

The Union of Myanmar

The State Peace and Development Council

**The Union Government Law**

( The State Peace and Development Council Law No. 15/ 20 )

The 13<sup>th</sup> Waxing of Thadinkyut 1372 M.E.

( 21<sup>st</sup> October , 2010 )

**Preamble**

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

As such, the State Peace and Development Council hereby enacts this Law in accord with section 443 of the Constitution of the Republic of the Union of Myanmar, in order that the Union Government may carry out the administrative functions smoothly in accord with the Constitution of the Republic of the Union of Myanmar.

**Chapter I**

**Title, Enforcement and Definition**

1. (a) This Law shall be called **the Union Government Law**.
- (b) This Law shall come into force commencing from the day on which the Constitution comes into force.
2. The following expressions contained in this Law shall have the meanings given hereunder:
  - (a) **Constitution** means the Constitution of the Republic of the Union of Myanmar;
  - (b) **Union Government** means the Union Government formed under the Constitution and this Law;
  - (c) **Region or State Government** means the Government of the Region or State formed under the Constitution and the Region or State Government Law;
  - (d) **Nay Pyi Taw Council** means the Council formed under section 285 of the Constitution in the area stipulated under section 284 of the Constitution;
  - (e) **Self-administered Area** means the Self-administered Division or Self-administered Zone;
  - (f) **Hluttaw** means the Pyidaungsu Hluttaw, the Amyotha Hluttaw, the Pyithu Hluttaw and the Region or State Hluttaw.

## Chapter II

### Formation, Appointment and Assignment of Duty

#### Head of State

3. The Head of State and the Head of Union Administration shall be the President of the Union .
4. The President of the Union shall be responsible to the Pyidaungsu Hluttaw.
5. The President of the Union and the Vice-Presidents shall be elected in accord with the Law relating to the Election of the President of the Union and the Vice-Presidents.

#### Formation of the Union Government

6. (a) The Union Government shall be formed with the following persons:
  - (i) President of the Union;
  - (ii) Vice Presidents of the Union;
  - (iii) Union Ministers;
  - (iv) Attorney General of the Union.
- (b) The Director General of the Office of the Union Government shall be the ex-officio secretary of the Union Government.
7. Any member of the Union Government contained in sub-section (a) of section 6:

- (a) shall, if he is a representative of any Hluttaw, a Civil Services personnel, a member of the Defence Services, a member of any political party, carry out according to the provisions contained in sections 63,64, sub-sections (i), (j) and (k) of section 232 and sub-sections (f),(g) and (h) of section 237.
- (b) shall, in carrying out under sub-section (a), have the right to carry out the party organizational works and territorial organizational works if it is in conformity with the provisions contained in sections 120 and 121 of the Constitution, commencing from the day of declaration by the Union Election Commission to hold the election in order that a citizen shall not lose the right to be elected as conferred under sub-section (a) of section 38 of the Constitution if the said person is a member of any political party, individual candidate or a citizen specifically appointed and assigned duty and if he will contest in the forthcoming general election.

#### Determining the Number of Ministries of the Union Government and the Union Ministers

8. The President of the Union may, with the approval of the Pyidaungsu Hluttaw:
  - (a) determine, amend and add the Ministries of the Union Government;

- (b) determine, increase and decrease the stipulated number of the Union Ministers.

**Formation of the Union Level Organizations**

9. The President of the Union shall, in accord with the Constitution or the specific laws promulgated in accord with the Constitution, form the followings:

- (a) National Defence and Security Council;
- (b) Financial Commission;
- (c) Supreme Court of the Union;
- (d) Constitutional Tribunal of the Union;
- (e) Union Election Commission;
- (f) Union Civil Services Board.

**Formation of the National Defence and Security Council**

- 10. (a) The President of the Union shall form the National Defence and Security Council headed by himself in order to perform the duties conferred by the Constitution or any law with the following persons:
  - (i) President of the Union;
  - (ii) Vice-President;
  - (iii) Vice-President;
  - (vi) Speaker of the Pyithu Hluttaw;

- (v) Speaker of the Amyotha Hluttaw;
- (vi) Commander-in-Chief of the Defence Services;
- (vii) Deputy Commander-in-Chief of the Defence Services;
- (viii) Minister for the Ministry of Defence Services;
- (ix) Minister for the Ministry of Foreign Affairs;
- (x) Minister for the Ministry of Home Affairs;
- (xi) Minister for the Ministry of Border Affairs.

- (b) The secretary of the Union Government shall be the ex-officio secretary of the National Defence and Security Council.

**Formation of the Financial Commission**

- 11. (a) The President of the Union shall form the Financial Commission with the following persons:
  - (i) President of the Union Chairman
  - (ii) Vice-President Vice Chairman
  - (iii) Vice-President Vice Chairman
  - (iv) Attorney General of the Union Member
  - (v) Auditor General of the Union Member
  - (vi) Chief Ministers of the Regions and States Members
  - (vii) Chairperson of the Nay Pyi Taw Council Member

(viii) Union Minister for the Ministry of Secretary  
Finance

(b) the President shall issue and declare the formation of the Financial Commission.

### **Appointment and Assigning Duties to the Union Ministers**

12. (a) In order to appoint the Union Ministers, the President of the Union shall:

- (i) select the suitable persons from among representatives of any Hluttaw or from among those who are not Hluttaw representatives who fulfill the qualifications contained in sub-section (a) of section 232 of the Constitution.
- (ii) obtain the list of suitable members of the Defence Services nominated by the Commander-in-Chief of the Defence Services to appoint for the Ministries of Defence, Home Affairs and Border Affairs.
- (iii) coordinate with the Commander-in-Chief of the Defence Services if he desires to appoint and assign duty to the members of the Defence Services as the Union Ministers in other Ministries, apart from the Ministries of Defence, Home Affairs and Border Affairs.

(b) The list of the Union Ministers selected under sub-section (a) shall be compiled and obtained approval by submitting it to the Pyidaungsu Hluttaw.

(c) The Pyidaungsu Hluttaw shall have no right to refuse to appoint and assign duty to the said person as the Union Minister if it cannot be proved clearly that the person nominated by the President of the Union is not qualified as a Union Minister.

(d) There shall have the right to submit again the new nomination list instead of the person who has not been approved by the Pyidaungsu Hluttaw.

