall be free from party politics.
2. Matters as to the appointment of employees, promotion, retirement, the enforcement of rules, the designation of service rules, and taking of action against service personnel shall be in accordance with law.
3. As to occupational security for State service personnel; the sufficiency of food, clothing and shelter needs; maternal rights for married women service personnel; and the provision of food, clothing and shelter assistance to the retired, necessary laws shall be enacted.
4. Given the unusual nature of the responsibility of the Tatmadaw members, who are State service personnel, they shall be dealt with according to military laws.
5. Given the unusual nature of the responsibility of Myanmar Police Force members, who are State service personnel, separate laws shall be enacted for them.”



## **Chapter (VI)**

### **Judiciary**

#### **Formation of Judiciary**

1. In connection with the distribution of judicial powers of the State,  
The judicial power of the State is distributed,
  - (a) in accordance with the State Constitution or by other Laws, among the Supreme Court of the Union, High Courts of the Regions, High Courts of the States, Courts of the self-administered divisions, Courts of the self-administered zones, District Courts, Township Courts, other courts constituted by law and judges appointed in accordance with law.
  - (b) in accordance with the State Constitution or by other laws, among Courts Martial,

(c) in accordance with the State Constitution, to the Constitutional Tribunal.

### **Constitution of the Supreme Court of the Union**

2. In connection with the constitution of the Supreme Court of the Union,

(a) In the State is constituted one Supreme Court of the Union. The Supreme Court of the Union is the supreme law court of the State which shall not affect judicial powers vested in the Constitutional Tribunal and Courts Martial.

(b) (1) The head of the Supreme Court of the Union shall be called Chief Justice of the Union;

(2) in the Supreme Court of the Union, judges of the Supreme Court of the Union including the Chief Justice of the Union shall be appointed from a minimum number of seven to maximum 11.

(c) (1) The President of the State shall submit the nomination of the person suitable to be appointed as the Chief Justice of the Union to the Pyidaungsu Hluttaw and seek the approval of it;

(2) Pyidaungsu Hluttaw shall not have the right to reject the person nominated by the President for appointment of the Chief Justice of the Union unless it can clearly prove that the person do not meet the qualifications for the post prescribed in the Constitution;

(3) The President of the State has the right to submit again the list furnished with new name replacing the one who has not been approved by Pyidaungsu Hluttaw for the appointment of the Chief Justice of the Union;

(4) The President of the State shall appoint the person who has been approved by Pyidaungsu Hluttaw as the Chief Justice of the Union.

(d) (1) The President of the State, in consultation with the Chief Justice of the Union, shall submit the nomination of persons suitable to be appointed as the Judges of the Supreme Court of the Union to the Pyidaungsu Hluttaw and seek the approval of it;

(2) Pyidaungsu Hluttaw has no right to reject persons nominated by the President of the State for the appointment of Judges of the Supreme Court of the Union unless it can prove clearly the persons concerned do not possess the qualifications prescribed for Judges of the Supreme Court of the Union in the Constitution;

(3) The President of the State has the right to submit again the list furnished with new name replacing the one who has not been approved by Pyidaungsu Hluttaw for the appointment of a Judge of the Supreme Court of the Union;

(4) The President of the State shall appoint the persons approved by Pyidaungsu Hluttaw as Judges of the Supreme Court of the Union.

### **Qualifications of the Chief Justice of the Union and Judges of the Supreme Court of the Union**

3. In connection with qualifications of the Chief Justice of the Union and Judges of the Supreme Court of the Union, The Chief Justice of the Union and Judges of the Supreme Court of the Union shall

(a) be not younger than 50 years and not older than 70;

(b) possess qualifications, except for age limit, prescribed for Hluttaw representative;

- (c) (1) have been for at least five years as a judge of the High Court of a region of state, or
- (2) have been a judicial officer or law officer for at least ten years not lower than region or state level, or
- (3) have been an advocate of a High Court of at least 20 years' standings;
- (4) have been assumed by the President to be a legal expert of prominent reputation.
- (d) be loyal to the State and the citizenry;
- (e) not be a member of a political party;
- (f) not be a Hluttaw representative.

### **Impeachment of the Chief Justice of the Union or Judges of the Supreme Court of the Union**

4. In connection with the powers to be vested in the President of the State,
- (a) The President of the State shall impeach the Chief Justice of the Union or a Judge of the Supreme Court of the Union for any of the following reasons,
    - (1) treason,
    - (2) violation of any of the provisions in the Constitution,
    - (3) misconduct,
    - (4) being disqualified for the post of the Chief Justice of the Union or a Judge of the Supreme Court of the Union under the Constitution,
    - (5) inefficient discharge of duties assigned to him in accord with the law.
  - (b) If it is desired to impeach the Chief Justice of the Union or a Judge of the Supreme Court of the Union, the President of the State shall submit the charge to the *Nayaka* of the Pyidaungsu Hluttaw.
  - (c) The *Nayaka* of the Pyidaungsu Hluttaw shall form an investigation commission and cause the charge to be investigated according to law.
  - (d) In forming the investigation commission, equal number of representatives of the Pyithu Hluttaw and Amyotha Hluttaw shall be included and a suitable person out of the commission members shall be appointed as chairman of the investigation commission.
  - (e) The term pending the completion of the investigation shall be determined depending on the magnitude of the charge.
  - (f) The President of the State may explain the charge made by him before the investigation commission personally or through a representative. He has the right to submit evidence and witnesses.
  - (g) The person thus charged shall have the right to appear or to be represented at the investigation of the charge and be given the chance to refute it.
  - (h) The *Nayaka* of the Pyidaungsu Hluttaw shall report to the Pyidaungsu Hluttaw the findings of the investigation commission.
  - (i) If a decision is passed, supported by two-thirds of the total membership of the Pyidaungsu Hluttaw, declaring that the charge has been substantiated and that the Chief Justice of the Union or a Judge of the Supreme Court of the Union thus charged is such as to render him unfit to continue in office, the *Nayaka* of the Pyidaungsu Hluttaw shall report the decision to the President of the State.
  - (j) The President of the State then proceed to remove the Chief Justice of the Union or a Judge of the Supreme Court of the Union who has been impeached.

(k) If the Pyidaungsu Hluttaw decides that the charge has been refuted, the *Nayaka* of the Pyidaungsu Hluttaw shall report the decision to the President of the State.

5. In connection with the impeachment of the Chief Justice of the Union or a Judge of the Supreme Court of the Union,

(a) The Chief Justice of the Union or a Judge of the Supreme Court of the Union shall be impeached for any of the following:

- (1) breach of allegiance to the State,
- (2) violation of any of the provisions in the Constitution,
- (3) moral turpitude,
- (4) being disqualified for the post of the Chief Justice of the Union or a Judge of the Supreme Court of the Union under the Constitution
- (5) inefficient discharge of duties assigned to him in accord with the law.

(b) If it is desired to impeach the Chief Justice of the Union or a Judge of the Supreme Court of the Union, it shall be done so in accord with the provisions of the Constitution regarding the impeachment of the President or Vice President of the State.

(c) However, if the Hluttaw concerned submits report that the charge has been substantiated and the offence, the subject of the charge, is such as to render the Chief Justice of the Union or a Judge of the Supreme Court of the Union unfit to continue in office, the President of the State shall proceed to proclaim the removal of the Chief Justice of the Union or a Judge of the Supreme Court of the Union.

