

The Union of Myanmar

The State Peace and Development Council

**The Self-Administered Division or Self-Administered Zone**

**Leading Body Law**

( The State Peace and Development Council Law No. 17 / 2010 )

The 13<sup>th</sup> Waxing Day 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 to implement the works relating to administration by the Self-Administered Division or Self-Administered Zone Leading Body smoothly under the Constitution of the Republic of the Union of Myanmar.

## Chapter I

### Title, Enforcement and Definition

1. (a) This Law shall be called **the Self-Administered Division or Self- Administered Zone Leading Body Law**.
- (b) This Law shall come into force commencing from the day on which the Constitution comes into force.
2. The following expressions contained in this Law shall have the meanings given hereunder:
  - (a) **Constitution** means the Constitution of the Republic of the Union of Myanmar;
  - (b) **Self-Administered Division and Self-Administered Zone** means the Self-Administered Division and the Self-Administered Zone stipulated in section 56 of the Constitution;
  - (c) **Self-Administered Area** means the Self-Administered Division or the Self- Administered Zone;
  - (d) **Leading Body** means the Self-Administered Division Leading Body or Self- Administered Zone Leading Body;
  - (e) **Chairperson of the Leading Body** means the relevant Chairperson of the Self-Administered Division Leading Body or the Self-Administered Zone Leading Body. Moreover, he is also the

Chairperson of the relevant Executive Committee of the Leading Body;

- (f) **Member of the Leading Body** means the member of the relevant Self-Administered Division Leading Body or Self-Administered Zone Leading Body.

## Chapter II

### Formation, Appointment and Assignment of Duties

#### Formation of the Leading Body

3. (a) The respective Leading Body is formed in the Self-Administered Division and the Self-Administered Zone;
- (b) The Leading Body shall comprise a minimum of 10 members.
4. The Leading Body shall be formed with the following persons:
  - (a) Region or State Hluttaw representatives elected from townships in the Self-Administered Division or Self-Administered Zone;
  - (b) the Defence Services Personnel representatives nominated by the Commander-in-Chief of the Defence Services to assign duties relating to security or border affairs;
  - (c) additional representatives selected by persons contained in sub-section (a) and (b) in accord with section 10.

5. The Head of General Administration Department of the relevant Self-Administered Division or Self-Administered Zone is the *ex-officio* secretary of the Leading Body and the Executive Committee. He shall have no right to vote.

6. The Self-Administered Division and Self-Administered Zone are of equal status being the Self-Administered Areas.

**Formation of the Scrutiny Body and Scrutinizing the Representatives**

7. The State Peace and Development Council shall form and assign duties to the Scrutiny Body headed by the Secretary of the relevant Leading Body to enable scrutinizing of the representatives contained in sub-sections (a) and (b) of section 4 and to elect the Chairperson of the Leading Body.

8. The Scrutiny Body formed under section 7 shall, in scrutinizing the representatives contained in sub-sections (a) and (b) of section 4:

- (a) scrutinize by the accreditation certificate issued by the Union Election Commission, if they are Region or State Hluttaw representatives elected from townships in the Self-Administered Division or Self-Administered Zone;
- (b) scrutinize by the accreditation certificate issued by the Commander-in-Chief of the Defence Services, if they are Defence Services Personnel representatives nominated by the Commander-in-Chief of the Defence Services as the member of Leading Body.

**Selection, Appointment and Assignment of Duties to Chairperson and Members of Leading Body**

9. In selecting and appointing the Chairperson of the relevant Leading Body:

- (a) Members of the Leading Body contained in sub-sections (a) and (b) of section 4 shall, after coordinating among themselves, select a suitable person as the Chairperson of the Leading Body from among the Region or State Hluttaw representatives elected from the townships in the Self-Administered Division or the Self-Administered Zone in accord with the provisions of Chapter III. The list of the person so elected shall be submitted to the President of the Union through the relevant Chief Minister of the Region or State;
- (b) The President of the Union shall appoint and assign duties to the person who is nominated under sub-section(a) as the Chairperson of the relevant Leading Body;
- (c) The President of the Union shall, in appointing and assigning duties to the Chairperson of the Leading Body, reduce the age limit stipulated in the Constitution.