(e) The persons who have obtained the approval of the Pyidaungsu Hluttaw shall be appointed and assigned duties as the Union Ministers. In so appointing and assigning duty, the Ministry or Ministries in respect of which responsibility shall be taken by each Union Minister shall be prescribed.

13. The President of the Union shall intimate the Pyidaungsu Hluttaw whenever the Union Ministers are appointed and assigned duties mentioning the Ministries for which they are assigned duties.

14. The Union Minister shall be responsible to the President of the Union .

### **Appointment of and Assigning Duties to the Attorney General of the Union**

15. (a) The President of the Union shall appoint and assign duty to any person from among the representatives of any Hluttaw or from among persons who are not the representatives of any Hluttaw as the Attorney General of the Union under section 237 of the Constitution after obtaining the approval of the Pyidaungsu Hluttaw for enabling to obtain legal advice and to assign legal duties.
- (b) The Attorney General of the Union shall be responsible to the President of the Union.

### **Appointment of and Assigning Duties to the Union Level Persons**

16. The President of the Union shall:
- (a) appoint and assign duty to the Commander-in-Chief of the Defence Services with the proposal and recommendation of the National Defence and Security Council;
- (b) appoint and assign duty to the following persons who fulfil the relevant qualifications under the Constitution or the specific laws promulgated in accord with the Constitution:
- (i) Chief Justice of the Union;
  - (ii) Chairperson of the Constitutional Tribunal of the Union;
  - (iii) Chairperson of the Union Election Commission;

- (iv) Auditor General of the Union;
- (v) Chairperson of the Union Civil Services Board;
- (vi) Judges of the Supreme Court of the Union;
- (vii) Members of the Constitutional Tribunal of the Union;
- (viii) Members of the Union Election Commission;
- (ix) Deputy Ministers;
- (x) Deputy Attorney General;
- (xi) Deputy Auditor General;
- (xii) Members of the Union Civil Services Board.

17. (a) The President of the Union shall:
- (i) co-ordinate with the Commander-in-Chief of the Defence Services if he desires to appoint the members of the Defence Services in appointing and assigning duties as the Deputy Ministers under section 234 of the Constitution. In appointing and assigning duties to the Deputy Ministers, the Ministries for which they are to be responsible shall be determined;
  - (ii) co-ordinate with the Commander-in-Chief of the Defence Services if he desires to appoint the members of the Defence Services in appointing and assigning duties as the Deputy Attorney General, the Deputy Auditor General and

the members of the Union Civil Services Board under sections 239, 244 and 246 of the Constitution.

- (b) The Deputy Ministers shall be responsible to the relevant Union Minister and the President of the Union through the relevant Union Minister.
- (c) If a person appointed as a Deputy Minister is a representative of any Hluttaw, a Civil Services personnel, a member of Defence Services or a member of any political party, it shall be carried out in accord with the provisions of sub-sections (i),(j)and (k) of section 232 of the Constitution.
- (d) If the Deputy Ministers, in carrying out under sub-section (c) are members of any political party, elected individual persons or a citizen appointed and assigned duty specifically and such person will contest in any forthcoming general election, in order not to lose the right to be elected as conferred to a citizen under sub-section (a) of section 38 of the Constitution, he shall have the right to carry out the party organizational works and territorial organizational works if it is in conformity with the provisions contained in sections 120 and 121 of the Constitution, commencing from the day of declaration by the Union Election Commission to hold the election.

### **Determining the Number of the Region or State Ministries and the Ministers**

18. The President of the Union, with the approval of the relevant Region or State Hluttaw may:
- (a) determine, amend and add the Region or State Ministries;
  - (b) determine the number of Region or State Ministers, increase and decrease the stipulated number.

### **Appointment of and Assigning Duties to the Region or State Level Persons**

19. The President of the Union shall appoint and assign duty to the following persons in accord with the provisions of the Constitution:
- (a) Chief Ministers of the Region or State;
  - (b) Chief Justices of the Region or State High Court;
  - (c) Ministers of the Region or State;
  - (d) Judges of the Region or State High Court;
  - (e) Advocates General of the Region or State;
  - (f) Auditors General of the Region or State;
  - (g) Chairpersons of the Leading Bodies of the Self-Administered Division or the Chairpersons of the Leading Bodies of the Self-Administered Zone:

20. The President of the Union shall:
- (a) intimate the relevant Region or State Hluttaw and the Pyidaungsu Hluttaw the appointment of the Chief Ministers and Ministers of the Region or State;
  - (b) in so intimating, mention the Ministries to which they are assigned duties according to each Minister of the Region or State.

**Formation of the Nay Pyi Taw Council, Appointment of and Assigning Duties to the Chairperson and the Members Thereof**

21. The President of the Union shall form a Nay Pyi Taw Council in accord with clause (1) of sub-section (b) of section 285 of the Constitution and the Nay Pyi Taw Council Law. The number of members including the Chairperson of the Nay Pyi Taw Council shall be determined in accord with law.

22. The President of the Union shall appoint and assign duties to the persons who fulfil the qualifications contained in sub-section (a) of section 285 of the Constitution as the Chairperson and members of the Nay Pyi Taw Council under clause (2) of sub-section (b) of section 285 of the Constitution and the Nay Pyi Taw Council Law.

**Formation of the Advisory Body**

23. (a) The President of the Union may, for obtaining necessary advices, form the advisory body with a suitable number of persons.

- (b) The emolument, allowance and insignia which are entitled to be enjoyed by the members of the advisory body formed under sub-section (a) shall be determined by the Union Government and incurred from its fund.

**Formation of the Press Authority**

24. (a) The President of the Union may form the Press Authority with a suitable number of persons;
- (b) The emolument, allowance and insignia which are entitled to be enjoyed by the members of the Press Authority formed under sub-section (a) shall be determined by the Union Government and incurred from its fund.

**Chapter III**

**Duties and Powers of the President of the Union and the Vice-Presidents**

**International, Regional or Bilateral Treaties Matters**

25. The President of the Union, in accord with law:
- (a) shall conclude, ratify, annul and withdraw from the international, regional or bilateral treaties which is entitled to carry out with the approval of the Pyidaungsu Hluttaw;
  - (b) may conclude, ratify, annul and withdraw from the international, regional or bilateral treaties which is entitled to carry out without the approval of the Pyidaungsu Hluttaw.