(d) If the Hluttaw concerned decides that the charge has been refuted, the *Okkabta* of the Hluttaw concerned shall report the decision to the President of the State.

### **The term of the Chief Justice of the Union and Judges of the Supreme Court of the Union**

6. In connection with the term of office of the Chief Justice of the Union and Judges of the Supreme Court of the Union,

The chief Justice of the Union and Judges of the Supreme Court of the Union are to hold office up to the age of 70 unless asked to resign by the President of the State or removed from office, or until one of the following occurs:

- (a) resignation of own accord;
- (b) being removed from office after impeachment in accordance with the provisions of the Constitution;
- (c) permanent disability due to either physical or mental defects shown by medical board of examinations prescribed by law, or any other cause rendering them unfit to carry on duties;
- (d) death.

7. In connection with the Chief Justice of the Union or Judges of the Supreme Court of the Union having to be free from party politics and retiring from civil service,

(a) the Chief Justice of the Union and Judges of the Supreme Court of the Union must be free from party politics;

(b) the Chief Justice of the Union or Judges of the Supreme Court of the Union, if he happens to be a civil servant, must be deemed to have retired from civil service, in

accord with existing service regulations from the date of appointment as the Chief Justice of the Union or Judges of the Supreme Court of the Union.

8. In connection with duties, rights and privileges of the Chief Justice of the Union or Judges of the Supreme Court of the Union, duties, rights and privileges of the Chief Justice of the Union or Judges of the Supreme Court of the Union shall be prescribed by law.

9. In connection with the status of the Chief Justice of the Union or Judges of the Supreme Court of the Union,

- the Chief Justice of the Union is prescribed to be of the same status as the Vice-President and Judges of the Supreme Court of the Union are prescribed to be of the same status as Union Ministers, for the purpose of reference in prescribing by law duties, rights and privileges of the Chief Justice of the Union or Judges of the Supreme Court of the Union.

### **Formation of High Courts of Region or State**

10. In connection with formation of High Courts of Region or State,

(a) there is a High Court of the Region in every Region, and a High Court of the State in every State.

(b) (1) the leader of High Court of the Region or High Court of the State shall be known as Chief Justice of the High Court of the Region or Chief Justice of the High Court of the State.

(2) In a High Court of the Region or High Court of the State, a minimum of three and a maximum of seven Judges of the High Court of the Region or the High Court of the State, inclusive of Chief Justice of the High Court of the Region or Chief Justice of the High Court of the State, may be appointed.

(c) (1) the President of the State, in coordination with the Chief Justice of the Union and the Chief Minister of the Region or State concerned, shall prepare a nomination of the Chief Justice of the High Court of Region or State, and the Chief Minister of the Region or State concerned, in coordination with the Chief Justice of the Union. shall prepare a nomination of the Judges of the High Court of the Region or State concerned, and they shall send them to the Region or State Hluttaw concerned.

(2) Region or State Hluttaw concerned shall not have the right to reject the person nominated by the President of the State in coordination with the Chief Justice of the Union and the Chief Minister of the Region or State concerned, to be appointed Chief Justice of the High Court of the Region or State, or the persons nominated by the Chief Minister of the Region or State concerned, in coordination with the Chief Justice of the Union, to be appointed Judges of the High Court of the Region or State concerned, unless it can prove clearly that the person or persons do not fully possess qualifications prescribed for the Chief Justice of the High Court of the Region or State and Judges of the High Court of the Region or State as contained in the Constitution.

(3) There is right to present new nomination as prescribed in place of persons rejected as in Sub-Paragraph 2 above.

(4) the President of the State shall appoint persons approved by Region or State Hluttaw as the Chief Justice of the High Court of Region or State and Judges of the High Court of the Region or State.

### **Designation of qualifications of the Chief Justice of the High Court of the Region or State and Judges of the High Court of the Region or State**

11. In connection with the qualifications of the Chief Justice of the High Court of the Region or State and Judges of the High Court of the Region or State,

- the Chief Justice of the High Court of Region or State and Judges of the High Court of the Region or State shall possess the following qualifications:

- (a) person not younger than 45 and not older than 65 years of age;
- (b) person who possess qualifications prescribed for Region or State Hluttaw representative except for the age stipulation;
- (c)
  - (1) person who has served at least five years as judicial service personnel or law service personnel of not lower than Region or State level or at least ten years as judicial service personnel or law service personnel of not lower than district level, or
  - (2) a person who has served as advocate for at least 15 years, or
  - (3) person whom the President of the State regards as one of high repute as learned in law.
- (d) person loyal to the State and the citizenry;
- (e) person who is not a member of a political party;
- (f) person who is not Hluttaw representative;

### **Impeachment of the Chief Justice of the High Court of Region or State and Judges of the High Court of Region or State**

12. In connection with empowering the President of the State and the Chief Minister of Region or State,

(a) The President of the State may impeach the Chief Justice of the High Court of Region or State, and the Chief Minister of Region or State may impeach a Judge of the High Court of Region or State, for any of the following:

- (1) breach of allegiance to the State
- (2) breach of a provision of the Constitution
- (3) moral turpitude
- (4) Losing qualifications prescribed for the Chief Justice of the High Court of Region or State or Judge of the High Court of the Region or State
- (5) inefficient discharge of duties assigned to him in accord with the law.

(b) In the event the president of the State wishes to impeach the Chief Justice the High Court of Region or State, or the Chief Minister of Region or State wishes to impeach a Judge of the High Court of Region or State, he shall send the impeachment to the Region or State Hluttaw *Okkabta*

(c) Region or State Hluttaw shall form an inquiry committee and have it conduct inquiries in accord with law.

(d) The inquiry committee shall be formed with Region or State Hluttaw representatives, and a suitable one from among them shall be appointed chairman of the inquiry committee.

- (e) The time allowed to conduct and complete the inquiry shall also be prescribed, with due consideration of the volume of work involved in the inquiry.
- (f) The president of the State or the Chief Minister of Region or State may, in person or through a representative explain the impeachment before the inquiry committee, and has also the right to produce evidence and witnesses.
- (g) The person impeached shall be given the right of self-defence, in person or through a representative, in the inquiry.
- (h) The *Okkabta* of the Region or State Hluttaw shall report to the Region or State Hluttaw on the results of the investigation on the charge submitted to him by the investigation committee.
- (i) If it is decided that the charge is correct and that the Chief Justice or judge of High Court of the region or State is not fit to continue in office, then it is to be supported by not less than two-thirds of the total membership of the Hluttaw of the Region or State and the *Okkabta* of the Hluttaw shall submit the matter to the President if it is the case of the Chief Justice of High Court of the Region or State and to the Chief Minister of the Region or State concerned if it is the case of a judge of the High Court of the Region or State. The Chief Minister of the Region or State concerned, on receiving the report, shall submit it to the President.
- (j) The President, on receiving the reports, shall order the removal from office of the Chief Justice or judge of the High Court of Region or State.
- (k) If the Hluttaw of the Region or State concerned decides that the charge against the Chief Justice or judge of the High Court of Region or State has been refuted, the *Okkabta* of the Hluttaw concerned shall report the decision to the President if it is the case of the Chief Justice of High Court of the Region or State and to the Chief Minister of the Region or State concerned if it is the case of the Judge of High Court of the Region or State.