10. The Chairperson of the Leading Body elected under section 9 and members of the Leading Body contained in sub-sections(a) and (b) of section 4 shall:

- (a) from the remaining National races except the National races who have resided in the relevant Self-Administered Division or Self-

Administered Zone and have already obtained the relevant Self-Administered Division or the Self-Administered Zone, if the relevant authority determined having a suitable population of over 10,000 of national races elect and appoint each representative of the said National races as a member of the Leading Body in accord with the provisions of Chapter IV. The member of the Leading Body so elected shall have the prescribed qualifications of the Hluttaw representatives of the Region or State under section 169 of the Constitution;

- (b) if the number of members of the Leading Body is less than 10 members, elect and appoint the required number of members from those residing in the relevant Self-Administered Division or Self-Administered Zone and who have qualifications prescribed for the Region or State Hluttaw representatives contained in section 169 of the Constitution in accord with the provisions contained in Chapter V to fill up 10 members as they desire.

11. The Commander-in-Chief of the Defence Services may add and assign duties to the one-fourth of the total number of members of the Leading Body with the Defence Services personnel in the Leading Body as may be necessary.

12. The Defence Services personnel, nominated in accord with law by the Commander-in-Chief of the Defence Services, to be assigned as the members

of the Leading Body shall fulfil the qualifications of the Region or State Hluttaw representatives.

13. The Chairperson shall declare the list of the names of the members of the Leading Body after carrying out election of the Chairperson under Chapter III, election of the Leading Body members of the National races representative under Chapter IV and election and appointment to fill up the stipulated numbers of the members of Leading Body under Chapter V.

14. The Chairperson of the Leading Body shall make an affirmation before the members of the Leading Body and the members of the Leading Body shall do so before the Chairperson of the Leading Body according to Annexure(A).

15. The Chairperson of the Leading Body:

- (a) is the *ex-officio* Minister of the relevant Region or State;
- (b) shall be responsible to the Chief Minister of the relevant Region or State and to the President through the Chief Minister of the relevant Region or State.

16. The members of the Leading Body shall be responsible to their Chairperson of the Leading Body.

#### **Formation of Executive Committee of the Leading Body**

17. The Chairperson of the Leading Body shall select and form the Executive Committee of the Leading Body with a minimum of three persons to a maximum of five persons with the agreement of the Chief Minister of the Region or State

and with the approval of the Region or State Hluttaw to enable carrying out of the administrative functions of the Leading Body in full time.

18. The Chairperson of the Leading Body may allocate duties to the Executive Committee members of the Leading Body in each economic, social and management sector after coordinating with the Executive Committee of the Leading Body to enable to carrying out of the duties and powers of the Leading Body effectively.

**Chapter III**

**Election of the Chairperson of the Leading Body**

**Arranging to Elect the Chairperson of the Leading Body**

19. In electing the Chairperson of the Leading Body by the representatives contained in sub-sections (a) and (b) of section 4:

- (a) the leader of the Scrutiny Body formed under section 7 shall carry out as the master of ceremony;
- (b) the master of ceremony shall make necessary arrangements to enable to election of the Chairperson of the Leading Body.

**Manner to Elect the Chairperson of the Leading Body**

20. (a) The representatives contained in sub-sections (a) and (b) of section 4 shall coordinate among them select and elect a suitable person as the Chairperson of the Leading Body from among the Hluttaw representatives contained in sub-section (a) of section 4;

- (b) if the coordination and election under sub-section (a) is completed, the master of ceremony shall declare such person elected as being the Chairperson of the Leading Body.

