

**UNION OF MYANMAR**

**MYANMAR LAWS  
( 2000 )**



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## **FOREWORD**

Office of the Attorney General, Union of Myanmar, has published Year-books of Myanmar laws, promulgated by the State Law and Order Restoration Council and the State Peace and Development Council, every year since 1988 in the Myanmar language.

Moreover, it translated laws into English and published in three volumes as "Myanmar Laws(1988-1989)", "Myanmar Laws(1997)" and "Myanmar Laws(1998-1999)". This issue "Myanmar Laws(2000)" is the continuation of the publication mentioned above. "Myanmar Laws(1990)" is under arrangement for publication in the near future. Office of the Attorney General also has plans to publish the Law Year-books in English version for the period from 1991 to 1996. It will also issue the English version of Myanmar Laws yearly and reprint law books which ran out of print for the time being. It has been publishing Law Journal which includes a section in the English language. Office of the Attorney General believes that Year-books and Law Journal as well, will bring better understanding on Myanmar Laws by local and overseas readers. It is also learnt that those "Myanmar Laws" Year-books and Law Journal are welcomed and appreciated by readers. A decision has been made to better these developments.

Should any divergencies or ambiguities arise between the Myanmar language text and English language text of those "Myanmar Laws", the Myanmar language text, which is original and authentic, shall prevail and interpretation be made in accord with Myanmar text.

**OFFICE OF THE ATTORNEY GENERAL**

**YANGON  
UNION OF MYANMAR  
JANUARY, 2001.**

# MYANMAR LAWS (2000)

## CONTENTS

Sr.No.	Particulars	Page
	<b>Laws</b>	
1.	The Myanmar Medical Council Law (Law No.1/2000)	1
2.	The Traditional Medical Council Law (Law No.2/2000)	17
3.	The State Supplementary Appropriation Law,2000 (Law No.3/2000)	27
4.	The State Budget Law (Law No.4/2000)	41
5.	The Judiciary Law (Law No.5/2000)	81
6.	The Law Amending the Code of Civil Procedure (Law No.6/2000)	87
7.	The Law Amending the Political Pension Law (Law No.7/2000)	89
8.	The Highways Law (Law No.8/2000)	91
	<b>Orders of the Ministry of Home Affairs</b>	
9.	Order Supplementing Order No.1/99	99
10.	Order Directing Not To Exercise Powers Under Certain Provisions of The Towns Act,1907 and The Village Act,1907 (Order No.1/99 of the Ministry of Home Affairs)	102



# Laws

**The State Peace and Development Council**  
**Myanmar Medical Council Law**  
**(The State Peace and Development Council Law No.1/2000)**  
**The 9th Waxing Day of Pyatho, 1361 M.E.**  
**(14th January, 2000)**

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

**Chapter 1**

**Title and Definition**

1. This Law shall be called the Myanmar Medical Council Law.
2. The following expressions contained in this Law shall have the meanings given hereunder:-
  - (a) **Medical Science** means branch of studies related to all health care activities including upgrading of health status, prevention of disease, diagnosis of disease, treatment of disease, rehabilitation and research;
  - (b) **Council** means the Myanmar Medical Council formed under this Law;
  - (c) **Council Member** Means any member of the Myanmar Medical Council;
  - (d) **Registration Certificate** means registered medical practitioner certificate granted under this Law by the Myanmar Medical Council;
  - (e) **Registered Medical Practitioner** means a person whose name has been entered in the medical practitioners' registration list and has been granted medical practitioner registration certificate;
  - (f) **Medical Practitioner Licence** means a General Medical Practitioner Licence, Special Medical Practitioner Licence and Limited Medical Practitioner Licence granted under this Law by the Myanmar Medical Council;
  - (g) **General Medical Practitioner Licence** means a medical practitioner Licence granted by the Myanmar Medical Council to the registered Medical practitioner

who has obtained a recognized basic medical science degree and has completed the prescribed interne period;

- (h) **Special Medical Practitioner Licence** means a medical practitioner licence granted by the Myanmar Medical Council to a qualified registered medical practitioner who has obtained a recognized post-graduate degree or post-graduate diploma and a registered medical practitioner who is determined as being qualified and having expertise in the relevant branch of medical science;
- (i) **Limited Medical Practitioner Licence** means a medical practitioner licence granted by the Myanmar Medical Council to a foreigner medical practitioner limiting the branch of medical science in which practice is allowed, the locality in which and the period during which practice is allowed.

## Chapter II Objectives

3. The objectives of this Law are as follows:-
- (a) to enable the public to enjoy qualified and effective health care assistance;
  - (b) to maintain and upgrade the qualification and standard of the health care assistance of medical practitioner;
  - (c) to enable studying and learning of the medical science of a high standard abreast of the times;
  - (d) to enable a continuous study of the development of the medical practitioners;
  - (e) to maintain and promote the dignity of the medical practitioners;
  - (f) to supervise the abiding and observing in conformity with the moral conduct and ethics of the medical practitioners;

### Chapter III

#### Formation of the Myanmar Medical Council

4. The Minister for the Ministry of Health shall:-

(a) with the approval of the government form the Myanmar Medical Council comprising the following persons:-

- (1) the respective Directors -General under the Ministry of Health;
- (2) Director of Medical Service, Ministry of Defence;
- (3) Rectors of the Institutes of Medicine;
- (4) Rector of Tatmadaw Institute of Medicine;
- (5) Chairman of the Myanmar Medical Association;
- (6) Heads of States and Divisions of the Department of Health;
- (7) Professors/Heads of Faculty of Forensic Medicine, Institutes of Medicine;
- (8) one Professor-cum -head of Faculty of Forensic Medicine, Tatmadaw Institute of Medicine;
- (9) one senior Professor-cum -head practitioner from each Institute of Medicine;
- (10) one senior Professor-cum-medical practitioner from the Tamadaw Institute of Medicine;
- (11) three representatives from the Myanmar Academy of Medical Science;
- (12) three retired medical practitioners;
- (13) one non-government servant medical practitioner elected by medical practitioners holding licence from respective States and Divisions.

(b) in forming the Council under sub-section(a), a Chairman, a Secretary and a Joint Secretary shall be determined.