13. In connection with impeachment of the Chief Justice or any of judges of High Court of Region or State,

- (a) The Chief Justice or a judge of the High Court of Region or State shall be impeached for any of the following:
  - (1) treason;
  - (2) violation of any of the provisions of the Constitution;
  - (3) misconduct;
  - (4) being disqualified for the post of Chief Justice or judge of the High Court of Region or State as prescribed in the Constitution.
  - (5) inefficient discharge of duties assigned to him in accord with the law.
- (b) If there arises a cause to impeach a Chief Justice or a judge of the High Court of a Region or State for any of the above offences, a proposal in writing signed by not less than one-fourth of the total membership of the Region or State Hluttaw shall be submitted to the *Okkabta* of the Hluttaw concerned.
- (c) The *Okkabta* of the Hluttaw concerned shall cause the charge to be investigated by a committee. The term pending the completion of the investigation shall be determined depending on the magnitude of the charge.
- (d) The Chief Justice or judge of the High Court of the Region or State who is charged shall have the right to appear or to be represented at the investigation of the charge and be given the chance to refute;

(e) The finding made by the investigation committee on the charge made by the Region or State Hluttaw against the Chief Justice or judge of the High Court of a Region or State shall be submitted to the *Okkahta* of the Hluttaw concerned. If a resolution is passed, supported by not less than two-thirds of the total membership of the Hluttaw concerned, deciding that the charge is such as to render the Chief Justice or judge of the High Court of the Region or State unfit to continue in office, the *Okkahta* of the Hluttaw shall submit the decision to the President if it is the case of the Chief Justice of the High Court of Region of State and to the Chief Minister of the Region or State concerned if it is the case of a judge of the High Court of Region or State. The Chief Minister of the Region or State concerned, on receiving the report, shall submit it to the President.

(f) The President, on receiving the reports, shall order the removal from office of the Chief Justice or judge of the High Court of Region or State.

(g) If the Hluttaw of the Region or State concerned decides that the charge against the Chief Justice or Judge of the High Court of the Region or State has been refuted, the *Okkahta* of the Hluttaw concerned shall submit the decision to the President if it is the case of the Chief Justice of the High Court of Region or State and to the Chief Minister of the Region or State concerned if it is the case of a judge of the High Court of Region or State.

### **The term of the Chief Justice or judges of the High Court of the Region or State**

14. In connection with term of office of the Chief Justice or judges of the High Court of the Region or State,

- the Chief Justice or judges of the High Court of the Region or State shall have the right to serve till they are fully 65 years of age if there does not arise any of the following reasons:

- (a) voluntary resignation;
- (b) termination of service after impeachment in accordance with the provisions of the Constitution;
- (c) becoming unfit to continue service for permanent disability due to physical or mental impairment as certified by the medical board prescribed by law;
- (d) death.

15. In connection with the need for the Chief Justice or judges of the High Court of the Region or State to be free from party politics and to retire from civil service,

- (a) the Chief Justice or judges of the High Court of the Region or State shall be free from party politics;
- (b) the Chief Justice or judges of the High Court of the Region or State, if they happen to be civil servants, shall be considered as having retired from civil service in accordance with existing civil service regulations from the date they are appointed the Chief Justice or judges of the High Court of the Region or State.

16. In connection with responsibilities, rights and privileges of the Chief Justice or judges of the High Court of the Region or State,

- Responsibilities, rights and privileges of the Chief Justice or judges of the High Court of the Region or State shall be prescribed by law.

17. In connection with the status of the Chief Justice or judges of the High Court of the Region or State, The Chief Justice of the High Court of the Region or State is prescribed to be of the same status as the Union Minister and the judge of the High Court of the Region or State is prescribed to be of the same status as Deputy Minister for the purpose of reference on prescribing by law responsibilities, rights and privileges of the Chief Justice or judges of the High Court of the Region or State.

### **Courts under the supervision of the High Court of the Region or State**

18. In connection with formation of various levels of courts under the supervision of the High Court of the Region or State:

Under the supervision of the High Court of the Region or State, there are the following levels of courts.

- (a) if there is no self-administered areas in the Region or State,
  - (1) district courts,
  - (2) township courts;
- (b) if there is self-administered area in the Region or State,
  - (1) in the self-administered division
    - (aa) court of the self-administered division,
    - (bb) township courts;
  - (2) in the self-administered zone
    - (aa) court of the self-administered zone,
    - (bb) township courts;
  - (3) in other areas
    - (aa) district courts.
    - (bb) township courts;
  - (4) in the Union territory
    - (1) district courts
    - (2) township courts
- (d) other courts set up by law.

19. In connection with appointment of judges, giving them judicial powers, prescribing their duties, rights and privileges and formation of service organizations at these courts and their duties, rights and privileges:

- (a) appointing judges at various levels of courts under the supervision of the High Court of the Region or State, giving them judicial powers and prescribing their duties, rights and privileges shall be in accord with law;
- (b) forming service organizations comprising officers and other ranks at the Supreme Court of the Union, High Courts of Regions or States and other courts and prescribing duties, rights and privileges of service personnel in them shall be in accordance with law.

### **The sharing of the judicial power Exclusive original jurisdiction of the Supreme Court of the Union**

- 1. (a) The Supreme Court of the Union shall have the exclusive original jurisdiction -
  - (1) in all matters arising under any treaty made by the Union;

(2) the disputes, other than the constitutional disputes, between the Union Government and region or state governments,

(3) the disputes, other than the constitutional disputes, among the regions, among the states, between regions and states, between Union territories and regions or states,

4. other matters prescribed by any laws

(b) as the Supreme Court of the Union is the highest court of the Union, it is also the final court of appeal

(c) as the judgements passed by the Supreme Court of the Union are final and conclusive, no right of appeal shall be permitted

(d) The Supreme Court of the Union, subject to any provisions of this Constitution or any provisions of other laws, shall have appellate jurisdiction to decide on the judgments passed by the region or state high courts. The Supreme Court of the Union shall also have the appellate jurisdiction to decide on, according to the law, the judgments passed by the other courts.

(e) The Supreme Court of the Union shall have the revisional jurisdiction in accordance with law.

2. (a) The Supreme Court of the Union has the power to issue the following writs:

(1) Writ of habeas corpus

(2) Writ of mandamus

(3) Writ of prohibition

(4) Writ of quo warranto

(5) Writ of certiorari

(b) The application to issue writs shall be suspended in the areas where the state of emergency is declared.

### **Jurisdiction of the courts of Region or State**

3. The courts of regions or states are vested with the following jurisdiction in accordance with law:

(a) adjudicating on original case

(b) adjudicating on appeal case

(c) adjudicating on revision case

(d) adjudicating on matters vested by any law

4. (a) With regard to the judicial matter, Mandalay Region High Court is the high court of the courts situated in Nay Pyi Taw.

(b) In case any area located in regions or states is designated to be a Union territory, the region or state high court concerned with regard to the judicial matter is the high court of the courts situated in the said Union territory.

### **Jurisdiction of courts at various levels**

5. District courts, self-administered division courts and self-administered area courts have the jurisdiction with regard to original criminal cases, original civil cases, or appeal cases and revision cases, or the matters vested by any law.