## **Diplomatic Matters**

26. The President of the Union:

- (a) may establish and sever diplomatic relations with foreign countries with the approval of the Pyidaungsu Hluttaw;
- (b) may sever diplomatic relations with any foreign country after coordination with the National Defence and Security Council in situation which requires immediate action to sever diplomatic relations with any foreign country. However, his action shall be submitted to the Pyidaungsu Hluttaw for its approval;
- (c) may appoint and recall the diplomats of the Union;
- (d) may give consent on the appointment of foreign diplomats and send intimation to recall the foreign diplomats;
- (e) may accept the letters of accreditation of foreign diplomats.

## **Territorial Boundary Matters**

27. The President of the Union shall carry out in accord with the provisions contained in section 52 of the Constitution if it is necessary to redelineate the territorial boundary of the Union.

28. The President of the Union shall carry out in accord with the provisions contained in section 53 of the Constitution if a cause arises to redelineate the territorial boundary of a Region or State.

29. If a cause arises to alter or form the territorial boundary or change the name of a village, village-tract, ward, town, township or district situated in the relevant Region, State, Self-Administered Division or Self-Administered Zone, the President of the Union shall carry out, upon the recommendation and submission of the Chief Minister of the relevant Region or State as may be necessary.

30. The President of the Union may alter and determine the districts and townships within Nay Pyi Taw which is the Union territory as may be necessary.

## **Military Matters**

31. The President of the Union:

- (a) shall have the right to take appropriate military action, as may be necessary in co-ordination with the National Defence and Security Council formed in accord with the Constitution, in case of aggression against the Union;
- (b) shall submit his action so taken under sub section (a) to the Pyidaungsu Hluttaw session for approval if it is in session. If the Pyidaungsu Hluttaw is not in session, shall cause to call the emergency session of the Pyidaungsu Hluttaw and it shall be submitted and obtained the approval;
- (c) may declare war or make peace only with the approval of the Pyidaungsu Hluttaw.



### **Matters relating to Ordinance**

32. (a) The President of the Union shall have the right to promulgate the ordinance for administrative matters, which require immediate action to be taken other than matters relating to the Union budget, during the interval between the sessions of the Pyidaungsu Hluttaw.
- (b) If the President of the Union has not revoked the ordinance promulgated under sub-section (a), he shall submit it to the nearest session of the Pyidaungsu Hluttaw held within 60 days from the day of the promulgation of the ordinance for its approval. If the session of the Pyidaungsu Hluttaw is not to be held within 60 days, shall cause to call a special session of the Pyidaungsu Hluttaw and obtained the approval.
- (c) If the approval of the Pyidaungsu Hluttaw is not obtained, the ordinance shall cease to have effect from the day on which it is not approved. The actions of the President of the Union taken under such ordinance before it ceased from effectiveness shall be valid.
- (d) The President of the Union may, with the approval of the Pyidaungsu Hluttaw, cause the ordinance to continue to be effective for the required period.
- (e) The President of the Union shall, notwithstanding that an ordinance has been already been revoked within 60 days after its

promulgation, submit it to the nearest session of the Pyidaungsu Hluttaw.

- (f) If an ordinance contains the provision on which the Pyidaungsu Hluttaw has no right to make a decision in accord with the Constitution, the said provision shall be void.

### **Matters relating to Promulgation as Law**

33. (a) The President of the Union shall sign the Bills approved or deemed to be approved and sent by the Pyidaungsu Hluttaw, within 14 days after the day of receipt, and shall promulgate it as law.
- (b) The President of the Union may, within the stipulated period to sign and promulgate as law, send the Bill back to the Pyidaungsu Hluttaw together with his remarks.
- (c) If the President of the Union does not send the Bill back to the Pyidaungsu Hluttaw together with his remarks within the stipulated period to sign and promulgate as law or if the President of the Union does not sign the Bill and promulgate it, it shall become law on the day of the completion of the stipulated period, as if it has obtained the signature of the President of the Union.
34. (a) If the Bill is sent back to the Pyidaungsu Hluttaw under sub-section (b) of section 33, the Pyidaungsu Hluttaw may, after discussing and considering the remarks of the President of the Union, accept

the remarks of the President of the Union and decide to amend the Bill or decide to approve the Bill as it is without accepting the remarks of the President of the Union.

- (b) When the Bill which is amended in accord with the remarks of the President of the Union or the Bill which is approved as it is without accepting the remarks of the President of the Union is sent back to him by the decision of the Pyidaungsu Hluttaw, the President of the Union shall sign the Bill and promulgate it as law within seven days from the day of receiving the Bill back.
- (c) If the Bill sent back by the Pyidaungsu Hluttaw is not signed by the President of the Union within the stipulated period contained in sub-section (b), it shall become law on the day of the completion of the stipulated period, as if it has obtained the signature of the President of the Union.

#### **Matters relating to Honorary Title and Award**

35. The President of the Union may, under the specific laws enacted in accord with the Constitution,:

- (a) confer honorary titles and awards;
- (b) revoke the honorary titles and awards conferred.

#### **Matters relating to the Head of Civil Services Organization**

36. The President of the Union may, under the specific laws enacted in accord with the Constitution:

- (a) appoint heads of the Civil Services organization;
- (b) remove the heads of the Civil Services organization.

#### **Matters relating to Pardon**

37. The President of the Union has:

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

#### **Matters relating to Delivering Address and Sending Message**

38. The President of the Union has the right to deliver address and send message to the session of the Pyidaungsu Hluttaw or the session of the Pyithu Hluttaw or the Amyotha Hluttaw or the session of the Region or State Hluttaw or to the entire country relating to the policies and general situation of the Union from time to time.

#### **Other Matters**

39. The President of the Union may intimate the Speaker of the Pyidaungsu Hluttaw to call and convene an emergency or special session of the Pyidaungsu Hluttaw.

40. The President of the Union has the right to submit matters on the Constitution directly to the Constitutional Tribunal of the Union to obtain its interpretation, resolution and opinion of the Constitution.