21. If the Chairperson of the Leading Body can not be elected by coordination among themselves under section 20, it shall be carried out in the manner of secret voting as follows:

- (a) voting shall be made before the members of the Leading Body in the meeting room of the Leading Body;
- (b) in casting secret vote, the list of the names of the Region or State Hluttaw representatives contained in sub-section (a) of section 4 shall be prepared in alphabetical order;
- (c) the Scrutiny Body shall arrange for ballot papers, voting roll, documents and forms relating to voting, that are necessary for election. Specific places shall also be arranged in the meeting hall of the Leading Body to enable casting of secret vote;
- (d) the master of ceremony shall, before the voting commences, bring the ballot papers that are twice the number of the members of Leading Body who will cast vote, count and record the ballot papers before the members of the Leading Body and Scrutiny Body;

- (e) the Scrutiny Body shall show the ballot box before the members of the Leading Body to ensure that there is nothing in the ballot box and place the ballot box at the place visible by the members of the Leading Body;
- (f) a member of the Leading Body may, if he enters on the ballot paper erroneously, ask to cancel such ballot paper and change with the new ballot paper. The old ballot paper shall be destroyed by the said member of the Leading Body himself at such place where it is changed before the members of the Leading Body. The number of ballot papers destroyed shall be recorded by the master of ceremony in the stipulated form;
- (g) the members of the Leading Body shall cast secret vote at the stipulated place after signing in the stipulated form that he has received the ballot paper from the Scrutiny Body. In voting as such, make the right mark ( ✓ ) for the person in favour or the cross-mark (x) for the person against on the ballot paper clearly. Then, the voting paper shall be cast into the ballot box by himself;
- (h) in carrying out counting the ballot papers, the master of ceremony shall cause the members of the Scrutiny Body to open the ballot box before the members of the Leading Body and draw out the ballot papers. Before opening the ballot box, if the ballot papers left outside the ballot box are found, the numbers of them shall be recorded and determined as cancelled vote;

- (i) the master of ceremony shall scrutinize whether or not the number of ballot papers issued to the members of the Leading Body is equal to the number of ballot papers drawn from the ballot box. If the number of ballot papers drawn and received from the ballot box is more than the ballot papers issued, the master of ceremony shall declare that voting is not valid and new voting shall be held to enable to electing of the Leading Body;
- (j) if the number of voting papers drawn and received from the ballot box is less than the number of ballot papers issued, the number of ballot papers in shortage or if there is no shortage of ballot paper the fact of no shortage shall be declared and the voting papers shall be counted.

22. In counting the ballot papers, if the following ballot papers are found it shall be declared that they are determined as cancelled votes:

- (a) ballot paper left outside the ballot box without casting into the ballot box;
- (b) ballot paper that has been cast in favour of more than one person;
- (c) ballot paper that has not been cast for anyone;
- (d) ballot paper on which a mark is written so as to identify the voter;
- (e) ballot paper which cannot be known for whom it is voted;
- (f) faked ballot paper.

23. (a) In carrying out to elect the Chairperson of the Leading Body under sections 21 and 22, if two or more persons are equal in the position of the person who obtained the highest numbers of votes-in-favour, the persons who obtained lesser votes shall be cancelled and voting shall be held for the persons who are equal in the number of votes according to sections 21, 22 and 24.
- (b) if two or more persons are equal again in the position of the person who obtained the highest number of votes in the second voting held under sub-section (a), the voting shall be suspended temporarily for three days excluding gazetted holidays;
- (c) when the voting is held again, the master of ceremony shall proceed to hold it by abiding in accord with sub-section (a) until the Chairperson can be elected.
24. The master of ceremony shall declare the person who obtained the highest number of votes-in-favour. It shall be submitted to the President of the Union through the Chief Minister of the Region or State to appoint and assign duties to such person as the Chairperson of the Leading Body.