6. Township courts have the jurisdiction with regard to original criminal cases, original civil cases, or the matters vested by any law.
7. The judges appointed in accordance with law are to take charge of the entire judicial affairs on the Union at the courts formed according to this Constitution or any of other laws.
8. The Supreme Court of the Union shall submit judiciary budget to the Union government to express them in the Bill of the Annual Union Budget in accordance with the provisions embodied in this Constitution.
9. The Chief Justice of the Union shall have the right to submit the important judiciary condition concerning the State or the public in writing to the session of the Pyidaungsu Hluttaw, or the session or the Pyithu Hluttaw or the Amyotha Hluttaw on an occasional basis.



## **Chapter (VII)**

### **The Tatmadaw**

1. The Tatmadaw is the sole existing Tatmadaw which is strong and modern.
2. The Tatmadaw is mainly responsible for safeguarding the State Constitution.
3. The Tatmadaw is mainly responsible for safeguarding non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty.
4. The Tatmadaw must play a leading role in safeguarding the Union of Myanmar against all internal and external dangers. The Tatmadaw is the core armed forces for national defence.
5. With the approval of National Defence and Security Council, the Tatmadaw has the right to administer for participation of the entire people in the State security and defence. The people's militia strategy shall be formed with Tatmadaw's leadership.
6. All the armed forces in the nation shall be under the command of the Tatmadaw.
7. The Defence Services Commander-in-Chief is the Supreme Commander of all armed forces.
8. As a reference in designating the official position of the Commander-in-Chief, the Commander-in-Chief is designated as the Vice-President level.

9. The President shall appoint the Commander-in-Chief of the Defence Services with the proposal and approval of the National Defence and Security Council.

10. The Tatmadaw has the right to independently administer all affairs concerning the armed forces.

11. Military justice for members of the Tatmadaw may be administered according to law by a panel or by a judge.

12. The decision of the Commander-in-Chief of the Defence Services is final in military justice.

13. A law shall be promulgated to provide assistance and care for families of the disabled or fallen Tatmadaw members.

14. The Tatmadaw must render assistance to the people in case of the occurrence of a calamity in the nation that affects the nation and the people.



## **Chapter VIII**

### **Citizenship, Fundamental Rights and Duties of Citizens**

1. All persons who have either one of the following requirements are citizens of the Union of Myanmar:

(a) All persons born of parents both of whom are nationals of the Union of Myanmar.

(b) Persons who are vested with citizenship according to the existing laws on the date this Constitution comes into force.

2. Citizenship, naturalization and revocation of citizenship shall be as prescribed by the law.

3. The State shall enable any citizen to enjoy equal rights before the law and shall equally provide legal protection.

4. The State shall not discriminate against or in favour of any citizen based on race, birth, religion, official position, status, culture, sex and wealth.

5. Citizens shall enjoy equal rights in the following areas:

(a) civil service;

(b) occupation;

(c) trade;

(d) business;

(e) technical know-how and profession;

- (f) exploration of science and technology.
6. Women shall be entitled to the same rights and salaries as that received by men in respect of similar work.
7. Mothers, children and expectant women shall enjoy rights as prescribed by law.
8. The State shall, in appointing or assigning duties, not discriminate against or in favour of any citizen with qualifications set for posts or duties based on race, birth, religion, and sex. However, noting in this section shall prevent appointment of men to the positions that are naturally suitable for men only.
9. Nothing shall, except in accord with existing laws, be detrimental to the lives and personal freedom of any citizen.
10. There shall be liberty in the exercise of the following rights subject to the laws enacted for State security, prevalence of law and order, community peace and tranquillity or public order and morality:
- (a) The right of the citizens to express freely their convictions and opinions;
  - (b) The right of the citizens to assemble peacefully without arms;
  - (c) The right of the citizens to form associations and unions;
  - (d) The right of the citizens to develop their language, literature, culture they cherish, religion they profess, and customs without prejudice to the relations between on national race and another, or among national races and to other faiths.
11. Every citizen shall have the right to settle and reside in any place within the State according to law.
12. The State shall, according to law, protect every citizen's movable assets and immovable assets lawfully earned and acquired.
13. The State shall, by law, protect the premises and security of the home, property, correspondence and other communications of citizens subject to the provisions of this Constitution.
14. The State prohibits enslaving of man and trafficking in persons.
15. The State prohibits any form of forced labour except hard labour as a punishment for crime duly convicted and duties assigned thereupon by the State in accord with the law in the interests of the people.
16. Every citizen is equally entitled to freedom of conscience and the right to freely profess and practise religion subject to public order, morality or health and to the other provisions of the State Constitution.
17. The above right shall not include any economic, financial, political or other secular activities that may be associated with religious practice.

18. The freedom so guaranteed shall not prohibit the State from enacting laws for the purpose of social welfare and reform.
19. The State recognizes the special position of Buddhism as the faith professed by the great majority of the citizens of the State.
20. The State also recognizes Christianity , Islam, Hinduism and Animism as the religions existing in the Union on the date on which the State Constitution comes into force.
21. The State shall render assistance and protect as it possibly can the religions it recognizes.
22. The abuse of religion for political purposes is forbidden; and any act which is intended or is likely to provoke feelings of hatred, enmity or discord between racial or religious communities or sects which is contrary to the State Constitution. A law may be adopted to punish such actions.
23. Every citizen shall, in accord with the law, have the right to freely develop literature, culture, arts, customs and traditions they cherish. In the process, they shall avoid any act which is to the detriment of national solidarity. Any particular action in this respect which might adversely affect the interests of one or several other national races shall be taken only after consulting with and ascertaining the consent of those affected.
24. Every citizen, in accord with the education policy laid down by the Union, shall:
  - (a) have the right to education;
  - (b) be given basic education prescribed by the law as compulsory;
  - (c) have the right to innovate and express conscience for the development of science, literature and arts, and freely conduct research on culture.
25. Every citizen, in accord with the health policy laid down by the State, shall have the right to health care.
26. The State shall encourage and provide, based on qualifications, assistance for citizens outstanding in education, irrespective of race, religion, and sex.
27. Subject to this Constitution and relevant laws, every citizen shall have the right to elect and to stand for election to the Pyithu Hluttaw, the Amyotha Hluttaw, and the Region or State Hluttaw.
28. Respective electorate shall have the right to recall a Hluttaw members in accord with the law.
29. Every citizen shall have the right to freely do any business in accord with the law for the national economic growth.
30. The State shall help national businessmen have access to technologies, investments, machinery, and raw materials.

31. In doing business, without prejudice to the law, every citizen is guaranteed the rights of property ownership, using assets, initiation, and copyright by the Union.

32. No person shall be convicted of crime except for violation of a law in force at the time of the commission of the act charged as an offence. Moreover, he shall not be subject to a penalty greater than that is applicable.

33. Any person convicted or acquitted by a competent court for an offence shall not be retried unless a superior court annuls the judgment and orders to retry the case.

34. An accused person shall have the right of defence in accordance with the law.

35. No citizen shall, except matters on precautionary measures taken in accordance with law for the security of the State or prevalence of law and order or the peace and tranquillity and interests of the people or matters permitted under an existing law, be held in custody for more than 24 hours without the remand of a competent magistrate.

36. Every citizen shall have the right to apply to the Supreme Court of the Union through appropriate proceedings to enjoy the rights guaranteed under this Chapter.

37. In order to bestow the rights granted under this Chapter the Supreme Court shall have the power to issue the following writs as appropriate.

- (a) Writ of Habeas Corpus;
- (b) Writ of Mandamus;
- (c) Writ of Prohibition;
- (d) Writ of Quo Warranto;
- (e) Writ of Certiorari.