41. The President of the Union may:

- (a) allocate the functions and duties to be carried out by the Vice-Presidents and may alter the allocated duties .
- (b) cause the other Vice-President to serve duty jointly and temporarily if a Vice-President is unable to serve duty due to any cause.

42. The President of the Union or the Vice-Presidents shall exercise the powers and carry out the duties and powers vested by the Constitution and other laws.

43. The President of the Union shall have no responsibility to explain before any Hluttaw, any Court for actions done in exercise of or as exercising the duties and powers vested in him under the Constitution or any law. However, this non-responsibility shall not apply to the provisions relating to the impeachment against the President contained in the Constitution.

#### **Duties and Powers of the Vice-Presidents**

44. The Vice-Presidents shall be responsible to the President of the Union and to the Pyidaungsu Hluttaw through the President of the Union.

45. The Vice-President who won the second highest votes when holding the election of the President of the Union shall serve the duties and functions of the President of the Union temporarily and jointly while the President is travelling abroad.

46. A Vice-President assigned duty by the President of the Union shall lead and scrutinize the budgets of the Union Ministries and the Union Level Organizations and the other Vice-President shall lead and scrutinize the budgets of the Region or State and submit their budget appropriation to the Financial Commission.

47. The Vice-Presidents shall carry out the functions allocated by the President of the Union.

### **Chapter IV**

#### **Duties and Powers of the Union Government**

##### **Executive Power of the Union Government**

48. Subject to the provisions of the Constitution, the executive power of the Union extends also to administrative matters on which the Pyidaungsu Hluttaw has power to make law.

49. The Union Government preserves the stability of the Union, community peace and tranquillity and prevalence of law and order.

50. Subject to the provisions of the Constitution, the executive power of the Union shall be vested in the President of the Union . Because of this expression,

it shall not be deemed that the Pyidaungsu Hluttaw may not confer duties and powers upon any organization or individual in authority. Because of such expression, it shall also not be deemed that duties and powers conferred upon the relevant organization or relevant individual in authority under the existing laws are transferred to the President of the Union.

51. (a) All executive actions of the Union Government shall be taken in the name of the President of the Union .
- (b) Except the matters prescribed by the Constitution to perform on his own discretion, the President of the Union has the right to make necessary rules on matters which the Union Government has the right to perform, to allocate the said matters to the Union Ministers and to allocate to the individual responsible to carry out under any law.
- (c) The orders issued and instruments executed in the name of the President of the Union shall be in accord with the manners contained in the rules prescribed by the President of the Union . The validity of such orders or instruments shall not be called in question on the ground that they were not made by the President of the Union.
- (d) The President of the Union may, without prejudice to the generality of the provisions of sub-sections (a), (b) and (c), allocate his duties

regionally or according to the functions of the Government department.

52. The Union Government shall, with the exception of constitutional disputes and the disputes over territorial redelineation:
- (a) coordinate, settle and if necessary, decide relating to the administrative disputes arising between the Region and State, among Regions, among States, between Region or State and Self-Administered Area or among Self-Administered Areas;
- (b) coordinate, settle and if necessary, decide relating to the administrative disputes arising between the Region or State and the Union territory or between Self-Administered Area and Union territory.
53. The Union Government shall, co-operate and co-ordinate for the effective and successful implementation in implementing the functions by the Region Government, the State Government and the Leading Body of the Self-Administered Division or the leading Body of the Self-Administered Zone.
54. The Union Ministries shall, in carrying out the functions by their subordinate governmental departments and organizations, manage, guide, supervise and inspect to be in conformity with the provisions of the Constitution and the existing laws.

## Planning and Financial Matters

55. The Union Government:

- (a) shall lay down the policies of the Union Government in accord with the provisions of the Constitution. The necessary plans shall be drawn in accord with the said policies and implemented with the approval of the Pyidaungsu Hluttaw;
- (b) shall draw the Union Budget Bill for the next financial year, based on the annual Union budget, after coordinating with the Financial Commission and submit to and obtain the approval of the Pyidaungsu Hluttaw in accord with the provisions of the Constitution;
- (c) shall carry out, as may be necessary as contained in the Budget Law promulgated by the Pyidaungsu Hluttaw;
- (d) shall submit again the Supplementary Appropriation Law to the Pyidaungsu Hluttaw and obtain its approval in accord with the provisions contained in the Constitution when it is necessary to estimate more receipts and to allow the expenditures other than the estimated receipts and allotted expenditure contained in the State Budget Law promulgated for the relevant financial year;
- (e) shall carry out, as may be necessary, as contained in the Supplementary Appropriation Law promulgated by the Pyidaungsu Hluttaw;

- (f) shall have the right to expend the normal expenditure only among the expenditures of next budget year within the framework of the normal expenditure included in the last enacted Budget Law of the Union by the Pyidaungsu Hluttaw if the Pyidaungsu Hluttaw is unable to promulgate the Union Budget Bill in time for the next financial year submitted under sub-section (b) before the end of the current financial year;
- (g) with the exception of the taxes and revenues listed in Schedule 5 of the Constitution for which the Regions or States have the right to collect, shall collect, all other taxes and revenues in accord with law, and if it is to collect designated categories of incomes, taxes and revenues to be collected by the Regions or States for the Union territories, collect them in accord with law, deposit them to the Union Fund and has the right to expend such Union Fund in accord with law;
- (h) (i) may allow in accord with law when the Nay Pyi Taw Development Committee submits and requests through the Nay Pyi Taw Council for enabling the State to assist due to further need of fund as its own fund is not sufficient in undertaking the development of relevant towns;

(ii) may allow in accord with law when the Yangon City Development Committee and the Mandalay City Development Committee submit and request through the relevant Region Government for enabling by the Union to assist due to further need of fund as their own fund are not sufficient in undertaking the development of relevant towns.

(i) may decide the matters on local and foreign loans, economic assistances, investments and co-operations:

#### **Matters relating to Business**

56. The Union Government may, for the purpose of any economic enterprise stipulated to be carried out only by the Government, for the interest of the State :

- (a) allow the Region Government or State Government to carry out with the Union Government in joint-venture or to carry out under terms and conditions;
- (b) allow any cooperative organizations, economic organizations or any individual to carry out with the Union Government in joint-venture or to carry out under terms and conditions.