5. The Council may assign duty as a Treasurer to any Council member. If no such assignment has been made, the Secretary of the Council shall act as Treasurer.
6. The Minister for the Ministry of Health shall form the Executive Committee comprising the following persons to carry out the duties and functions of the Council:-
- |                                    |                   |
|------------------------------------|-------------------|
| (a) Chairman of the Council        | - Chairman        |
| (b) Two Council Members            | - Vice-Chairmen   |
| (c) Ten Council Members            | - Members         |
| (d) Secretary of the Council       | - Secretary       |
| (e) Joint-Secretary of the Council | - Joint-Secretary |
7. (a) The tenure of the Council for one term shall be four years commencing from the date of its formation.
- (b) The term of office of the Council members shall be the same as the tenure of the Council.
- (c) A Council member may act as such only for three consecutive terms.
- (d) When a vacancy occurs in the post of any Council member it shall be filled by substitution or election as contained in sub-section (a) of section 4. The term of office the Council member so appointed shall be till the expiry of the tenure of the existing Council.
- (e) The Council shall, on the expiry of its terms of office, carry out the function of a new Council.
8. The formation of the Council, the formation of the Executive Council, holding of meetings and financial matters shall be carried out in accordance with the stipulations:

## Chapter IV

### Duties and Powers of the Council

- I. The duties of the Council are as follows:-
  - (a) recognition or refusal of recognition of medical degrees conferred by any local or foreign Institute of Medicine or Medical College or any other organization formed for the purpose of medical science;
  - (b) issuing notification from time to time on the medical degrees recognized by the Council;
  - (c) determining moral conduct and ethics to be observed by the medical practitioners and supervision thereof;
  - (d) compiling and keeping the list of registered medical practitioners and the list of licensed medical practitioners and publishing the said lists from time to time;
  - (e) studying, examining, taking appropriate action and communicating with the Government departments and organizations to enable maintaining and upgrading of the qualification and standard of the medical practitioners in the performance of health care;
  - (f) prescribing necessary norms and standards for maintaining and upgrading the level of health care of the State-owned and private hospitals and clinics, and submitting suggestion thereof to the Ministry of Health;
  - (g) submitting suggestions, after studying and reviewing the teaching systems of medical science which are being developed and changed, to the Ministry of Health for upgrading the standard of teaching medical science and emergence of qualified medical experts;
  - (h) submitting suggestions to the Ministry of Health for enabling medical practitioner to study medical education continuously in conformity with the

health care requirements of the State;

- (i) submitting suggestions to the Ministry of Health for upgrading health care and standard of medical science;
- (j) investigating, examining and taking action in case of failure to abide by and observe in conformity with the moral conduct and ethics of the medical practitioner.

10. The powers of the Council are as follows:-

- (a) forming the following committees and prescribing the functions and duties thereof:-
  - (1) Committee for Scrutiny of Registration Certificate and Medical Practitioner Licence;
  - (2) Committee for Observance of Moral Conduct and Ethics;
  - (3) Committee for Maintenance of Discipline;
  - (4) Standardization Committee;
  - (5) Committee for Continuous Medical Education;
  - (6) Health Committee;
  - (7) Other necessary committees;
- (b) issuing, refusing to issue and cancelling registration certificate;
- (c) issuing, refusing to issue, cancelling and revoking subject to a time limit of medical practitioner licence;
- (d) determining the tenure, extending the tenure and refusing to extend the tenure of medical practitioner licence;
- (e) communicating and cooperating, with the approval of the Ministry of Health, with international, regional, local and foreign government departments, organizations and experts on matters that will prove beneficial to the State and the Council;

- (f) prescribing and collecting the registration fees, licences fees, extension of tenure of medical practitioner licence fees and late fees;
- (g) exercising the other powers conferred from time to time by the Ministry of Health for successful implementation of the objectives of the Council.

#### **Chapter V**

#### **Rights of the Members of the Council and Members of the Executive Committee**

11. The rights of the members of the Council and members of the Executive Committee are as follows: -

- (a) having the right to enjoy the benefits prescribed by the State from time to time;
- (b) having the right to receive travelling allowance actually incurred and daily subsistence allowance prescribed from time to time if travelling on duty is involved;
- (c) having the right to receive remuneration prescribed from time to time if attending meetings relating to the Council is involved.

#### **Chapter VI**

#### **Cessation of Membership of Council**

12. If any of the following events has occurred, the Council shall, with the approval of the Ministry of Health, cease the Membership of any member: -

- (a) resignation ;
- (b) failure to attending the meeting for three consecutive times without



- applying for leave to the Council;
- (c) going abroad for six months and above without applying for leave;
- (d) cancellation from the medical practitioners' registration list;
- (e) cancellation of the medical practitioner licence or revocation of the same subject to a time limit;
- (f) action being taken and subsequently convicted for any offence relating to misconduct or affecting security of the State;
- (g) finding by the Council on examination to have failed to observe the moral ethics.

#### **Chapter VII** **Holding Meetings**

13. The meetings shall be held as follows;
  - (a) holding regular meeting of the Council once in every three months and holding extraordinary meeting when necessary;
  - (b) holding the Executive Committee meeting once a month and holding extraordinary meeting when necessary;
  - (c) submitting the activities of the Executive Committee to the nearest regular meeting of the Council and obtaining the approval thereof;
14. The Council and the Executive Committee shall report their activities to the Ministry of Health once in every three months regularly. In addition, they may report as may be necessary from time to time.

### **Chaptr VIII**

#### **Formation of Staff Office and Assigning Duties Thereto**

15. In order to carry out the functions and duties of the Council and the Executive Committee, the Council shall, with the permission of the Ministry of Health form the Staff Office as follows: -

- (a) appointing a Head of Staff Office and a Deputy Head of Staff Office and assigning duties thereto;
- (b) constituting the staff as may be necessary and assigning duties there to.

### **Chapter IX**

#### **Finance**

16. The Ministry of Health shall bear the expenditures of the Council, the Executive Committee and the Staff Office.

17. The Council may, with the approval of the Ministry of Health, accept donations, property and other assistance from organizations and donors locally and abroad.

18. The Council shall accept, utilize and keep the accounts of income and expenditure in accordance with the existing financial rules and directives.