The right to issue writs by the Supreme Court of the Union shall not affect the right to issue orders which are in the nature of writs by other courts invested to them under existing laws.

38. At the time of occurrence of the following situations, the power to issue writs under paragraph 36 shall not be suspended unless the public safety may so require.

- (a) in time of war;
- (b) in time of foreign invasion;
- (c) in time of insurrection.

39. Every citizen, at home or abroad, dealing with foreign countries shall have the right to seek protection of the State.

40. Except in the following situations, the grievances of the citizens legally entitled under law shall not be refused:

- (a) in time of foreign invasion;
- (b) in time of insurrection;
- (c) in time of emergency.

41. If some of the rights prescribed in this chapter that concern members of the defence forces or the forces charged with the maintenance of public order so as to ensure fulfilment

of their duties and the maintenance of discipline are needed to be restricted or abrogated, they shall be done so only through enactment of necessary law.

42. Every citizen is under a duty to uphold:

- (a) Non-disintegration of the Union;
- (b) Non-disintegration of national solidarity;
- (c) Perpetuation of sovereignty.

43. Every citizen is under a duty to abide by the provisions of the Constitution.

44. Every citizen is under a duty to safeguard independence, sovereignty, territorial integrity of the Union of Myanmar.

45. Every citizen is under a duty to undergo military training in accordance with the provisions of the law and to serve in the armed forces to defend the State.

46. Every citizen, charged with Union Spirit, is under a duty to enhance unity among national races and to ensure community peace and stability.

47. Every citizen is under a duty to build a modern developed nation.

48. Every citizen is under a duty to pay taxes levied under the law.

49. Every citizen is under a duty to contribute towards the following tasks being carried out by the State:

- (a) preservation and safeguarding of national cultural heritage;
- (b) environmental conservation;
- (c) development of human resources;
- (d) protection of public property.

50. In this Chapter and Chapter (I) “State Fundamental Principles”, the term “State” means a body or a person that exercises legislative and executive powers by this Constitution according as the context may require.



## **Chapter (IX)**

### **Election**

#### **Election of members to the Hluttaws**

1. In electing members to Hluttaws -
  - (a) Every citizen who has attained 18 years of age on the date on which elections commence, who is not disqualified by law, who is eligible to vote, and who has the right to vote under the law, shall have the right to vote.
  - (b) Every citizen who is eligible to vote and who has the right to vote by the law shall cast only a vote for each Hluttaw at a constituency.
  - (c) In addition, people of national races concerned who are eligible to vote in accord with the provisions of the State Constitution shall have the right to vote in electing representatives of national races to the Region of State Hluttaw concerned.
  - (d) Ballot shall be exercised.
  
2. The following persons shall have no right to vote -
  - (a) members of the Religious Order;
  - (b) persons serving prison terms;
  - (c) persons adjudged to be of unsound mind as provided for in the relevant law;
  - (d) persons who have not yet been cleared from being declared destitute; and
  - (e) persons who are banned from voting under the election law.
  
3. At an election, a candidate -
  - (a) shall be elected to a Hluttaw only.
  - (b) shall stand for election at one constituency only.
  
4.
  - (a) Electorate residing in the Union territories, or the Union territories designated by the Pyidaungsu Hluttaw under the law, shall elect members of the Pyithu Hluttaw and the Amyotha Hluttaw only.
  - (b) Save as otherwise prescribed by the Constitution, a Region or State Hluttaw member elected in a constituency that the Pyidaungsu Hluttaw has designated as a Union territory shall no longer stand as a Hluttaw member.
  
5. Every citizen who is not disqualified by the provisions of this Constitution and the provisions of the law regulating elections shall have the right to stand for election to a Hluttaw.

#### **Recalling a Hluttaw member**

6.
  - (a) A Hluttaw member may be recalled for any of the following reasons -
    - (1) treason;
    - (2) violation of any provision of the Constitution;
    - (3) misbehaviour;
    - (4) lack of qualifications prescribed in the Constitution for a Hluttaw member;

- (5) inefficient discharge of duties assigned to him in accord with the law.
- (b) Complaint about the Hluttaw member endorsed by at least one percent of initial number of the voters of the constituency concerned shall be submitted to the Union Election Commission.
- (c) Union Election Commission shall conduct investigation into the case in accord with the law.
- (d) While the case is under investigation, the Hluttaw member concerned shall have the right to rebut the accusation in person or through a representative.
- (e) The Union Election Commission shall, finding the accusation true and considering the Hluttaw member should no longer carry out duties, take action in accord with the law.

7. The Union Hluttaw shall prescribe necessary laws on election and recall.

### **Formation of Union Election Commission**

- 8. (a) The President shall form a Union Election Commission. In the process, he may appoint at least five members including the chairman of the Union Election Commission in accord with the provisions on appointment of Union minister stated in the Constitution.
- (b) The chairman and members of the Union Election Commission shall be the ones who -
  - (1) have attained 50 years of age.
  - (2) meet, except age limit, requirements set for Pyithu Hluttaw members.
  - (3) (aa) have served in the post of Chief Justice or Supreme Court Justice; Region or State High Court judge or in a position equivalent to the post of Region or State High Court judge at least five years; (or)
    - (bb) have served in the post of judicial officer or law officer that is not lower than Region or State level for at least 10 years; (or)
    - (cc) have practised law as the advocate for at least 20 years; (or)
    - (dd) are deemed to be eminent persons by the President.
  - (4) are well-experienced with good characters.
  - (5) comply with provisions, with which they have no right to stand for election as Pyithu Hluttaw members.
  - (6) are loyal to the State and the people.
  - (7) are not members of a political party.
  - (8) are not Hluttaw members.
  - (9) do not accept any other positions from which they can enjoy salaries and allowances.

### **Duties of the Union Election Commission**

- 9. Duties of the Union Election Commission are as follows:
  - (a) holding Hluttaw elections;
  - (b) supervising Hluttaw elections, and forming and supervising sub-commissions at all levels;
  - (c) designating and arranging constituencies;

- (d) making and arranging lists of voters;
- (e) putting off elections that are not in a position to be held in a free and fair way in some constituencies due to natural disasters or local security;
- (f) issuing necessary laws on elections and political parties in accord with the provisions of this Constitution and procedures and directives in accord with the laws concerned;
- (g) forming electoral tribunals to resolve electoral disputes;
- (h) discharging duties assigned under a law.

### **Impeachment of the chairman or a member of the Union Election Commission**

10. (a) The President may impeach the chairman or a member of the Union Election Commission for any of the following reasons:
  - (1) treason;
  - (2) violation of any provision of the Constitution;
  - (3) misbehaviour;
  - (4) lack of qualifications prescribed in the Constitution for a Hluttaw member;
  - (5) inefficient discharge of duties assigned to him in accord with the law.
 (b) procedures shall be taken in accord with the provisions of the State constitution on impeachment of the Chief Justice or a Supreme Court Justice".
  
11. (a) If the chairman or a member of the Union Election Commission in service wishes to resign of his own accord due to his health condition or any of other reasons, he may submit his resignation to the President.
 (b) If the seat of the chairman or a member of the Union Election Commission is vacant due to resignation, termination of duties, death, or any other reasons, the President may appoint a new chairman or a member of the Union Election Commission in accord with the provisions on appointment of a Union minister enumerated in the State Constitution.
 (c) If the chairman or a member of the Union Election Commission is a government employee, he shall be deemed to have resigned from civil service in accord with the existing civil service rules and regulations from the date he is appointed as the chairman or a member of the Union Election Commission.