#### **Chapter IV**

##### **Election of the National Races Representative Leading Body Members**

25. To enable election and appointment of each National race representative as the member of the Leading Body, under sub-section (a) of section 10, the

Chairperson of the Leading Body shall:

- (a) obtain the list of each National race as officially published and declared by the relevant authority, among the National races residing in the relevant Self- Administered Division or Self-Administered Zone, who will be entitled to have a representative each as a member of the Leading Body under sub-section (a) of section 10;
- (b) shall elect candidates preliminarily to be elected as the member of the Leading Body from the list of each National race obtained under sub-section (a) by the desire of the members of the Leading Body;
- (c) obtain the desire of the persons elected preliminarily as the member of the Leading Body under sub-section (b) as to whether or not they wish to perform the duty of the Leading Body.
26. The Chairperson and members of the Leading Body shall elect and appoint each National races representative from among the persons contained in preliminary list who have elected and obtained their desires under section 25 by coordination among themselves as members of the leading Body.
27. If the coordination among themselves under section 26 can not be reached, voting for the election of National races representative Leading Body member shall be held as contained in sections 21, 22 and 23 conducted by the Chairperson



of the Leading Body as the Chairman. In so voting, the Chairman shall vote together with the members of the Leading Body. The Chairman has no right of decision by casting vote. The Chairman shall declare the selection of the person who obtained the highest number of vote as the National races representative Leading Body member.

28. The Chairperson and members of the Leading Body shall appoint and assign duties to the National races representative as the member of the Leading Body.

### **Chapter V**

#### **Election and Appointment to attain the Stipulated Number of the Members of the Leading Body**

29. If the minimum number of the members of the Leading Body is less than 10 persons:
- (a) the Chairperson and members of the Leading Body contained in sub-sections (a) and (b) of section 4 shall elect and appoint the required number as they desire to meet the minimum number of the members of the Leading Body as stipulated in sub-section (b) of section 10;
  - (b) if the election cannot be completed as they desire under sub-section (a), the election and appointment shall be made in the manner of secret voting contained in sections 21, 22 and 23.

### **Chapter VI**

#### **Duties and Powers of the Chairperson of the Leading Body**

##### **Submission and Declaration of the Bill**

30. The Chairperson of the Leading Body shall submit the bill approved by the Leading Body to the Chief Minister of the relevant Region or State to enable signing and publishing as a law within 14 days from the next day of the day on which the Chief Minister of the relevant Region or State receives it.
31. The law signed by the Chief Minister of the relevant Region or State shall be published in the official gazette by the Office of the Leading Body of the relevant Self-Administered Division or Self-Administered Zone.

##### **Carrying out the Local Affairs Duties and Other Ministerial Duties**

32. The Chairperson of the Leading Body shall:
- (a) carry out the affairs of his relevant Self-Administered Division or Self-Administered Zone assigned by the President of the Union being the *ex-officio* Minister of the relevant Region or State;
  - (b) withdraw from the office of the Chairperson of the Leading Body to carry out duties of the Ministry of the Region or State Government effectively, if he voluntarily accepts to carry out the duties of the other Ministerial duties of the Government of the Region or State, specifically assigned by the President of the Union in coordination with the Chief Minister of the Region or State.



33. If the office of the Chairperson becomes vacant as the Chairperson withdraws from the office of the Chairperson to carry out other Ministerial duties of the Government of the Region or State under sub-section (b) of section 32, a new Chairperson shall be re-elected and appointed in accord with the provisions contained in section 9 of this Law.

**Other Matters**

34. The Chairperson of the Leading Body is entitled to submit to the Constitutional Tribunal of the Union the matters to obtain its interpretation, resolution and opinion in accord with the stipulated manners.

35. The Chairperson of the Leading Body:

- (a) shall carry out the implementation, coordination, supervision and guidance of the functions of the Leading Body;
- (b) shall carry out the allocation and determining of the functions of the members of the Leading Body according to individual or body and coordination if it is necessary;
- (c) may call and convene the meetings of the Leading Body as may be necessary.

36. The Chairperson of the Leading Body shall convene the first session of the future terms of the Leading Body and carry out the duties as the Chairperson until the new Chairperson of the Leading Body has been elected and appointed.