**Chapter X**  
**Registration Certificate of Medical Practitioner**

19. Any of the following persons desirous of obtaining the registration certificate may apply to the Council in accordance with the stipulations; -
- (a) a person who has obtained the degree of medical science conferred by any local Institute of Medicine;
  - (b) a person who has obtained the degree of medical science conferred by any foreign Institute of Medicine, any Medical College or any organization formed for medical education and also recognized by the Council;
  - (c) a person who has obtained a degree conferred by any foreign Institute of Medicine, any Medical College or any organization formed for medical education but not yet recognized by the Council.
20. The Council may, after scrutinizing the application made under section 19 in accordance with the stipulations and causing the registration fees to be paid, issue or refuse to issue the registration certificate.
21. The Council shall, in respect of any registered medical practitioner, cancel from the registration list on finding out that any of the following events has occurred: -
- (a) using narcotic drugs and psychotropic substances;
  - (b) being convicted by the Court for any offence related to the moral conduct and ethics of a medical practitioner and determined by the Council as being not suitable to continue serving as a medical practitioner;

- (c) although not convicted by a Court, perversion of moral conduct and ethics of a medical practitioner and being not suitable to continue serving as a medical practitioner;
- (d) surrendering the citizenship, cessation or revocation of citizenship, or adopting the citizenship of other country.

## **Chapter XI**

### **Medical Practitioner Licence**

22. The registered medical practitioner desirous of performing medical practice shall apply to the Council to obtain the General Medical Practitioner Licence in accordance with the stipulations.
23. The Council may, after scrutinizing the application made under section 22 in accordance with the stipulations and causing the licence fees to be paid, issue or refuse to issue the General Medical Practitioner Licence.
24. The registered medical practitioner who has already obtained the General Medical Practitioner Licence and is fully qualified may apply to the Council to obtain the Special Medical Practitioner Licence.
25. The Council may, after scrutinizing the application made under section 24 in accordance with the stipulations, and causing the licence fees to be paid, issue or refuse the Special Medical Practitioner Licence.
26. A foreign medical practitioner desirous of performing medical practice in the Union of Myanmar shall apply to the Council to obtain the Limited Medical Practitioner Licence in accordance with the stipulations.
27. The Council may, after scrutinizing the application made under section 26 in accordance with the stipulations, and causing the licence fees to be paid, issue the Limited Medical Practitioner Licence limiting the branch of medical

science in which practice is allowed, the locality in which practice is allowed and the period during which practice is allowed or refuse to issue.

28. A General Medical Practitioner Licence holder or Special Medical Practitioner Licence holder desirous of continuing his medical practice after expiry of the tenure of the medical practitioner licence shall apply to the Council in accordance with the stipulations for the extension of the tenure of his licence before the expiry of the tenure of the relevant medical practitioner licence.

29. The Council may, after scrutinizing the application made under section 28 in accordance with the stipulations for the extension of the tenure of medical practitioner licence, extend the tenure or refuse to extend the tenure.

30. The Council may, in respect of any medical practitioner holding medical practitioner licence or revoke it subject to a time limit on finding out that any of the following events has occurred;-

- (a) being cancelled from the medical practitioner registration list;
- (b) being unable to carry out the functions and duties of a medical practitioner due to mental illness, being devoid of knowledge or physical disability;
- (c) failure to carry out the duty assigned by the State;
- (d) carrying out the duties of a medical practitioner inconsiderately and negligently;
- (e) failure of compliance and observance in conformity with the moral conduct and ethics of a medical practitioner;
- (f) being unable to carry out in accordance with the qualification of a medical practitioner;
- (g) failure to extend the tenure of the medical practitioner licence without sufficient ground during the period determined by the Council.

## Chapter XII

### Duties and Rights of the Registered Medical Practitioner and the Medical Practitioner Licence Holder

31. The registered medical practitioner: -
- (a) shall abide by the rules, procedures, notifications, orders and directives issued under this Law;
  - (b) shall observe the moral conduct and ethics of medical practitioner prescribed by the Council;
  - (c) has a right to advise the Council for progress and achievement of the functions and duties of the Council;
  - (d) has a right to submit his grievances of the Council and may also have a right to obtain the advice of the Council.
32. The medical practitioner licence holder has a right to carry out the medical practitioner to the type of licence which he holds in accordance with the stipulations.
33. In electing the member of Council contained in clause (13) of sub-section (a) of section (4) the medical practitioner licence holder :-
- (a) has the right to vote;
  - (b) has right to be elected as a member of Council if he possesses qualification determined by the Council.

### **Chapter XIII**

#### **Appeal**

34. A person dissatisfied with an order or decision passed under section 20 or section 23 or section 25 or section 27 or section 29 or under section 30 that the medical practitioner licence is revoked for a period under 5 years by the Executive Committee may file an appeal to the Council within 60 days from the date of passing such order or decision.
35. The decision of the Council passed in an appeal under section 34 shall be final and conclusive.
36. A person dissatisfied with an order or decision passed under section 21 or under section 30 that the medical practitioner licence is revoked for a period of 5 years and above or cancelled by the Executive Committee may file an appeal to the Minister for the Ministry of Health within 60 days from the date of passing such order or decision.
37. The decision of the Minister for the Ministry of Health passed in an appeal under section 36 shall be final and conclusive.

**Chapter XIV**  
**Prohibitions and Penalties**

38. No one shall give medical treatment without a medical practitioner licence granted by the Council under this Law.

39. No medical practitioner licence holder in performing the medical treatment work, shall assign duty to any other person except one who has obtained a licence, registration certificate, permit, certificate of the relevant department, organization that he is skillfull in the relevant medical treatment work.

40. No registered medical practitioner shall use the terms and expressions which are inappropriate with the degree which he has obtained, rank and technical know-how together with his name.

41. Whoever violates the prohibition contained in section 38 shall, on conviction, be punished with imprisonment for a term which may extend to 5 years and may also be liable to a fine .

42. Any medical practitioner holding the medical practitioner licence who violates the prohibition contained in section 39 shall, on conviction, be punished with imprisonment for a term which may extend to 5 years or with fine or with both.

43. Any registered medical practitioner who violates the prohibition contained in section 40 shall, on conviction ,be punished with imprisonment for a term which may extend to 3 years or with fine or with both.