### **Decisions and functions of Union Election Commission**

12. The Union Election Commission's decisions and functions over the following matters shall be final and conclusive:
  - (a) electoral procedures;
  - (b) appeals and amendments on electoral benches' decisions and orders;
  - (c) matters taken under political party law.
  
13. Duties, powers and rights of the chairman and members of the Pyidaungsu Election Commission shall be prescribed by law.
  
14. The role of the chairman of the Union Election Commission is designated to be equivalent to the position of a Vice-President, and a member, to the position of a Union

minister in order to make reference to duties, powers and rights of the chairman and members of the Union Election Commission in prescribing laws.



## Chapter X

### Political Parties

#### Formation of Political Parties

1. Political parties
  - (a) set the objective - non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty.
  - (b) have the duty to be loyal to the State.
2. A political party shall:
  - (a) accept and practise discipline-flourishing genuine multiparty democracy.
  - (b) abide by the Constitution and the existing laws.
  - (c) be legally registered as a political party.
3. In accord with the law, a political party shall have the right to:
  - (a) organize freely;
  - (b) to stand for the elections.

#### No continued existence of a political party

4. The continued existence of a political party shall not be permitted if -
  - (a) it has been declared as an unlawful organization in accord with the existing law;
  - (b) it makes connections with or provides support and assistance to insurgent groups waging an armed rebellion against the State, organizations or persons the State has announced as the ones committing terrorist acts or organizations the State has declared unlawful;
  - (c) it directly or indirectly receives financial, material and other assistance from the government or a religious organization, or any other organization or an individual person of a foreign country;
  - (d) it abuses religion for political purpose.
5. If the body having the authority to register political parties finds that a political party is connected with any one of the points stated in the abovementioned subparagraphs (a), (b), (c) or (d), the party's registration shall be revoked.
6. The Pyidaungsu Hluttaw shall enact necessary laws concerning the political parties.



## Chapter XI

### Provisions on State of Emergency

1. If the President learns that or if the respective local administrative body submits that the administrative functions cannot be carried out in accord with the Constitution in a Region or a State or a Union territory or a Self-Administered Area, he shall, after coordinating with National Defence and Security Council, issue order having the force of law to declare a state of emergency.
2. In the matters concerning the declaration of a state of emergency in accord with the paragraph 1, the President shall have the power to:
  - (a) exercise the executive power of the Region or State or Self-Administered Area concerned. Moreover, he shall form a suitable body and entrust the executive power to an organization concerned, or to a suitable person.
  - (b) In doing so, out of the legislative matters of the respective Regions and States and the Self-Administered Areas, the President shall have the power to exercise the legislative power concerning the executive affairs. But the legislative power shall not be entrusted to any body or any person.
3.
  - (a) When there arises or there is sufficient reason to arise a state of emergency endangering life and property of the people or if the respective local administrative body submits that there is sufficient reason to arise such a state of emergency in a Region or a State or a Self-Administered Area or in any part of them, the President after consulting with the National Defence and Security Council may issue an order having the force of the law to declare a state of emergency.
  - (b) If not all the members of the National Defence and Security Council can attend the meeting in which the President consults with the National Defence and Security Council as prescribed in the above paragraph (a), the President, may after coordinating with the Commander-in-Chief of the Defence Services, the Deputy Commander-in-Chief of the Defence Services, the Minister of Defence and the Minister of Home Affairs who are the members, declare a state of emergency in time. The declaration shall be submitted to the National Defence and Security Council soonest for approval.
4. In connection with the declaration of a state of emergency in accord with the paragraph 3,
  - (a) local administrative bodies and members, and civil services and members shall take the assistance of the Tatmadaw to be able to effectively carry out their functions in accord with the existing laws in order to swiftly restore the situation of an area where a state of emergency has been declared.
  - (b) the President shall issue martial law order if necessary. In doing so, the President shall prescribe in the martial law order the administrative powers and functions and judicial powers and functions concerning community peace and the rule of law entrusted to the Commander-in-Chief of the Defence Services. The Commander-in-

Chief of the Defence Services shall exercise the powers and functions himself or empower them to a suitable military officer.”

5. The President when issues an ordinance having the force of law and declares a state of emergency shall:

- (a) specify the area covered by the ordinance and the duration.
- (b) if necessary, restrict or revoke one or more provisions of the fundamental rights of the citizens residing in the area affected by a state of emergency declaration.

6. The President from the date of the promulgation shall present the measures taken in accord with the paragraphs 1 and 2 and the measures taken in accord with the paragraphs 3 and 4:

- (a) to the nearest Pyidaungsu Hluttaw session within 60 days for approval.
- (b) shall cause to convene a special session of the Pyidaungsu Hluttaw for approval, if the Pyidaungsu Hluttaw has not any schedule to hold a session within 60 days.

7. (a) If the Pyidaungsu Hluttaw session approves the submission of the President concerning the matters prescribed in the paragraph 6, the ordinance having the force of law shall be still in force till the fixed date and time.

(b) In addition to the approval, if the period of the ordinance is extended, the ordinance having the force of law shall be still in force till the extended time and date.

(c) The ordinance shall cease to have effect from the date on which it is disapproved by the Pyidaungsu Hluttaw session.

8. When there arises or there is sufficient reason to arise a state of emergency that may cause disintegration of the Union, disintegration of national solidarity and loss of national sovereignty, due to take over of sovereign State power or attempts by wrongful forcible means such as insurgency or violence, the President after consulting with the National Defence and Security Council shall proclaim an ordinance and shall declare a state of emergency. The proclamation shall stipulate that the area that the ordinance is in force is the entire nation and that its duration is one year from the date it is proclaimed.

9. (a) In declaring a state of emergency under paragraph 8, the President shall declare the transfer of legislative, executive and judicial powers to the Commander-in-Chief of the Defence Services to enable the latter to take necessary measures in order to restore the nation to normal situation. It shall be deemed that all the Hluttaws and leading bodies beginning from the date of declaration shall terminate all their legislative functions. It shall be also deemed that when the term of the respective Hluttaws ended they are automatically dissolved.

(b) Notwithstanding anything contained in the Constitution, all the members of the bodies and members of the leading bodies of the Self-Administered Division or Self-Administered Zones, except from the President and Vice-President, assigned with the approval of the Hluttaws in accord with the Constitution are terminated from their duties beginning from the date the State power is transferred to the Commander-in-Chief of the Defence Services.

10. The Commander-in-Chief of the Defence Services who has been transferred the State power shall have the power to exercise the legislative, executive and judicial powers. The Commander-in-Chief of the Defence Services shall exercise the legislative power by himself or shall form a body with his own participation to exercise the legislative power. He shall empower a suitable body or a suitable person to exercise the executive and judicial powers.

11. The Commander-in-Chief of the Defence Services during the declaration of a state of emergency shall restrict or terminate a provision or more than one provision of the fundamental rights of citizens, as necessary.

12. (a) The President shall proclaim a state of emergency according to the paragraphs 8 and 9 and shall submit the matter concerning the transfer of State power to the Commander-in-Chief of the Defence Services to the Pyidaungsu Hluttaw if the Pyidaungsu Hluttaw is in session, and shall convene an emergency session of the Pyidaungsu Hluttaw if it is not in session to submit the matter.

