

The Union of Myanmar

The State Peace and Development Council

The Nay Pyi Taw Council Law

(The State Peace and Development Council Law No. 18 /2010)

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

(21st October, 2010)

Preamble

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

As such, the State Peace and Development Council hereby enacts this Law in accord with section 443 of the Constitution of the Republic of the Union of Myanmar, in order to implement the works relating to administration smoothly by the Nay Pyi Taw Council under the Constitution of the Republic of the Union of Myanmar.

Chapter I

Title, Enforcement and Definition

1. (a) This Law shall be called **the Nay Pyi Taw Council Law**.
- (b) This Law shall come into force from the day on which the Constitution comes into force.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **Constitution** means the Constitution of the Republic of the Union of Myanmar;
 - (b) **Nay Pyi Taw** means the Nay Pyi Taw which is the Union Territory under sub-section (a) of section 284 of the Constitution;
 - (c) **Council** means the Nay Pyi Taw Council formed under the Constitution and this Law;
 - (d) **Chairperson of the Council** means the Chairperson of the Nay Pyi Taw Council appointed and assigned duties under the Constitution and this Law;
 - (e) **Member of the Council** means the member of the Nay Pyi Taw Council appointed and assigned duties under the Constitution and this Law.

Chapter II

Formation, Appointment and Assigning Duties

Formation of the Council

3. (a) The President of the Union shall form a Council comprising a minimum of 5 members to a maximum of 10 members including the Chairperson of the Council:
- (b) The Chairperson of the Council is the ex-officio Mayor of Nay Pyi Taw.
- (c) The Head of the General Administration Department of Nay Pyi Taw is the ex-officio Secretary of the Council.

Appointment and Assigning Duties to the Chairperson and Members of the Council

4. The President of the Union shall appoint and assign duty to a Chairperson and members of the Council from among the persons who fulfil the following qualifications:
 - (a) person who has attained 35 years of age;
 - (b) person who has qualifications stipulated for the Pyithu Hluttaw representatives as prescribed in section 120 of the Constitution, with the exception of age limit;
 - (c) person who has not infringed the provisions mentioned in section 121 of the Constitution which disqualify a person from standing for election as Pyithu Hluttaw representatives;

(d) person who has also fulfilled other qualifications prescribed by the President.

5. The President of the Union shall obtain the nomination of suitable Defence Services personnel who fulfil the prescribed qualification to enable assigning duty as the council member or members from the Commander - in - Chief of the Defence Services for coordination of security matters of Nay Pyi Taw.

6. If the Chairperson and members of the Council:

(a) are representatives of any Hluttaw, Civil Services personnel, Defence Services personnel or members of any political party, it shall be carried out according to the provisions of sub-sections (d), (e), (f), and (g) of section 285 of the Constitution;

(b) in carrying out under sub-section (a), are members of any political party or elected individual candidates or a citizen specifically appointed and assigned duties and if such person who will contest in any forthcoming general election, in order not to lose the right to be elected conferred on a citizen under sub-section (a) of section 38 of the Constitution, are entitled to carry out the works of party organization and territorial organization relating to election in conformity with the provisions contained in sections 120 and 121 of the Constitution, commencing from the day of the announcement to hold the election by the Union Election Commission.

7. (a) The Chairperson of the Council shall be responsible to the President of the Union.

(b) The members of the Council shall be responsible to the Chairperson of the Council and to the President of the Union through the Chairperson of the Council.

Chapter III

Duties and Powers of the Council

Matters Relating to Administration

8. The Council:

(a) has duty to assist in preserving the stability of the State, community peace and tranquility and prevalence of law and order;

(b) shall implement the matters relating to the general administration of Nay Pyi Taw;

(c) shall comply with the coordination and settlement and decision as necessary by the Union Government in respect of disputes relating to the administration between the Region or State and Nay Pyi Taw, and between the Self-Administered Area and Nay Pyi Taw;

(d) shall submit the report to the President of the Union in respect of the various situations of its area.

Matters Relating to Planning, Finance and Taxation

9. The Council:

- (a) may supervise and coordinate the projects relating to the works to be implemented by the relevant government department, organization within Nay Pyi Taw in accord with the guidance of the President, subject to the policies adopted by the Union Government or the Union laws;
- (b) shall submit to the President of the Union by drawing work plans to enable implementation for the all-round development within its area, subject to the policies of the Union Government;
- (c) shall submit to the Union Government by drawing the annual budget in order to include it in the Union Budget Law;
- (d) is entitled to expend the relevant allotted budget contained in the Union Budget Law in accord with the stipulated financial regulations;
- (e) is entitled to expend only ordinary expenditure among the expenditures of the next budget year, within the allotment of ordinary expenditure contained in the latest Union Budget Law enacted by the Pyidaungsu Hluttaw if the Pyidaungsu Hluttaw is unable to enact the bill of the Union Budget Law for the next budget year in time until the end of the current budget year.