**Chapter XV**  
**Miscellaneous**

44. The provision contained in this Law shall not apply to persons who have the right of medical treatment under any other existing law.
45. A medical certificate which is not signed by a medical practitioner licence holder himself shall not be deemed to be a legal medical certificate.
46. In prosecuting an offender under section 42 or section 43 of this Law, prior sanction of the Ministry of Health shall be obtained.
47. Rules, orders and directives issued under the Myanmar Medical Act, 1957 may continue to be applicable in so far as they are not inconsistent with this Law.
48. Funds owned by the Union of Myanmar Medical Council formed under the Myanmar Medical Act, 1957 movable and immovable property, works which are in the processes of being performed, works which have been completed, assets and liabilities shall devolve respectively on the Council.
49. The Union of Myanmar Medical Council formed under the Myanmar Medical Act, 1957 may continue to carrying out its duties and powers until the formation of the Myanmar Medical Council under this Law.
50. For the purpose of carrying out the provisions of this Law: -
- (a) the Ministry of Health may, with the approval of the Government, issue such rules and procedures as may be necessary;
  - (b) the Ministry of Health and the Council may issue such notifications, orders and directives as may be necessary.
51. The Myanmar Medical Act, 1957 is hereby repealed.

**Sd./-Than Shwe**  
**Senior General**  
**Chairman**  
**The State Peace and Development Council**

**The State Peace and Development Council**  
**The Traditional Medical Council Law**  
**(The State Peace and Development Council Law No. 2/2000)**  
**The 9th Waxing Day of *Pyatho*, 1361 M.E.**  
**(14th January, 2000)**

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

**Chapter 1**

**Title and Definition**

1. This Law shall be called the Traditional Medical Council Law.
2. The following expressions contained in this Law shall have the meanings given hereunder -
  - (a) **Traditional Medicine** means medicine for the physical well-being and longevity of people in accordance with anyone of the four nayas of traditional medicine, namely Desana naya, Bethistsa naya, Netkhata veda naya and Vissadara naya;
  - (b) **Council** means the Traditional Medical Council formed under this Law;
  - (c) **Council Member** means any person included as member in the Traditional Medical Council formed under this Law;
  - (d) **Traditional Medical Practitioner** means any person qualified in traditional medicine and registered under this Law;
  - (e) **Registration Certificate** means the certificate issued by the Council to the person entitled for registration as a traditional medical practitioner.

## Chapter II

### Aims

3. The aims of this Law are as follows: -
- (a) to protect public health by applying any type of traditional medicine by the traditional medical practitioners collectively;
  - (b) to supervise traditional medical practitioners for causing abidance by their rules of conduct and discipline;
  - (c) to carry out modernization of traditional medicine and conformity to scientific method;
  - (d) to cooperate with the relevant government departments, organizations and international organization of traditional medicine.

## Chapter III

### Formation of the Traditional Medical Council

4. The Ministry of Health shall, with the approval of the Government, from the Traditional Medical Council comprising the following persons:-
- (a) Director-General Chairman  
Department of Traditional Medicine
  - (b) four traditional medical practitioners assigned member  
duty by the Ministry of Health
  - (c) five persons elected by the traditional medical member  
practitioners from among themselves
  - (d) officer assigned duty by the Ministry of Health Secretary
5. The council may assign duty to any Council member as the Treasurer. If no

such assignment has been made, the Secretary shall act as the Treasurer.

6. (a) The tenure of office of the Council member is the same as the tenure of the Council.
  - (b) A Council member has the right to act as such only for 3 consecutive tenures of the Council.
  - (c) When a vacancy occurs in the post of any Council member: -
    - (i) if it is the post of a Council member assigned duty by the Ministry of Health, such Ministry shall assign duty for it in substitution;
    - (ii) if it is the post of a Council member elected by the traditional medical practitioners, they shall elect for it in substitution;
  - (d) The tenure of a Council member assigned duty or elected in substitution under sub-section (c) shall only be till the expiry of the current tenure of the Council.
7. (a) The tenure of the Council is 4 years at a time commencing from the date of its formation.
  - (b) The Council shall, although its tenure has expired, carry out its functions and duties until a new Council has been formed.
8. Matter relating to convening of meetings and financial matters of the Council shall be disposed of in accordance with the stipulations.
  9. The Council shall have perpetual succession and a common seal with the right to sue or be sued.

**Chapter IV**  
**Duties and Powers of the Council**

10. The duties and powers of the Council are as follows: -
- (a) issuing registration certificate after scrutinizing the applications for registrations as traditional medical practitioner;
  - (b) prescribing registration fees and annual fees for registration as traditional medical practitioner;
  - (c) stipulating the rules of conduct and discipline to be abided by traditional medical practitioners;
  - (d) taking action against traditional medical practitioners who have violated the rules of conduct and discipline;
  - (e) submitting necessary advice to the Ministry of Health in respect of modernization and development, conformity to scientific method and instructions of traditional medicine;
  - (f) tendering advice and recommendation to the Ministry of Health in respect of granting a right of practice to medical practitioners who practise by traditional medicine of any foreign country;
  - (g) communicating and coordinating with the relevant government departments and organizations, regional organizations and non-governmental organizations to enable modernization to traditional medicine;
  - (h) forming necessary committee and organizations and prescribing the duties and powers thereof in order to carry out the duties assigned and exercise the powers conferred by the Council.

**Chapter V**  
**Registration as the Traditional Medical Practitioner**

11. A person possessing any of the following qualifications may apply to the Council for registration as traditional medical practitioner:-
- (a) a person who has graduated from the Traditional Medical Institute or Traditional Medical University;
  - (b) a person who has attended and passed the Traditional Medical Practitioner Training Course opened by the Department of Traditional Medicine;
  - (c) a person who has passed the qualifying examination held by the Traditional Myanmar Medical Practitioners Board or the Department of Traditional Medicine;
  - (d) a person who is recognized as possessing qualifications deserving of a traditional medical practitioner, according to the scrutiny of the Council.
12. If, after scrutinizing the application under section 11 the Council finds that it is in conformity with the stipulations, it shall issue the registration certificate to the applicant, after causing the prescribed registration fees to be paid.