**Chapter VII**

**Duties and Powers of the Leading Body and  
Executive Committee of the Leading Body**

**Duties and Powers of the Leading Body**

37. **The right to enact law:** The Leading Body has the right to enact law relating to the matters contained in the Legislative List as prescribed in Schedule III of the Constitution. To enable approval of the said laws by the Leading Body:

- (a) the Chairperson or each member of the Leading Body is entitled to submit the bill to the Leading Body on behalf of the Leading Body;
- (b) the bill shall be submitted to the meeting of the Leading Body on the day prescribed by the Chairperson of the Leading Body;
- (c) the bill shall be read out and submitted to the meeting of the Leading Body by the Chairperson himself or the person assigned duties by him or the member of the Leading Body who submits the bill;
- (d) in drafting the bill, co-ordination may be made with the Law Office of the relevant Self-Administered Area;
- (e) the bill submitted under sub-section (a) shall be discussed and negotiated at the meeting of the Leading Body and obtain the approval by the majority votes of the members of the Leading Body.

**Duties and Powers of the Executive Committee of the Leading Body**

38. The Executive Committee of the Leading Body is the administrative body of the relevant Self-Administered Division or Self-Administered Zone. The said Committee shall:

- (a) be responsible to the Leading Body;
- (b) carry out the administrative functions of the Leading Body;
- (c) submit their performances to the nearest meeting of the Leading Body.

39. **Administration:** Unless contrary to the provisions of the Constitution, as the self-administrative power of the Leading Body extends to the following matters, the Executive Committee is entitled to carry out such matters by being responsible to the Leading Body:

- (a) matters allowed to be carried out by the Leading Body under any law enacted by the Pyidaungsu Hluttaw;
- (b) matters allowed to be carried out by the Leading Body under any law enacted by the relevant Region or State Hluttaw.

40. **Submission of Emergency Situation:** The Executive Committee of the Leading Body shall submit urgently to the Chief Minister of the relevant Region or State if any of the following situations arise. In respect of the said submission, it shall be submitted to and approval obtained urgently from the

Leading Body:

- (a) an emergency situation arising in which the administrative functions cannot be carried out in accord with the provisions of the Constitution in its Self-Administered Area;
- (b) an emergency situation endangering the lives, shelter and property of the public in its Self-Administered Area or any part thereof arising or having sufficient reason to arise.

41. **Financial Matters:** The Executive Committee of the Leading Body:

- (a) shall draw the annual budget for the next financial year and obtain the approval of the Leading Body, negotiate and obtain the agreement of the relevant Region or State Government in accord with the provisions of the Constitution;
- (b) have the right to expend the finance sanctioned under the Region or State Budget Law relating to its Leading Body in accord with the stipulated financial regulations;
- (c) have the right to expend within the framework of sanctioned normal expenditure provided in the last Budget Law enacted by the Region or State Hluttaw if the budget sanction can not be obtained in time from the relevant Region or State Government as the relevant Region or State Hluttaw cannot enact the Budget Law for the coming budget year before the expiry of the current budget year.

42. **Communication between the Union Government, Region or State Government**

The Executive Committee of the Leading Body shall:

- (a) carry out in accord with the coordination of the Union Government for the effective and successful implementation of its functions;
- (b) submit the report relating to the general situations of its territory to the Union Government and relevant Region or State Government.

43. **Compliance relating to Disputes:** The Executive Committee of the Leading Body shall:

- (a) comply with the co-ordination and, if it is necessary, decision of the Union Government relating to the administrative disputes arising between a Region or State and a Self-Administered Area, or between each Self-Administered Area;
- (b) comply with the co-ordination and, if it is necessary, decision of the Union Government relating to the administrative disputes arising between a Self-Administrative Area and a Union Territory.