- (f) shall proceed to submit and request the Union Government, if the Nay Pyi Taw Development Committee submits to enable support by the Union, as its own budget is not sufficient in carrying out the development of Nay Pyi Taw and additional fund is required;

10. If it is necessary to collect stipulated categories of incomes, taxes and revenues by the Region or State within Nay Pyi Taw, these shall be deposited to the Union Fund after collecting them in accord with sub-section (b) of section 231 of the Constitution.

Matters Relating to the Territorial Boundary

11. The Council shall recommend and submit to the President of the Union if the necessity arises to redelineate and form the territorial boundary or to alter the name of the village, village-tract, ward, town, township or district within Nay Pyi Taw.

Submission of Bills

12. The Council shall have the right to prepare and submit the bill in accord with the stipulated manners, to the Pyidaungsu Hluttaw for enabling enactment by the Pyidaungsu Hluttaw if it is necessary to enact a law for Nay Pyi Taw relating to the matter for which legislative power is vested in the Region or State Hluttaw, Self-Administered Division Leading Body or Self-Administered Zone Leading Body.

Other Matters

13. The Council:

- (a) shall coordinate with the relevant security organizations in carrying out the matters relating to security within Nay Pyi Taw;
- (b) may carry out coordination and cooperation as may be necessary in carrying out the implementation of the works of the relevant government departments and organizations within Nay Pyi Taw;
- (c) shall supervise and guide the conservation and protection of natural environment and all-round development within Nay Pyi Taw;
- (d) shall carry out organizing for the protection and prevention of natural disasters within Nay Pyi Taw and supervise the rescue works if such disasters occur;
- (e) may supervise, inspect and coordinate, in accord with law, the performances of civil services organizations performing duties within Nay Pyi Taw;
- (f) shall perform duties assigned by the Constitution or existing laws;

- (g) shall perform duties assigned by the President in accord with law.

14. The Nay Pyi Taw Council shall submit to the President of the Union as soon as possible if any of the following situations arises:

- (a) a state of emergency arising in which the administrative works in its area cannot be carried out in accord with the provisions of the Constitution;
- (b) a state of emergency endangering the lives, shelter and property of the public in its area arising or having sufficient cause to so arise.

Meetings of the Council

15. The regular session of the council shall be held at least twice per month generally. If it is necessary, special session may be held.

16. The Chairperson of the Council shall act as the Chairman at the meeting.

17. (a) The Office of the Nay Pyi Taw Council shall record the resolutions of the meeting.

- (b) The records of the meeting shall be submitted to the next meeting and obtained the approval.

- (c) The resolutions of the Council which have not been issued and records of the meeting are confidential of the Union.

Chapter IV

Term of Office, Resignation from Office, Termination from Duty and Filling the Vacancy and Appointment

Term of Office of the Chairperson and Members of the Council

18. The term of office of the Chairperson and members of the Council is the same as the term of office of the President of the Union.

Resignation from Office and Termination from Duty of the Chairperson and Members of the Council

19. (a) If the Chairperson of the Council desires to resign from office on his own volition for any cause before the expiry of the term of office, he may resign from office after submitting his desire to resign as such in writing to the President of the Union.
- (b) If any member of the Council desires to resign from office as contained in sub-section (a), he may resign from office after submitting his desire to resign as such in writing to the President of the Union through the Chairperson of the Council.
20. (a) If the Chairperson or any member of the Council cannot discharge his assigned duties efficiently, the President of the Union may direct him to resign from office. If he fails to comply with the directive of the President of the Union, he shall be terminated from his duty.

- (b) If it is concerned with the Defence Services personnel who is the member of the Council and who is to resign or be terminated from duty, the President of the Union shall coordinate with the Commander-in-Chief of the Defence Services.

Filling the Vacancy and Appointment of the Chairperson and Members of the Council

21. If the office of the Chairperson or any member of the Council becomes vacant due to resignation, termination from duty, death or any other cause, the President of the Union may appoint and assign duties to a new Chairperson or member of the Council in accord with the provisions of the Constitution and this Law. The term of office of the newly appointed Chairperson or member of the Council shall be for the remaining term of office of the President of the Union.

Chapter V

Miscellaneous

22. The preparatory works carried out by the State Peace and Development Council before this Law comes into force to implement this Law, shall be deemed to have been carried out in accord with the Constitution.
23. The General Administration Department of Nay Pyi Taw shall carry out the various office works of the Council.

24. The members of the Council shall carry out the duties and powers allocated by the Chairperson of the Council.

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

26. In implementing the provisions contained in this Law, the Council may:

- (a) issue necessary rules, regulations and bye-laws with the approval of the President of the Union;
- (b) issue necessary notifications, orders, directives and procedures.

(Sd.) Than Shwe

Senior Genera

Chairman

The State Peace and Development Council