#### **Submitting Bills**

57. The Union Government:

- (a) shall submit the Bills relating to the National planning, annual budget and tax and revenue which only the Union Government can submit to the Pyidaungsu Hluttaw in accord with the prescribed manner;

(b) may submit the necessary Bills to the Pyidaungsu Hluttaw relating to matters on which the Pyidaungsu Hluttaw is entitled to make law in accord with the provisions of the Constitution.

#### **Relation with the Hluttaws**

58. The Union Government:

- (a) may assign the Union Minister or Deputy Minister to give clarifications if the Pyidaungsu Hluttaw, the Amyotha Hluttaw, the Pyithu Hluttaw, and the committees, commissions and bodies formed by them invite and send the required facts to such committees;
- (b) may answer the questions of the Hluttaw representatives in accord with the stipulated terms and manners;
- (c) shall implement the decisions of the Pyidaungsu Hluttaw. Its performances shall be reported back to the Pyidaungsu Hluttaw;
- (d) shall submit to the Pyidaungsu Hluttaw in respect of the various situations of the State from time to time.

#### **Other Matters**

59. The Union Government:

- (a) may invite the members of the Region or State Government and members of the Leading Body of the Self-Administered Division or members of the Leading Body of the Self-Administered Zone to the sessions of the Union Government;

- (b) may form the Civil Services organizations relating to the Union as may be necessary, in accord with law. In so forming, the duties and powers shall be determined. The necessary civil services personnel may be appointed;
- (c) shall determine the salary and rates of wages of the civil services personnel, rates of duties, taxes and other necessary rates in accord with law;
- (d) shall determine, from time to time, the matters for which its decision is required;
- (e) shall carry out the functions and duties assigned by any existing law.

### **Sessions of the Union Government**

60. The regular session of the Union Government shall normally be convened at least twice a month. If it is necessary, special session may be called and convened.
61. The President of the Union shall act as the Chairperson in the sessions.
62. A member of the Union Government shall not fail to attend the session without valid cause. If he is unable to attend the session, he shall ask prior permission from the President of the Union with valid cause.
63. (a) The minutes of the session shall be recorded by the Office of the Union Government.

- (b) The minutes of the session shall be submitted and obtained the approval at the next session.
- (c) The decisions and the minutes of the session of the Union Government that are not yet issued are the confidentials of the State.

## **Chapter V**

### **Duties and Powers of the Union Ministers and the Deputy Ministers**

64. The Union Minister has the following duties and powers relating to the Ministry for which he is responsible:
- (a) conferring duties and powers to the Deputy Minister or the Deputy Ministers and Heads of Civil Services organizations;
  - (b) coordinating and drawing plans and budgets;
  - (c) taking responsibility to implement the works to be carried out systematically under the Union plans;
  - (d) scrutinizing and supervising as to whether or not it is performed in conformity with the existing laws, rules, regulations, bye-laws, orders, directives, and procedures;
  - (e) submitting reports to the Union Government relating to work performances;

- (f) submitting advices to the Union Government, if it is necessary, to amend after reviewing the set-up, the strength of civil services personnel, functions and duties;
- (g) carrying out other duties stipulated by the Union Government.

65. The Deputy Ministers have the following duties and powers relating to the Ministry for which they are responsible:

- (a) being responsible to the relevant Minister and the President of the Union through the Minister;
- (b) carrying out the works under the duties and powers conferred by the Minister;
- (c) leading departmental work group or groups according to the assignment by the Minister;
- (d) submitting the requirements, problems and performances of the works for which he is responsible to the Minister;
- (e) supervising to implement the works to be carried out systematically under National plans in accord with the duty assigned by the Minister;
- (f) scrutinizing and supervising as to whether or not it is carried out in conformity with the existing laws, rules, regulations, bye-laws, orders, directives and procedures;

- (g) carrying out other duties assigned by the Minister.

## **Chapter VI**

### **Term of Office, Resignation from Office, Termination from Duties, Impeachment and Filling and Appointment in the Vacancy**

#### **Term of the office of the members of the Union Government**

66. (a) The term of office of the President of the Union or the Vice-Presidents is five years.
- (b) When such term of office expires, the President of the Union and the Vice-Presidents shall continue to carry out their functions and duties until the time the new President of the Union has been elected.
- (c) The President of the Union and the Vice-Presidents shall not serve for more than two terms.
- (d) An interim period to serve as the President of the Union or the Vice-President shall not be counted as a term of office.
- (e) The person who has served up to two full terms of the office of the Vice-President shall not have the right to be elected as the President of the Union . The person who has served a full term of the office of the Vice-President may serve for another term of the office of Vice-President or two full terms of the office of the President of the Union.



- (f) If a vacancy is filled for the office of the President of the Union or the Vice-President for any cause, the term of office of the new President of the Union or the new Vice-President shall only be up to the expiry of the original term of office.
- (g) The term of office of the Union Minister or the Deputy Minister and the Attorney General of the Union or the Deputy Attorney General is normally the same as that of the President of the Union.

### **Resignation from Office and Termination of Office of the Members of the Union Government**

67. The President of the Union or any Vice-President shall be allowed to resign from office if he desires to do so on his own volition before the expiry of his term of office. Such resignation shall be intimated to the Speaker of the Pyidaungsu Hluttaw.

- 68. (a) The Union Minister or the Attorney General of the Union may resign from office if he desires to do so on his own volition due to any cause before the expiry of the term of office after submitting his desire to resign in writing to the President of the Union .
- (b) The Deputy Minister may resign from office if he desires to do so as contained in sub-section (a) after submitting his desire to

resign in writing to the President of the Union through the relevant Union Minister.

- (c) The Deputy Attorney General may resign from office if he desires to do so as contained in sub-section (a) after submitting his desire to resign in writing to the President of the Union through the Attorney General of the Union.

69. The President of the Union:

- (a) may direct the Union Minister, the Attorney General of the Union, any Deputy Minister or Deputy Attorney General who cannot discharge his duty efficiently to resign. If he fails to comply as directed, he shall be terminated from the duty.
- (b) shall co-ordinate with the Commander-in-Chief of the Defence Services relating to the Defence Services personnel who is a Union Minister or Deputy Minister who has to be resign or be terminated from the duty.