### **Chapter VI**

#### **Duties and Registration of the Traditional Medical Practitioner**

13. The traditional medical practitioner shall:-
  - (a) abide by the rules, procedures, orders and directives issued under this Law;
  - (b) abide by and observe the rules of conduct and discipline prescribed by the Council;
  - (c) pay the annual fees prescribed by the Council from time to time.
14. The traditional medical practitioner has the right to:-
  - (a) be assigned the duty of, be elect and to elect as a Council member;
  - (b) practise traditional medicine as a profession;
  - (c) tender advice to the Council;
  - (d) submit his/her grievances to the Council.

### **Chapter VII**

#### **Functions and Duties of the Ministry of Health**

15. The Ministry of Health:-
  - (a) may appoint and assign duty to any officer from the Department of Traditional Medicine to act as a Registration Officer for the purpose of this Law;
  - (b) shall prescribe the duties and powers of the Registration Officer.
16. The Ministry of Health may, in respect of issuing certificate for practice and taking of actions against the medical practitioners who practise by applying traditional medicine of any foreign country, assign duty to the Department of Traditional Medicine.

**Chapter VIII**  
**Taking Action**

17. (a) The Council shall, after forming an investigation body comprising 3 members, assign duty thereto enable investigation of the traditional medical practitioner who is alleged to have violated any provision of section 13. Such body shall consist of at least one Council member.
- (b) The investigation body shall submit a report of its findings to the Council.
18. If, after scrutinizing the report submitted to it under sub-section (b) of section 17, the Council finds that the alleged traditional medical practitioner:-
- (a) is not guilty of the allegation, it shall pass an order for the closure of the case;
- (b) is guilty of the allegation, it shall pass any of the following administrative penalties:-
- (i) giving a warning;
- (ii) revoking the registration certificate subject to a time limit;
- (iii) cancellation of the registration certificate.
19. The Council shall pass any of the following administrative penalties on the traditional medical practitioner who has been convicted by a court of an offence determined by the Council amounting to misconduct:-
- (a) revoking the registration certificate subject to a time limit;
- (b) cancellation of the registration certificate.
20. (a) The person whose registration certificate is revoked subject to a time limit may, if desirous of obtaining the registration certificate



- again apply to the Council on expiry of the said time limit;
- (b) If, after scrutiny, the application is in conformity with the stipulations, the Council may re-issue the registration certificate.

### **Chapter IX**

#### **Appeal**

21. (a) A person who is dissatisfied with an order or decision passed by the Council may file an appeal to the Minister for the Ministry of Health within 60 days from the date on which such order or decision has been passed.
- (b) The decision of the Minister for the Ministry of Health shall be final and conclusive.

### **Chapter X**

#### **Prohibitions and Penalties**

22. No person shall, without obtaining the registration certificate issued by the Council, practise the profession of medical treatment by accepting money or benefit for personal interest.
23. No person shall, without having a right of practice certificate issued by the Department of Traditional Medicine, practise by applying traditional medicine of any foreign country.
24. Whoever-
- (a) violates the provision of section 22 or section 23 shall, on conviction, be punished with imprisonment for a term which may extend to 1 year, or with fine which may extend to Kyats 10,000 or with both.

- (b) violates subsequently the provision of the relevant section after a previous conviction under sub-section (a) shall, on conviction, be punished with imprisonment for a term which may extend from a minimum of 1 year to a maximum of 5 years and may also be liable to a fine.

### **Chapter XI** **Miscellaneous**

- 25. The Department of Traditional Medicine shall, in respect of issuing of right of practice certificate and taking of actions against the medical practitioners who practise by applying traditional medicine of any foreign country, carry out in accordance with the directive of the Ministry of Health.
- 26. The Department of Traditional Medicine shall:-
  - (a) bear expenditures of the Council;
  - (b) undertake to perform the office work of the Council.
- 27. Whenever a traditional medical practitioner passed away or is unable to practise, anyone of his family members shall inform, in writing, to the Council.
- 28. In prosecuting an offender under this Law, prior sanction of the Department of Traditional Medicine shall be obtained.
- 29. (a) The orders and directives issued under the Traditional Myanmar Medical Practitioners Board Act, 1315 M.E.(1953) may continue to be applicable in so far as they are not inconsistent with this Law.  
(b) The Traditional Myanmar Medical Practitioners Board formed shall, before the formation of the Traditional Medical Council under this

Law, be entitled to continue performance of the duties and exercise of the powers thereof.

30. In order to carry out the provisions of this Law;
- (a) the Ministry of Health may, with the approval of the Government, issue such rules and procedures as may be necessary;
  - (b) the Ministry of Health , the Council and Department of Traditional Medicine may issue such orders and directives as may be necessary.
31. The Traditional Myanmar Medical Practitioners Board Act , 1315 M.E.(1953) is hereby repealed.

**Sd/Than Shwe**  
**Senior General**  
**Chairman**

**The State Peace and Development Council**

**The State Peace and Development Council**  
**The State Supplementary Appropriation Law,2000**  
**(The State Peace and Development Council Law No. 3/2000)**  
**The 12th Waxing Day of *Taboung*, 1361 M.E.**  
**(16th March, 2000)**

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

**Chapter 1**

**Title and Period of Effectiveness**

- 1 (a) This Law shall be called the State Supplementary Appropriation Law,2000.
- (b) This Law shall have effect for the 1999-2000 financial year.

**Chapter II**

**Sanctioned Allotment and Administration of  
Supplementary Expenditures**

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

be supplementary expenditure in addition to the appropriation sanctioned under the State Budget Law, 1999.

3. (a) The respective persons who have been assigned responsibility under section 2 may delegate the respective officials subordinate to them to administer the expenditure for which they are responsible.
- (b) In administering the expenditure, it shall be in conformity with the provisions of the State Budget Law, 1999, relevant laws, rules, regulations, bye-laws, orders, directives and procedures.

### **Chapter III** **Taking of Loans**

4. Kyats fifty thousand million is further appropriated in addition to the amount of loans actually received after the execution of loan agreements mentioned in section 13 of the State Budget Law, 1999.