44. **Multi-purpose Development Matters:** The Executive Committee of the Leading Body shall draw work-programmes to implement multi-purpose development within its territory subject to the policies adopted by the Union Government and coordinate with the relevant Region or State Government.

45. **Civil Services Matters:** The Executive Committee of the Leading Body may supervise, cooperate and coordinate the functions of civil services organizations which are performing duties within its territory in accord with law.

46. **Other Matters:** The Executive Committee of the Leading Body shall:

- (a) assist in preserving the stability of the Union, community peace and tranquility and prevalence of law and order;
- (b) perform the functions and duties assigned from time to time by the Union Government and the Region or State Government;
- (c) perform the functions and duties assigned by any existing law.

**Holding the Meetings of the Leading Body**

47. The regular session of the Leading Body shall be convened at least twice a year normally. If it is necessary, a special session may be convened.

- 48. (a) In a term of the Leading Body, if the first session is attended by 75 per cent of the total number of members of the Leading Body who have the right to attend, it shall form a quorum;
- (b) in the continued sessions, if it is attended by more than half of the total number of members of the Leading Body who have the right to attend, it shall form a quorum.
- 49. (a) The Chairperson of the Leading Body shall act as the Chairman of the meetings.

- (b) If the Chairperson of the Leading Body is unable to attend the meeting, a member of the Leading Body assigned by the Chairperson of the Leading Body shall act as the Chairman at the meeting.

50. A member of the Leading Body shall not fail to attend the meeting without valid cause. If he cannot attend the meeting, he shall ask for leave in advance from the Chairperson of the Leading Body with valid cause.

51. If a member of the Leading Body fails to attend the meeting of the Leading Body without the permission of the Chairperson of the Leading Body for at least five days consecutively excluding the days on which the meeting is adjourned:

- (a) if he is a Region or State Hluttaw representative Leading Body member, the Chairperson of the Leading Body shall submit to the relevant Speaker of Region or State Hluttaw to enable terminating him from being a member of the Leading Body;
- (b) if he is a Defence Services personnel Leading Body member, the Chairperson of the Leading Body shall submit to the Chief Minister of relevant Region or State in coordination with the Commander-in-Chief of the Defence Services to enable terminating him from being a member of the Leading Body;
- (c) if he is a member of the Leading Body except the members of the Leading Body contained in sub-sections (a) and (b), the Chair-

person of the Leading Body shall carry out to terminate him from being a member of the Leading Body.

- 52. (a) The records of meetings shall be kept at the Office of the Leading Body.
- (b) The resolutions of the meeting shall be submitted to the Chairperson of the Leading Body for signature within 3 days after the day on which the meeting is ended.
- (c) Resolutions and meeting minutes of the Leading Body which has not been issue are confidentials of the Union.

### **Chapter VIII**

#### **Term of the Office, Resigning from Office, Termination from Office and Taking Action, Impeachment and Filling the Vacant Office**

##### **The Term of the Office of the Chairperson and Members of the Leading Body**

- 53. (a) The term of office of the Chairperson is the same as the term of office of the President of the Union .
- (b) The term of office of the members of the Leading Body is the same as the term of the relevant Region or State Hluttaw.
- (c) The term of office of the new Chairperson of the Leading Body who is substituted in the vacant office of the Chairperson shall be only for the remaining term of the President of the Union .

- (d) The term of the new member of the Leading Body who is substituted in the vacant office of the member of the Leading Body is only for the remaining term of the relevant Region or State Hluttaw.

### **Resigning from Office of the Chairperson and Members of the Leading Body**

54. When the Chairperson and members of the Leading Body desire to resign from the office of their own volition before the expiry of the term for any reason:

- (a) if he is a Chairperson of the Leading Body, he may resign from office by submitting in writing to the President through the Chief Minister of the Region or State stating that he desires to resign as such;
- (b) if he is a Region or State Hluttaw representative Leading Body member, he may resign from office by submitting in writing to the Speaker of the relevant Region or State Hluttaw through the Chairperson of the Leading Body stating that he desires to resign as such;
- (c) if he is a Defence Services personnel Leading Body member, he shall submit and obtain the approval of the Commander-in-Chief of the Defence Services that he desires to resign as such in accord with the Defence Services procedure;

- (d) if they are other members of the Leading Body except the members of the Leading Body contained in sub-sections (b) and (c), they may resign from office by submitting in writing to the Chairperson of the Leading Body stating that they desire to resign as such.