### **Impeachment against the Members of the Union Government**

70. If it is desired to impeach the President of the Union or Vice-Presidents for any cause contained in sub-section (a) of section 71 of the Constitution or to impeach any member of the Union Government for any cause contained in sub-section (a) of section 233, it shall be carried out in accord with sub-sections (b),(c),(d),(e),(f) and (g) of section 71 of the Constitution.

71. The President shall terminate such person from office when the relevant Hluttaws have taken action in accord with section 233 of the Constitution and the relevant Speaker of the Hluttaw had submitted to the President that he is unfit to continue in office due to impeachment by the representatives of the Amyotha Hluttaw or the Pyithu Hluttaw against the Union Minister or Attorney General of the Union in accord with the Constitution.

### **Filling the Vacant Office and Appointment of the Members of the Union Government**

72. (a) If the office of the President of the Union becomes vacant due to resignation before the expiry of the term of office, death, permanent disability or any other cause, or if he is unable to serve his duty as he is being impeached, one of the Vice-Presidents who has won the second highest votes in the Presidential election, shall serve as temporary President.

(b) For enabling to elect the new President of the Union, it shall be carried out according to the manner contained in sub-sections (b),(c),(d) and (e) of section 73 of the Constitution.

73. If the office of a Vice-President becomes vacant due to resignation before the expiry of the term of office, death, permanent disability or any other cause, it shall be carried out according to the manner contained in sub-sections (f) and (g) of section 73 of the Constitution in order to elect in substitution.

74. (a) If the office of the Union Minister or the Attorney General of the Union becomes vacant due to resignation, termination from office, death, or any other cause, the President of the Union may appoint and assign duty to the new Union Minister or new Attorney General of the Union in accord with the provisions of the Constitution. The term of office of the new Union Minister or the new Attorney General of the Union who is appointed and assigned duty in substitution shall only be up to the expiry of the remaining term of the new President of the Union .

(b) If the office of the President of the Union who appoints and assigns duty to the Union Ministers becomes vacant due to resignation before the expiry of the term of office, death or any other cause, the Union Ministers shall continue to carry out their duties until the new Ministers have been elected and assigned duty by the new President of the Union elected in substitution.

(c) If the office of the President of the Union who appoints and assigns duty to the Attorney General of the Union becomes vacant due to resignation before the expiry of the term of office or death, or any other cause, the new President of the Union who is elected in substitution may continue to assign him or appoint and assign duty to a new Attorney General of the Union in accord with the provisions contained in the Constitution. If it is so appointed and

assigned duty, the Attorney General of the Union may be caused to continue to serve his functions and duties until the time the new Attorney General of the Union has been appointed and assigned duty.

(d) The term of office of the new Union Minister and the new Attorney General of the Union assigned duty in substitution under sub-sections (b) and (c) shall only be for the remaining term of office of the new President of the Union .

75. (a) The President of the Union shall submit his impeachment to the Speaker of the Pyidaungsu Hluttaw if he desires to impeach the following persons in accord with the Constitution:

- (i) Chief Justice of the Union or Judge of the Supreme Court of the Union ;
- (ii) Chairperson or a member of the Constitutional Tribunal of the Union;
- (iii) Chairperson or a member of the Union Election Commission.

(b) If the Speaker of the Pyidaungsu Hluttaw, after carrying out under sub-section (b) of section 302 of the Constitution, decides that the person who is impeached is unfit to continue to serve at the present office, such decision shall be submitted to the President of the Union .

(c) The President of the Union shall, on receiving the submission under sub-section (b), terminate such person from office.

76. (a) The representatives of the Amyotha Hluttaw or the Pyithu Hluttaw who desire to impeach the following persons in accord with the Constitution may submit their impeachment to the relevant Speaker;

- (i) Chief Justice of the Union or Judge of the Supreme Court of the Union;
- (ii) Chairperson or a member of the Constitutional Tribunal of the Union;
- (iii) Auditor General of the Union.

(b) The Speaker of the relevant Hluttaw shall, if the Chief Justice of the Union or Judge of the Supreme Court of the Union or the Chairperson or member of the Constitutional Tribunal of the Union is impeached, carry out under sub-section (c) of section 302 of the Constitution; or if the Auditor General of the Union is impeached, carry out under section 233 of the Constitution and if it is decided that the person impeached is unfit to continue to serve in office, the said decision shall be submitted to the President of the Union .

(c) The President of the Union shall terminate the said person from office on receiving the report under sub-section (b).

77. The President of the Union may direct the Auditor General of the Union and Deputy Auditor General who cannot perform the duties assigned efficiently to resign. If they do not comply as directed, they shall be terminated from duty.

#### **Filling the Vacant Office and Appointment of the Union Level Persons**

78. (a) If the office of the Commander-in-Chief becomes vacant due to resignation, termination from office, death or any other cause, the President of the Union may appoint and assign duty to the new in such vacant office under the Constitution or the specific laws promulgated in accord with the Constitution.

(b) If the office of any of the following persons become vacant due to resignation from office, termination from office, death or any other cause, the President of the Union may appoint and assign duty to the new in such vacant office under the Constitution or specific laws promulgated in accord with the Constitution. The term of office of the persons except the persons contained in clauses (i), (iii),(vi) and (viii)from among the persons so appointed and assigned duty, shall only be for the remaining term of office of the President of the Union:

- (i) Chief Justice of the Union;
- (ii) Chairperson of the Constitutional Tribunal of the Union;
- (iii) Chairperson of the Union Election Commission;

- (iv) Auditor General of the Union;
- (v) Chairperson of the Union Civil Services Board;
- (vi) Judges of the Supreme Court of the Union;
- (vii) Members of the Constitutional Tribunal of the Union;
- (viii) Members of the Union Election Commission;
- (ix) Deputy Ministers;
- (x) Deputy Attorney General;
- (xi) Deputy Auditor General;
- (xii) Members of the Union Civil Services Board.

#### **Termination from Duty of the Region or State Level Persons**

79. The President of the Union:

(a) may direct the following persons who cannot carry out the duties assigned efficiently to resign from office. If it is not complied as directed, they shall be terminated from duty:

- (i) Chief Minister of the Region or State;
- (ii) Minister of the Region or State;
- (iii) Advocate General of the Region or State;
- (iv) Auditor General of the Region or State;

(b) if it is concerned with a member of the Defence Services who is the Region or State Minister and who is to be resigned or be

terminated from duty, it shall be carried out in coordination with the Commander-in-Chief of the Defence Services.