**The State Peace and  
Multi-Party Democracy  
Chief Justice,**

Serial Number	Serial Number contained in the State Budget Law, 1999	Subject	Responsible Person	Current Expenditure	Payment of Interest
				5	6
1	1	The State Peace and Development Council	Chairman of the State Peace and Development Council or a person delegated by the Chairman	Kyats 51,61600	Kyats
2	2	Multi-Party Democracy General Election Commission	Chairman of the Multi-Party Democracy General Election Commission or a person delegated by the Chairman		
3	3	Government	Prime Minister or a person delegated by the Chairman		
4	4	Chief Justice	Chief Justice or a person delegated by the Chief Justice	23,325,000	
5	5	Attorney-General	Attorney-General or person delegated by the Attorney-General	8,716,000	
6	6	Auditor-General	Auditor-General or a person delegated by the Auditor-General	24,350,000	
		Total....		108,007,000	

**Development Council  
General Election Commission, Government,  
Attorney-General and Auditor-General**

Schedule (1)

Supplementary Expenditure Sanctioned					
Contribution	Capital Expenditure	Debts		Investment in Organizations	Savings
		Disbursement of Loans	Repayment of Loans		
7	8	9	10	11	12
Kyats	Kyats 232,191,400	Kyats	Kyats	Kyats	Kyats
	8,700,000				
	25,000,000				
	49,520,500				
	2,350,000				
	54,120,000				
	371,881,900				

## Ministries and

Serial Number	Serial Number contained in the State Budget Law, 1999	Subject	Responsible Person	Current Expenditure	Payment of Interest
				5	6
1	1	Foreign affairs	Prime Minister or a person delegated by the Prime Minister	Kyats 24,282,000	Kyats
2	2	Defence	- ditto -	1,740,387,000	
3	3	Tatmadaw Affairs	- ditto -		
4	4	Progress of Border Areas and National Races and Development Affairs	- ditto -	106,378,330	
5	5	Home Affairs	- ditto -	391,743,000	
6	6	Immigration and Population	- ditto -	9,779,000	
7	7	Religious Affairs	- ditto -	130,810,000	
8	8	Social Welfare, Relief and Resettlement	- ditto -	10,981,000	
9	9	Information	- ditto -		
10	10	Culture	- ditto -	21,849,000	
11	11	Education	- ditto -	457,023,000	
12	12	Health	- ditto -	306,592,000	
13	13	Sports	- ditto -	25,350,000	



## Departments

**Schedule (2)**

Supplementary		Expenditure Sanctioned			
Contribution	Capital Expenditure	Debts		Investment in Organizations	Savings
		Disbursement of Loans	Repayment of Loans		
7	8	9	10	11	12
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
	4,850,000				
	4,530,000,000				
	5,000,000				
380,000,000	692,599,180				
47,000,000	81,700,000				
	16,000,000				
	93,362,000				
38,520,000	102,068,000				
	16,444,000				
	206,431,000				
	900,000,000				
	779,999,280				
	12,581,000				

## Ministries and

Serial Number	Serial Number contained in the State Budget Law, 1999	Subject	Responsible Person	Payment of Interest	
				Current Expenditure	Payment of Interest
1	2	3	4	5	6
				Kyats	Kyats
14	14	Labour	- ditto -	10,782,000	
15	15	Forestry	- ditto -	170,324,000	
16	16	Agriculture and Irrigation	- ditto -	1,143,571,000	
17	17	Live stock Breeding and Fisheries	- ditto -	6,312,000	
18	18	Mines	- ditto -	8,300,000	
19	19	Industry No.(1)	- ditto -	500,000	
20	20	Industry No.(2)	- ditto -	1,437,000	
21	21	Science and Technology	- ditto -	31,506,000	
22	22	Energy	- ditto -		
23	24	Construction	- ditto -	2,153,043,000	5,190,000
24	25	Transport	- ditto -	16,927,000	
25	26	Rail Transportation	- ditto -	4,077,000	
26	27	Communications, Posts and Telegraphs	- ditto -	634,000	
27	28	Commerce	- ditto -	25,442,000	
28	30	Co-operatives	- ditto -		

## Departments

## Schedule (2)

Supplementary Expenditure		Sanctioned			
Contribution	Capital Expenditure	Debts		Investment in Organizations	Savings
		Disbursement of Loans	Repayment of Loans		
7	8	9	10	11	12
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
	4,801,500				
	433,032,000				
	4,066,405,000				
	876,012,000				
2,218,000	60,000				
	10,538,056,440				
	1,409,973,000				
	27,000,000				
	3,388,000				
	42,068,500				
4,877,000	39,693,200				

## Ministries and

Serial Number	Serial Number contained in the State Budget Law 1999	Subject	Responsible Person	Current Expenditure	Payment of Interest
				5	6
1	2	3	4	5	6
				Kyats	Kyats
29	31	National Planning and Economic Development	Prime Minister or a person delegated by the Prime Minister	49,081,000	
30	32	Finance and Revenue	- ditto -	150,997,000	5,584,900,000
31	33	Pensions and Gratuities	- ditto -	197,522,600	
32	34	Gratuities and Commuted Pensions	- ditto -	71,000,000	
		Total		7,266,629,930	5,590,090,000

## Departments

## Schedule (2)

Supplementary Expenditure		Sanctioned			
Contribution	Capital Expenditure	Debts		Investment in Organizations	Savings
		Disbursement of Loans	Repayment of Loans		
7	8	9	10	11	12
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
	43,684,000				
13,587,436,000	3,533,000			100,000,000	
14,060,051,000	24,928,741,100			100,000,000	

## State Economic

Serial Number	Serial Number contained in the State Budget Law, 1999	Subject	Responsible Person	Payment of Interest	
				Current Expenditure	Payment of Interest
1	2	3	4	5	6
1	1	State Economic Organizations	Prime Minister or a person delegated by the Prime Minister	Kyats 59,914,377,490	Kyats
		Total		59,914,377,490	

## Organizations

## Schedule (3)

Supplementary Expenditure		Sanctioned			
Contribution	Capital Expenditure	Debts		Investment in Organizations	Savings
		Disbursement of Loans	Repayment of Loans		
7	8	9	10	11	12
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
	6,617,681,710		61,481,000	137,125,300	
	6,617,681,710		61,481,000	137,125,300	

## Cantonment

Serial Number	Serial Number, contained in the State Budget Law, 1999	Subject	Responsible Person		
				Current Expenditure	Payment of Interest
1	2	3	4	5	6
				Kyats	Kyats
1	1	Cantonment Municipalities under the Ministry of Defence	Prime Minister or a person delegated by the Prime Minister	3,718,000	
		Total		3,718,000	