55. If the Chairperson of the Leading Body:

- (a) resigns from the office of the Region or State Hluttaw representative, it shall be deemed that he has resigned from the office of the Minister of the relevant Region or State Hluttaw, office of the Chairperson of the Leading Body and office of the chairman of the Executive Committee of the Leading Body;
- (b) if he resigns from the Leading Body, it shall be deemed that he has resigned from the office of the Minister of the relevant Region or State, office of the relevant Region or State Hluttaw representative and the office of the Chairman of the respective committee of the Leading Body;
- (c) if he continues to serve as a member of the Leading Body although he has resigned from the office of the Chairperson of the Leading Body, it shall be deemed that he has resigned from the office of the Minister of the relevant Region or State and office of the Chairman of the Executive Committee of the Leading Body;

- (d) if he resigns from the office of the Minister of the relevant Region or State, it shall be deemed that he has resigned from the office of the Chairperson of the relevant Leading Body and office of the Chairman of the Executive Committee of the Leading Body.

56. If a member of the Leading Body contained in sub-section (a) of section 4:

- (a) resigns from the office of Region or State Hluttaw representative, it shall be deemed that he has resigned from the office of a member of the Leading Body;
- (b) resigns from the office of a member of the Leading Body, it shall be deemed that he has resigned from the office of the relevant Region or State Hluttaw representative.

#### **Termination from Duty and Taking Action against the Chairperson of the Leading Body**

- 57. (a) If a Chairperson of the Leading Body cannot carry out his duties efficiently, the President of the Union may direct him to resign from office. If the directive of the President of the Union is not abided by, he shall be terminated from duty;
- (b) If a Chairperson of the Leading Body is terminated from duty under sub-section (a), it shall be deemed that he has been terminated from the office of the Minister of the relevant Region or State

and the office of Chairman of the Executive Committee of the Leading Body.

#### **Impeachment of the Chairperson of the Leading Body**

58. If a Chairperson of the Leading Body is impeached for any reason contained in sub-section (a) of section 263 of the Constitution, it shall be carried out in accord with the provisions of sub-sections (b), (c), (d) and (e) of section 263 of the Constitution.

#### **Termination from Duty and Taking Action against the members of the Leading Body**

59. There is the right to take action against a member of the Leading Body for any of the following causes:

- (a) high treason;
- (b) violation of any provision of the Constitution;
- (c) misconduct;
- (d) being disqualified for the representative of Region or State Hluttaw as prescribed in the Constitution;
- (e) inefficient discharge of duties assigned by law.

60. The Chairperson of the Leading Body shall submit to the Speaker of the relevant Region or State Hluttaw with reason that the Region or State Hluttaw representative Leading Body member who has involved with any matter contained in section 59 should be caused to resign from office by mentioning reason.

61. The Chairperson of the Leading Body shall submit to the Commander-in-Chief of the Defence Services through the Chief Minister of the Region or State, his opinion by mentioning reason, relating to the Defence Services Leading Body member who has involved with any matter contained in section 59.