(b) The President after consulting with the National Defence and Security Council shall normally extend the period to six months at a time for two terms if the Commander-in-Chief of Defence Services presents a submission giving reasonable fact to him to extend the period if the Commander-in-Chief of Defence Services has not yet accomplished his duties assigned to him. Concerning the matter, the Pyidaungsu Hluttaw emergency session shall be called.

13. The President shall, after receiving the report of the Commander-in-Chief of Defence Services concerning the completion of the duties assigned to him annul the order empowering the State power to the Commander-in-Chief of Defence Services in accord with the paragraph 9 after consulting with the National Defence and Security Council, on the date of his submission after convening the Pyidaungsu Hluttaw if the term of the Pyidaungsu Hluttaw is not ended yet, or on the date he receives it from the Commander-in-Chief of Defence Services if the term of the Pyidaungsu Hluttaw is ended.

14. The President shall, after receiving the report of the Commander-in-Chief of the Defence Services in accord with the paragraph 13, revoke the suspension of legislative functions of all the Hluttaws and leading bodies if the term of the Hluttaw has not ended yet. The President shall assign duties to the new Constitutional executive and judicial bodies in accord with the Constitution. The bodies shall discharge duties only for the remaining period of the term of the Hluttaw.

15. Even though the term of the Pyidaungsu Hluttaw has ended the President, the Vice-Presidents, the Speaker of the Pyithu Hluttaw and the Speaker of the Amyotha Hluttaw shall remain in their positions till the new President, the new Vice-Presidents, the new Speaker of the Pyithu Hluttaw and the new Speaker of the Amyotha Hluttaw have been elected in accord with the Constitution.

16. The National Defence and Security Council, at the end of the term of Pyidaungsu Hluttaw, shall normally extend the period to six months at a time for two terms if the Commander-in-Chief of the Defence Services presents a reasonable submission to extend the period as the Commander-in-Chief of the Defence Services has not yet accomplished his duty assigned to him.

17. In connection with the matter of transferring the State power to the Commander-in-Chief of the Defence Services by the President after declaring a state of emergency, the National Defence and Security Council shall, after receiving the report on the completion of the functions of the Commander-in-Chief of the Defence Services shall, declare to annul the order empowering the Commander-in-Chief of the Defence Services to exercise State sovereign power in accord with the paragraph 9.

18. The National Defence and Security Council shall:

(a) exercise the legislative power, executive power and judicial power before the Hluttaws are formed in accord with the Constitution.

(b) have the right to exercise the State sovereign power till the time a new President has been elected and Union level organizations formed in accord with the provisions contained in the Constitution. In so doing, the National Defence and Security Council shall exercise the legislative power by itself. The National Defence and Security Council shall empower a suitable body or a suitable person to exercise the executive and judicial powers at Union, Region, State, Self-Administered Division and Self-Administered Zone levels.

19. The National Defence and Security Council shall form the constitutional administrative bodies at different levels, leading bodies of Self-Administered Division and Self-Administered Zone and Union Election Commission with suitable persons whose qualifications meet the stipulations contained in the Constitution and assign duties to them.

20. The National Defence and Security Council shall hold a general election in accord with the provisions of the Constitution within a period of six months beginning from the date on which the order is annulled in accord with the paragraph 17.

21. The bodies formed according to the paragraph 19 shall continue to carry out their functions till legislative, executive and judicial bodies have been formed according to the Constitution after the general election.

22. The National Defence and Security Council shall exercise the State power in the name of the President.

23. During the time a state of emergency has been declared, the measures taken officially by a local administrative body or its member or a civil service or its member or a military body or its member, formed in order to take measures to restore security, stability, community peace and the rule of law soon on behalf of the President or during the period the Commander-in-Chief of the Defence Services is exercising the State power or during the period the National Defence and Security Council is exercising the State power, shall be legitimate. No legal action shall be taken against them for those legitimate measures.



## **Chapter XII**

### **Amendment of the Constitution**

1. If there is wish to amend any of the provisions of this Constitution, the following methods shall be applied:
  - (a) The proposal to amend the Constitution shall be submitted in the form of a Bill.
  - (b) A Bill to amend the Constitution shall contain no other proposals.
2. Such Bill to amend the Constitution shall be initiated in the Pyidaungsu Hluttaw.
3. The Pyidaungsu Hluttaw shall accept the Bill to amend the Constitution for consideration, if 20 per cent of all the Pyidaungsu Hluttaw members submit it.
4.
  - (a) The adopted provisions of the State Fundamental Principles, the State Structure, the Formation of Legislature, the Formation of Executive, the Formation of Judiciary, and the State of Emergency shall be amended with the prior approval of more than 75 per cent of all the members of the Pyidaungsu Hluttaw, in a nation-wide referendum only with a majority vote of more than half of those who have the right to vote.
  - (b) Provisions other than those mentioned in the paragraph (a) shall be amended only with a majority vote of more than 75 per cent of all the members of the Pyidaungsu Hluttaw.
  - (c) Articles that are relevant to or inclusive in Chapters stated in the paragraph (a) shall be prescribed when the Constitution is drafted.”



## **Chapter XIII**

### **State Flag, State Seal, National Anthem and the Capital**

Regarding the State Flag,

- (1) The State Flag shall be prescribed as follows: The Flag is marked with yellow, green and red stripes in a proportionate ratio. On the green stripe in the centre of the State Flag is a large white star covering all the three stripes directing upwards.
- (2) Law shall be promulgated concerning the State Flag.

Regarding the State Seal, with the picture of the State Seal under it,  
“The State Seal shall be as shown below.”



Regarding the National Anthem,  
“The present National Anthem shall be prescribed as the National Anthem.”

Regarding the Capital,  
“The capital of the State is Nay Pyi Taw.”



## Chapter XIV

### Transitory Provisions

1. “This Constitution shall come into force throughout the Union after its adoption in a referendum by the assenting votes of more than half of all the people who have the right to vote.”
2.
  - (a) “The State Peace and Development Council shall, continuing to exercise State sovereignty, carry out during the interval between the coming into force of this Constitution and the day the first session of the Pyidaungsu Hluttaw is convened, all the functions of the Pyidaungsu Hluttaw under the Constitution.”
  - (b) “The Government that exists on the date this Constitution comes into force shall continue to discharge the respective duties until the emergence of the new Government formed and assigned duties in accord with this Constitution.”
3. “The work done by the State Peace and Development Council to bring the Constitution into force shall be deemed to have been carried out in accord with this Constitution”
4. “All policy guidelines, laws, rules, regulations, notifications, proclamations, measures, responsibilities and rights of the State Peace and Development Council shall devolve on the Union of Myanmar”
5. “Existing laws shall remain in force in so far as they are not contrary to this Constitution until and unless they are repealed or amended by the Pyidaungsu Hluttaw”

6. “Existing rules, regulations, bye-laws, notifications, orders, directives and procedures shall remain in force in so far as they are not contrary to this Constitution until and unless they are repealed or amended by the Union Government”

7. “All courts existing on the date of the coming into operation of this Constitution shall continue to exercise their jurisdiction until new courts are established by law in accord with this Constitution. All cases, civil, criminal and revenue, pending in the said courts, shall be disposed of in accord with the laws exercised on the date on which the cases came up for trial.”