80. If it is decided and submitted that as any person contained in section 79 is impeached for any cause under sub-section (a) of section 263 of the constitution, after carrying out in accord with the provisions contained in sub-sections (b), (c), (d) and (e) of section 263 of the Constitution, and such person is unfit to continue to serve in the present office, the President of the Union shall terminate such person from office.

81. If it is decided and submitted that as any of the Chief Justice and members of the Region or State High Court is impeached for any cause contained in sub-section (a) of section 311 of the Constitution, after carrying out in accord with the provisions of sub-sections (b),(c), (d), (e), (f), (g), (h) and (i) of section 311 of the Constitution, and such person is unfit to continue to serve in the present office, the President of the Union shall terminate such person from office.

#### **Filling and Appointment at the Vacant Office of the Region or State Level Persons**

82. If the office of any of the following persons become vacant due to resignation, termination from office, death or any other cause, the President of the Union may fill the vacant office, appoint and assign duty in accord with the provisions of the Constitution. The term of the persons except the persons contained in sub-section (b) and (d) from among the persons so appointed and

assigned duty shall only be for the remaining term of office of the President of the Union :

- (a) Chief Ministers of the Region or State;
- (b) Chief Justices of the Region or State High Court;
- (c) Ministers of the Region or State;
- (d) Judges of the Region or State High Court;
- (e) Advocates General of the Region or State;
- (f) Auditors General of the Region or State;
- (g) Chairpersons of the Leading Bodies of the Self-Administered Division or Self-Administered Zone.

#### **Termination from Duty and Filling and Appointment at the Vacant Office of the Chairperson or Members of the Nay Pyi Taw Council**

83. The President of the Union:

- (a) may direct the Chairperson and the members of the Nay Pyi Taw Council who cannot discharge their duties efficiently to resign from office. If they fail to comply as directed, they shall be terminated from duty.
- (b) shall co-ordinate with the Commander-in-Chief of the Defence Services and carry out if it is concerned with a member of the Defence Services who is the member of the Nay Pyi Taw Council who has to resign from office or be terminated from duty.

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

## **Chapter VII**

### **Declaration of a State of Emergency**

85. The President may promulgate an ordinance and declare a state of emergency after co-ordination with the National Defence and Security Council if there arises any of the following situations:

- (a) being aware that or being submitted by the relevant local administrative body that the administrative functions cannot be carried out in accord with the Constitution in a Region, State, Union territory or Self-Administered Area;
- (b) being aware that or being submitted by the relevant local administrative body that there arises or there is sufficient cause to so arise a state of emergency endangering the lives, shelter and property of the public in a Region, State, Union territory, Self-Administered Area or in any part thereof;

- (c) there arising or finding sufficient cause to so arise a state of emergency that may disintegrate the Union or disintegrate national solidarity or that may cause the loss of sovereignty, due to acts or attempts to take over the sovereignty of the Union by insurgency, violence and wrongful forcible means.

86. The President of the Union, in the matter of declaration of a state of emergency due to the situation contained in sub-section (a) of section 85:

- (a) has the right to obtain and exercise the executive power of the relevant Region, State or Self -Administered Area;
- (b) may confer and cause to carry out the executive power contained in sub-section (a) by forming any appropriate body or on any suitable person;
- (c) in doing so, if it is necessary, has the right to exercise the legislative power only for the executive matters from among the matters that may be legislated by the respective Region, State or Self-Administered Areas. However, the legislative power shall not be conferred and caused to carry out on any body or any person.

87. In the matter of declaration of a state of emergency due to a situation contained in sub-section (b) of section 85, the President of the Union:

- (a) may declare a state of emergency in time after coordinating with the Commander-in-Chief of the Defence Services, the Deputy

Commander -in-Chief of the Defence Services, the Minister for the Ministry of Defence, the Minister for the Ministry of Home Affairs who are the members, if all the members of the National Defence and Security Council are unable to attend the meeting and shall submit such declaration to the National Defence and Security Council as soon as possible and obtain its approval;

- (b) may obtain the assistance of the Defence Services and carry out by the local authorities, their members and the civil services organizations and their members in carrying out their duties effectively in accord with the existing laws in order to restore its original situation speedily in an area where the declaration of a state of emergency is in effect;
- (c) may declare a military administrative order if it is necessary. In the said military administrative order, the executive powers and duties and the judicial powers and duties concerning community peace and tranquillity and prevalence of law and order shall be conferred on the Commander-in-Chief of the Defence Services. The Commander-in-Chief of the Defence Services may exercise the said powers and duties by himself or cause the same to be exercised by any suitable military authority.

88. The President of the Union, in declaring a state of emergency under sub-sections (a) and (b) of section 85 by promulgating an ordinance:

- (a) shall specify the area and the duration in which the state of emergency is in effect in the said ordinance;
- (b) may, if it is necessary, restrict or suspend one or more fundamental rights contained in the Constitution of the citizens residing in the area where the state of emergency is in effect.

89. (a) The President of the Union shall carry out, relating to the measures taken under sub-section (a) of section 85 and section 86, and sub-section (b) of section 85 and section 87 by declaring a state of emergency in accord with sub-sections (b), (c) and (e) of section 32.

- (b) If the Pyidaungsu Hluttaw approves the submission of the President of the Union under sub-section (a) and extends the duration of the ordinance, the said ordinance shall remain in force until the expiry of the extended duration.

90. The President of the Union in declaring a state of emergency by promulgating an ordinance under sub-section (c) of section 85:

- (a) shall state in the said ordinance that the area where the state of emergency is in effect is throughout the entire Nation and specified duration is one year from the day of promulgation;

- (b) shall declare the transfer of legislative, executive and judicial powers of the Union to the Commander-in-Chief of the Defence Services to enable him to carry out necessary measures in order to speedily restore the original situation in the Union. The legislative functions of all Hluttaws and Leading Bodies shall be deemed to be suspended from the day of such declaration. It shall be deemed that on the expiry of the term of the said Hluttaws, the relevant Hluttaws have been dissolved automatically;
- (c) it shall be deemed that, with the exception of the President of the Union and the Vice-Presidents, the members of the organizations appointed and assigned duties with the approval of the relevant Hluttaws, members of the Self-Administered Division Leading Bodies or Self-Administered Zone Leading Bodies, have been terminated from duty commencing from the day of transfer of the State power to the Commander-in-Chief of the Defence Services under sub-section (b).