62. (a) The Chairperson of the Leading Body shall, after coordinating with the members of Leading Body contained in original election and filling up in accord with sub-sections (a) and (b) of section 4, direct the members of the Leading Body who are elected and filled up in accord with section 10 and have involved in the matter contained in sub-section (e) of section 59, to resign from office. If the directive is not abided by, the member of the Leading Body shall be terminated from the duty;

(b) If any matter arises to take action for any cause contained in sub-sections (a), (b), (c) and (d) of section 59 against a member of the Leading Body elected and appointed under section 10:

- (i) the Chairperson of the Leading Body shall form an Inquiry Body comprising suitable Leading Body members to make inquiry. In so forming, the time limit for inquiry shall be determined as may be appropriate;
- (ii) the Inquiry Body shall submit the findings to the Leading Body together with consideration and opinion within the stipulated time;

(iii) the Leading Body shall decide whether the matter to take action based on the findings submitted by the Inquiry Body is correct or not;

(iv) if the matter to take action is decided as correct, the Chairperson of the Leading Body shall terminate such member of the Leading Body from duty. If it is decided that it is not correct, he shall be caused to proceed with serving the duty.

**Filling up and Appointment of the Vacant Office of the Chairperson, Members of the Leading Body and the Executive Committee Members of the Leading Body**

63. If the office of the Chairperson of the leading Body becomes vacant due to the resignation from office, being terminated from duty, death or any other cause, the President of the Union shall appoint and assign duties to any suitable person from among the Leading Body members contained in sub-section (a) of section 4 as the temporary Chairperson of the Leading Body. The President of the Union shall fill up and appoint the Chairperson of the Leading Body in accord with the provisions of the Constitution and sections 9 and 10 of this Law when the Region or State Hluttaw representative is re-elected relating to such vacant office.



64. If the office of a member of the Leading Body or a member of the Executive Committee of the Leading Body becomes vacant due to the resignation from office, being terminated from duty, death or any other cause, the vacant office may be filled up and appointed in accord with the provisions of the Constitution and this Law.

65. If the office of a Region or State Hluttaw representative becomes vacant, the Chairperson of the Leading Body shall intimate to the relevant election sub-commission.

### **Chapter IX**

#### **The Provision relating to Emergency Period and the Leading Body**

66. It shall be deemed that the legislative functions of the Leading Bodies have been suspended from the day of declaration that the legislative, executive and judicial powers of the Union are transferred to the Commander-in-Chief of the Defence Services under section 418 of the Constitution due to the occurrence of the emergency situation under section 417 of the Constitution. When the term of the relevant Region or State Hluttaw expires, the relevant Leading Bodies shall be deemed to have been dissolved automatically.

67. It shall be deemed that the members of the Leading Body have been terminated from duty from the day of causing transfer of legislative, executive and judicial powers of the Union to the Commander-in-Chief of the Defence

Services by the President of the Union under section 418 of the Constitution due to the occurrence of emergency situation under section 417 of the Constitution.

68. If the President of the Union cancels under section 423 of the Constitution, the temporary suspension of the legislative functions of the relevant Leading Bodies under section 418 of the Constitution, the new members of the Leading Body shall be formed and assigned duties in accord with the provisions of the Constitution and this Law. Such members of the Leading Body shall carry out duties only for the remaining term of the Leading Body.

### **Chapter X**

#### **Miscellaneous**

69. The functions undertaken in advance by the State Peace and Development Council for the implementation of this Law before it has come into force shall be deemed to have been undertaken in accord with the Constitution.

70. The General Administration Department of the Self-Administered Division or Self-Administered Zone is the office of the Leading Body of the relevant Self-Administered Division or Self-Administered Zone.

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

72. In implementing the provisions of this Law, the Leading Body may:
- (a) issue necessary rules, regulations and bye-laws, with the approval of the relevant Region or State Government;
  - (b) issue necessary notifications, orders, directives and procedures.

Sd./ Than Shwe

Senior General

Chairman

The State Peace and Development Council

### **Annexure (A)**

“ I \_\_\_\_\_ shall safeguard the Constitution of the Union and abide by the laws of the Union. I shall be loyal to the Republic of the Union of Myanmar and its citizens. I shall steadfastly adhere to the non-disintegration of the Union, non-disintegration of the National solidarity, and perpetuation of sovereignty. Moreover, I solemnly make affirmation that I shall undertake the duties and obligations honestly and uprightly that I will serve now .”