8. “All functioning State service personnel of departmental organizations including Tatmadaw under the State Peace and Development Council on the day this Constitution comes into force shall continue in their functions unless otherwise prescribed by the Government of the Union of Myanmar”



## **Chapter XV**

### **General Provisions**

1. This Constitution is the Basic Law of laws of the State.
2. Myanmar language is the official language.
3. The State fundamental principles are the guidelines to be followed by the legislative Hluttaws in enacting laws and interpreting provisions of the State Constitution and of other laws. The application of these principles in legislation and administration shall be the care of the State but shall not be enforceable in any court or law.
4. Interpretation of the preamble, articles, clauses, words and expressions contained in this Constitution shall be based only on Myanmar text.
5. Interpretation of the expressions of this Constitution should be referred to the existing Interpretation of Expressions Law.
6. A Myanmar manuscript of this Constitution shall be kept at the National Archives. The manuscript shall be conclusive evidence of the provisions of this Constitution.
7. In the interest of the State, the Union Government may permit -
  - (a) Region or State government,
  - (b) a cooperative society, an organization or a person to run any of economic enterprises, which are prescribed to be operated solely by the Union Government, through a joint-venture system with the Union Government or under agreements.

8. The Union of Myanmar shall honour all legitimate obligations arising out of any treaties or agreements which before the commencement of this Constitution were in force between the Government of Myanmar and the Government of any other State, provided that such other State honours any reciprocal obligations towards the Union of Myanmar.

9. (a) Any proceedings relating to contracts or liabilities which might have been brought against the Government of the Union of Myanmar before this Constitution comes into force, may be brought against the Union Government.  
(b) The Union of Myanmar may sue and may be sued by the name of the Union of Myanmar.

### **Formation of the Constitutional Tribunal**

10. The Constitutional Tribunal shall consist of nine members including a chairman. The President, the Speaker of the Pyithu Hluttaw and the Speaker of the Amyotha Hluttaw shall select three members each who meet the following qualifications from among Hluttaw members or non-Hluttaw members:

- (a) person who has attained the age of 50 years;
- (b) person who possesses qualifications set for a Pyithu Hluttaw, other than restriction on age,
- (c) person who possesses qualifications set for the Chief Justice and a Supreme Court Justice, other than restriction on age;
- (d) person who has political, administrative, economic and security outlooks.
- (e) person who is loyal to the State and the people.

11. The list of three members each nominated by the President, the Pyithu Hluttaw Speaker and the Amyotha Hluttaw Speaker, and a member nominated for chairmanship of Constitutional Tribunal among the nine members shall be submitted to the Pyidaungsu Hluttaw for its approval.

12. The Pyidaungsu Hluttaw shall have no right to reject the persons nominated for members of the Constitutional Tribunal by the President unless it can prove the members disqualified.

13. The President may, in accord with the provisions of the State Constitution, have the right to nominate new members for the seats of Constitutional Tribunal that are still vacant due to failure to obtain agreement of the Pyidaungsu Hluttaw.

14. The President shall appoint the chairman and members of Constitutional Tribunal approved by the Pyidaungsu Hluttaw.

15. The term of the Constitutional Tribunal is five years, the same as that of the Pyidaungsu Hluttaw. However, the ongoing Constitutional Tribunal, on expiry of its term, shall continue to carry out its functions till the President forms a new Constitutional Tribunal under this Constitution.

16. A member of the Constitutional Tribunal:

- (a) shall be deemed to have resigned from the Hluttaw concerned on the date of being appointed if he is a member of any Hluttaw.
- (b) shall be deemed to have resigned from civil service in accord with civil service rules and regulations on the date of being appointed if he is a government employee.
- (c) shall have no right to participate in activities of the political party concerned during tenure of membership starting from the date of being appointed if he is a member of a political party.

17. A member of the Constitutional Tribunal may have the right to submit his resignation to the President if he wishes to resign before expiry of his tenure due to a reason.

18. The President may appoint a new member in accord with the provisions of this Constitution if there is a vacancy in membership in the Constitutional Tribunal for a certain reason.

### **Impeachment of a member of the Constitutional Tribunal**

19. (a) A member of the Constitutional Tribunal can be blamed or impeached under any of the following reasons:
- (1) treason;
  - (2) violation of any of the provisions of the Constitution;
  - (3) misbehaviour;
  - (4) incapability of discharging duties prescribed in the State Constitution for a member of the Constitutional Tribunal;
  - (5) inefficient discharge of duties assigned to him in accord with the law;
- (b) If need arises to blame or impeach a member of the Constitutional Tribunal, it shall do so under the provisions prescribed in this Constitution set to blame or impeach the Chief Justice or a Supreme Court Justice.

### **Functions of the Constitutional Tribunal**

20. The functions of the Constitutional Tribunal are as follows:
- (a) to interpret provisions of the Constitution,
  - (b) to scrutinize whether or not laws enacted by the Pyidaungsu Hluttaw, the Region Hluttaws and the State Hluttaws and Self-Administered Areas are in conformity with the Constitution,
  - (c) to scrutinize functions of executive authorities of Pyidaungsu, Regions, States and Self-Administered Areas are in conformity with the Constitution,
  - (d) to decide on disputes in connection with the Constitution between Pyidaungsu and regions, between Pyidaungsu and States, between Regions and States, among Regions, among States, and between Regions or States and Self-Administered Areas and among Self-Administered Areas themselves to perform other duties prescribed in the Constitution,
  - (e) to decide on disputes in connection with the rights and responsibilities of the Pyidaungsu and Regions; or States or Self-Administered Areas in implementing Union law by Regions, States or Self-Administered Areas,
  - (f) to scrutinize and decide on matters relating to Union territories informed by the President,

(g) tasks entrusted by laws prescribed by the Pyidaungsu Hluttaw,

21. If there is a dispute as to whether a provision prescribed in a law is in conformity with the Constitution in hearing a case by a court, and the Constitutional Tribunal has not made any decision regarding the case, the court shall suspend its hearing and submit its views to the Constitutional Tribunal in accord with the procedures for its decision. The decision of the Constitutional Tribunal regarding the dispute shall apply all the cases.

22. The decision of the Constitutional Tribunal shall be final.

23. The following persons shall have the right to directly submit a case to the Constitutional Tribunal for its interpretation, decision, and stance:

- (a) President;
- (b) Speaker of the Pyidaungsu Hluttaw;
- (c) Speaker of the Pyithu Hluttaw,
- (d) Speaker of the Amyotha Hluttaw,
- (e) Chief Justice;
- (f) Chairman of Union Election Commission.

24. The following persons or bodies shall have the right to submit a case to the Constitutional Tribunal in accord with the procedures for its interpretation, decision and stance:

- (a) Region of State Chief Minister;
- (b) Speaker of the Region or State Hluttaw,
- (c) Chairman of Leading Body of Self-Administered Areas.
- (d) At least 10 percent of the members of the Pyithu Hluttaw or the Amyotha Hluttaw.

25. Formation and relations of the Constitutional Tribunal, and duties, rights and privileges of the chairman and members of the Constitutional Tribunal shall be prescribed by law.

26. The status of the chairman of the Constitutional Tribunal is designated to be equivalent to the position of a Vice-President, and a member, to the position of a Union minister in order to make reference in prescribing by law regarding the duties, rights and privileges of the chairman and members of the Constitutional Tribunal.