## Municipalities

### Schedule (4)

Supplementary Expenditure		Sanctioned			
Contribution	Capital Expenditure	Debts		Investment in Organizations	Savings
		Disbursement of Loans	Repayment of Loans		
7	8	9	10	11	12
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats

**Sd./- Than Shwe**  
**Senior General**  
**Chairman**  
**The State Peace and Development Council**

**The State Peace and Development Council**  
**The State Budget Law,2000**  
**(The State Peace and Development Council Law No. 4/2000)**  
**The 9th Waning Day of *Tabaung* 1361 M.E.**  
**(28th March,2000)**

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

**Part I**

**Title and Date of Enforcement**

1. (a) This Law shall be called the State Budget Law, 2000.
- (b) This Law shall come into force from 1st April 2000,for the 2000-2001 financial year.

**Part II**

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

**Chapter I**

**Receipts and Expenditures**

2. The State Peace and Development Council,Multi-Party Democracy General Election Commission,Government,Chief Justice,Attorney General,Auditor General,Ministries and Departments shall carry out their functions in accordance with the State Budget Programme.In carrying out such functions,all receipts shall be

credited to the State Budget and all expenditures payable shall be debited from the State Budget.

3. (a) The respective persons who have been given the responsibility for the receipts and expenditures of the State Peace and Development Council, Multi-Party Democracy General Election Commission, Government, Chief Justice, Attorney General, Auditor General, Ministries and Departments shall supervise and collect those receipts and administer those expenditures as are shown against them in Schedules (1), (2), (3) and (4).
  - (b) The respective persons who have undertaken the responsibility under sub-section (a) may delegate their powers to the respective persons serving under them.
  - (c) Supervision and collection of the receipts and administration of the expenditures shall be in accordance with the provisions of this Law, relevant laws, rules, regulations, by-laws, orders, directives and procedures.
4. (a) Out of the estimated receipts shown in Schedules (1) and (3), if foreign aids and loans received under Chapter III exceed the estimated amount, and if expenditures of those works which are to be incurred out of such excess amount received as foreign aids and loans are in excess of the sanctioned expenditures shown in Schedules (2) and (4), the Government may approve after scrutiny. Provided that, if expenditures to be incurred out of the State Budget in Kyats converted from the afore said foreign aids and loans are not covered by the sum shown in Schedules (2) and (4), then it may be incurred out of the reserve fund in accordance with the provisions of section 6.
  - (b) the Government shall submit matters relating to expenditures in excess permitted under sub-section (a) to the State Peace and Development Council together with objects and reasons casewise.

5. In respect of any alterations of sums shown in Schedules(1),(2),(3)and (4) under requirement of work,it shall be shown in the revised estimate budget for the 2000-2001 financial year submitted to the State and Development Council.

## **CHAPTER II**

### **Reserve Fund**

6. (a) Expenditures incurred by the State Peace and Development Council, Multi-Party Democracy General Election Commission, Government, Cheif Justice,Attorney General,Auditor General,Ministries and Departments out of the reserve fund shown in Schedule (4),Column 12 shall be effected only in accordance with the following conditions:-
- (i) being expenditure which cannot be anticipated;
  - (ii) being a case in which expenditure must be incurred within the financial year;
  - (iii) where transfer of budget heads cannot be effected or where there is no allotment for transfer of budget heads under the existing laws, rules,regulations and bye-laws.
- (b) Any expenditures from the reserve fund shall be made only by the decision of the government.
- (c) The Government shall submit matters relating to expenditure to be incurred out of the reserve fund to the State Peace and Development Council together with objects and reasons casewise.
7. The State Peace and Development Council, Multi-Party Democracy General Election Commission, Government, Cheif Justice,Attorney General,Auditor General,Ministries and Departments shall not be allowed to submit supplementary

budget of the State in respect of amounts in excess of or less than the estimated amount under this Law or appropriation of allotment by transferring budget heads within the sanctioned or expenditure incurred from the reserve fund or expenditure incurred with the sanction of the Government under section 4. Provided that if expenditures in conformity with the conditions contained in section 6 are not covered by the fund allowed under this Law, then such expenditures may be submitted to the State Peace and Development Council together with objects and reasons casewise.

### **Chapter III Taking of Loans**

8. For the purpose of projects or for expenditures shown in the State Budget, the Government may take loans by issuing security bonds guaranteed by Government or debentures or by other means, within the country or from abroad. Reasonable rates of interest may be prescribed for such loans. Conditions for repayment, redemption or provision otherwise may also be stipulated.
9. Regarding loans obtained by issuing security bonds for covering the deficit in the budget of the previous financial year, new security bonds may be issued when payment of the loans becomes due.
10. The State Economic Organizations and Cantonment Municipalities may take loans from abroad, for their project with the approval of the Government.
11. The Government may grant permission to any Government Department to borrow money from abroad for any project.
12. (a) The Government may empower the Minister of the Ministry of Finance and Revenue for carrying out wholly or partly the duties

45

contained in this Chapter III.

- (b) The Minister of the Finance and Revenue may, on behalf of the State furnish guarantees for the taking of loans under this Chapter III.

13. During the financial year commencing 1st April 2000 and ending on 31st March 2001 the amount of loans actually received by the execution of loan agreements under this Chapter III shall not exceed Kyats ninety thousand million.

### **PART III**

#### **State Economic Organizations**

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

15. (a) The respective persons who have been given the responsibility for the receipt and expenditures of the State Economic Organizations shall supervise and collect those receipts and administer those expenditures as are shown against them in Schedules (5) and (6).

(b) The respective persons who have undertaken the responsibility under sub-section (a) may delegate their powers to the respective persons serving under them.

(c) Supervision and collection of the receipts and administration of the expenditures shall be in accordance with the provisions of this Law, relevant laws, rules, regulations, bye-laws, orders, directives and procedures.

16. (a) The Government may alter the amounts shown in Schedules (5) and (6), if it becomes necessary for the functions of the State Economic Organ-

izations. Such alterations shall be shown in the revised estimate budget for the 2000-2001 financial year submitted to the State Peace and Development Council together with objects and reasons therefor.