91. The Commander-in-Chief of the Defence Services to whom the State power has been transferred under sub-section (b) of section 90 has the right to exercise the legislative, executive and judicial powers. The Commander-in-Chief of the Defence Services may exercise the legislative power either by himself or by forming a body including himself. The executive power and the judicial power may be delegated to and exercised by forming any suitable body or by any suitable person.

92. The Commander-in-Chief of the Defence Services may, during the period of the declaration of a state of emergency, restrict or suspend, as may be necessary, one or more fundamental rights of the citizens contained in the Constitution in the necessary area.

93. The President of the Union:

- (a) shall report the matter of transfer of the State power to the Commander-in-Chief of the Defence Services under sub-section (b) of section 90, to a regular session of the Pyidaungsu Hluttaw if it is in session, or to an emergency session of the Pyidaungsu Hluttaw by causing to summon it if it is not in regular session.
- (b) may, if the Commander-in Chief of the Defence Services submits to extend the stipulated duration by stating reasons that he has not completed in implementing the duties assigned to him, and after co-ordination with the National Defence and Security Council, normally allow for two extensions of stipulated duration for a term of six months at a time. Such matter of extension shall be reported to the emergency session of the Pyidaungsu Hluttaw by causing to summon it.

94. The President of the Union shall, on submission of a report by the Commander-in-Chief of the Defence Services that he has completed the duties assigned to him, declare the revocation of the ordinance transferring the State power to the Commander-in Chief of the Defence Services under sub-section (b) of section



90 after coordination with the National Defence and Security Council, commencing from the day of the submission of the report to an emergency session of the Pyidaungsu Hluttaw after causing to summon it if the term of the Pyidaungsu Hluttaw has not expired, or commencing from the day of receipt of the report of the Commander-in-Chief of the Defence Services if the term of the Pyidaungsu Hluttaw has expired.

95. The President of the Union shall, on receiving the report of the Commander-in-Chief of the Defence Services under section 94, revoke the temporary suspension of the legislative functions of all Hluttaws and Leading Bodies if the term of the Pyidaungsu Hluttaw has not expired. Thereafter, the new executive and judicial bodies contained in the Constitution shall be formed and assigned duties in accord with the Constitution. Such bodies shall carry out the duties only for the remaining term of the Hluttaw.

96. Notwithstanding that the term of the Pyidaungsu Hluttaw had expired, the President of the Union and the Vice-Presidents or the Speaker of the Pyithu Hluttaw and the Speaker of the Amyotha Hluttaw shall remain in their offices until the new President of the Union and the new Vice-Presidents, or the new Speaker of the Pyithu Hluttaw and the new Speaker of the Amyotha Hluttaw have been elected in accord with the Constitution.

97. The National Defence and Security Council, on the expiry of the term of the Pyidaungsu Hluttaw:

- (a) may, if the Commander-in Chief of the Defence Services submits to extend the stipulated duration by stating reasons that he has not completed the duties assigned to him, normally allow two extensions of the stipulated duration for a term of six months at a time.
- (b) shall, concerning the matter of the transfer of State power by the President of the Union to the Commander-in-Chief of the Defence Services by declaring a state of emergency under sub-section (c) of section 85 and section 90, declare the revocation of the ordinance transferring the State power to him under sub-section (b) of section 90, on receiving the report of the Commander-in-Chief of the Defence Services that he has completed the duties assigned to him.
- (c) exercise the legislative, executive and judicial powers before the Hluttaws are formed in accord with the Constitution.
- (d) has the right to exercise the State power until the new President of the Union has been elected and the Union level authorities have been formed in accord with the provisions of the Constitution. In so exercising as such, the legislative power shall be exercised by itself. The executive power and judicial power may be delegated to exercise by forming the suitable bodies or by any suitable person for the Union, Region or State and Self-Administered Area levels.

- (e) shall form and assign duties to various levels of the executive authorities, Self-Administered Division Leading Body or the Self-Administered Zone Leading Bodies and the Election Commission contained in the Constitution with persons who are in conformity with the relevant qualifications prescribed in the Constitution.
- (f) shall hold the general election in accord with the provisions of the Constitution within six months commencing from the day of cancellation of the ordinance under sub section (b).
- (g) the bodies formed under sub-section (e) shall continue to carry out their functions and duties until the legislative, executive and judicial bodies have been formed in accord with the Constitution after holding the general election.
- (h) shall exercise the State power in the name of the President of the Union.

98. The legitimate measures of any authorities, any of its members; or any civil services organizations or any of its member; or any military body, any of its member assigned powers and duties to take necessary measures in order to speedily restore the security, stability, community peace and tranquillity and prevalence of law and order to its original state while a declaration of emergency is in operation or during the period in which the State power is being exercised by the Commander-in-chief of the Defence Services or during the period in which the State power is being

exercised by the National Defence and Security Council, shall be valid. No legal action shall be taken on such legitimate measures.

## **Chapter VIII**

### **Miscellaneous**

99. The preparatory works carried out by the State Peace and Development Council before this Law comes into force, for the implementation of this Law shall be deemed to have been carried out in accord with the Constitution.

100. The President of the Union and the Vice-Presidents shall furnish a list of family assets under their control, namely, land, houses, buildings, businesses, savings and other valuable things owned by the family together with their values to the Speaker of the Pyidaungsu Hluttaw.

101. The persons appointed by the President of the Union with the approval of the Hluttaw shall furnish a list of businesses and assets under his control together with their values to the President of the Union.

102. The Union government shall:

- (a) form the Office of the Union Government to take responsibility and carry out the various staff works of the Union Government;
- (b) determine the formation and duties of the Union Government.

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

104. In implementing the provisions contained in this Law, the Union Government may issue rules, regulations, bye-laws, notifications, orders, directives and procedures as may be necessary.

105. The Council of Ministers Law (The Pyithu Hluttaw Law No.11, 1974) is hereby repealed.

(Sd.) Than Shwe

Senior General

Chairman

The State Peace and Development Council