(b) The Government may determine the amount of money to be contributed by the State Economic Organizations towards the State.

#### **PART IV**

#### **Cantonment Municipalities**

17. The Cantonment Municipalities shall subsist on their own funds and shall carry out their functions in accordance with their Budget Programmes.

18. (a) The respective person who have been given the responsibility for the receipt and expenditure of Cantonment Municipalities shall supervise and collect those receipts and administer those expenditures as are shown against them in Schedules (7) and (8).

(b) The respective persons who have under taken the responsibility under sub-section (a) may delegate their powers to the respective persons serving under them .

(c) Supervision and collection of the receipts and administration of the expenditures shall be in accordance with the provisions of this Law, relevant laws, rules, regulations, bye-laws, orders, directives and procedures.

19. (a) The Government may alter the amounts shown in Schedules (7) and (8), if it becomes necessary for the functions of Cantonment Municipalities. Such alterations shall be shown in the revised estimate budget for the 2000-2001 financial year submitted to the

State Peace and Development Council together with objects and reasons therefor.

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

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

#### **PART V**

#### **Development Committees and Municipalities**

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





**The State and Development Council,  
Commission, Government, Chief Justice,**

Serial Number	Subject	Responsible person			
			Taxes	Receipts from the State Economic Organizations	Other Current Receipts
1	2	3	4	5	6
1	The State Peace and Development Council	Chairman of the State Peace and Development Council or a person delegated by the Chairman	Kyats	Kyats	8,425,000
2	Multi-Party Democracy General Election Commission	Chairman of the Multi-Party Democracy General Election Commission or a person delegated by the Chairman			42,000
3	Government	Prime Minister or a person delegated by the Prime Minister			100,000
4	Chief Justice	Chief Justice or a person delegated by the Chief Justice			200,000,000
5	Attorney- General	Attorney-General or a person delegated by the Attorney- General			245,000
6	Auditor General	Auditor General or a person delegated by the Auditor General			6,000,000
	Total.....				214,812,000

**Multi-Party Democracy General Election  
Attorney General and Auditor General**

**Schedule (1)**

Receipts						
Interest Receipts	Capital Receipts	Receipts from Foreign Aids	Debts		Receipts from Investment in Organizations	Savings
			Recovery of Loans	Drawal of Loans		
7	8	9	10	11	12	13
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
	30,000					
	1,000					
	31,000					

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

Serial Number	Subject	Responsible Person	Contributions		
			Current Expenditure	Payment of Interest	
1	2	3	4	5	6
1	The State Peace and Development Council	Chairman of the State Peace and Development Council or a person delegated by the Chairman	Kyats	Kyats	Kyats 505,987,000
2	Multi-Party Democracy General Election Commission	Chairman of the Multi-Party Democracy General Election Commission or a person delegated by the Chairman			11,000,000
3	Government	Prime Minister or a person delegated by the Prime Minister			188,000,000
4	Chief Justice	Chief Justice or a person delegated by the Chief Justice			162,000,000
5	Attorney- General	Attorney-General or a person delegated by the Attorney- General			95,000,000
6	Auditor General	Auditor General or a person delegated by the Auditor General			156,350,000
Total.....					1,118,337,000

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

**Schedule (2)**

Expenditures				
Capital Expenditures	Debts		Investment in Organizations	Savings
	Disbursement of Loans	Repayment of Loans		
7	8	9	10	11
Kyats	Kyats	Kyats	Kyats	Kyats
428,698,010				
60,000,000				
2,681,700				
119,537,800				
21,576,600				
222,225,500				
854,719,610				

## Ministries

Serial Number	Subject	Responsible Person			
			Taxes	Receipts from the State Economic Organizations	Other Current Receipts
1	2	3	4	5	6
			Kyats	Kyats	Kyats
1	Taxes levied on inland productions and public consumption	Prime Minister or a person delegated by the Prime Minister	28,672,200,000		
	1 Excise duty		200,000,000		
	2 Commercial tax		22,220,000,000		
	3 Licence fees on imported goods		180,000,000		
	4 State Lottery		4,500,000,000		
	5 Taxes on Transport		922,200,000		
	6 Sales proceeds of stamps		650,000,000		
2	Taxes levied on income and ownership	- ditto -	15,263,886,000		
	1 Income-tax		11,306,218,000		
	2 Profit-tax		3,957,668,000		
3	Customs duties	- ditto -	4,500,000,000		
	1 Customs duties		4,500,000,000		



## Ministries

Serial Number	Subject	Responsible person			
			Taxes	Receipts from the State Economic Organizations	Other Current Receipts
1	2	3	4	5	6
4	Taxes levied on utility of State-owned properties	- ditto -	Kyats 1,507,500,000	Kyats	Kyats
1	Taxes on land (Land Revenue)		65,000,000		
2	Water Tax and Embankment Tax		22,000,000		
3	Tax on extraction of forest products		810,000,000		
4	Tax on extraction of minerals		13,000,000		
5	Tax on fisheries		597,000,000		
6	Tax levied on rubber		500,000		
5	Receipts from the State Economic Organizations	Prime Minister or a person delegated by the Prime Minister		40,007,779,000	
6	Foreign Affairs	- ditto -			6,000,000





## Ministries

Serial Number	Subject	Responsible person			
			Taxes	Receipts from the State Economic Organizations	Other Current Receipts
1	2	3	4	5	6
			Kyats	Kyats	Kyats
7	Defence	Prime Minister or a person delegated by the Prime Minister			217,012,000
8	Progress of Border Areas and National Races and Development Affairs	- ditto -			8,161,000
9	Home Affairs	- ditto -			66,370,000
10	Immigration and population	- ditto -			71,841,000
11	Religious Affairs	- ditto -			22,006,000
12	Social Welfare, Relief and Resettlement	- ditto -			17,003,000
13	Information	- ditto -			227,641,000

## and Departments

## Schedule (3)

Receipts						
Interest Receipts	Capital Receipts	Receipts from Foreign Aids	Debts		Receipts from Investment in Organizations	Savings
			Recovery of Loans	Drawal of Loans		
7	8	9	10	11	12	13
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
	2,050,000	430,000				

## Ministries

Serial Number	Subject	Responsible Person			
			Taxes	Receipts from the State Economic Organizations	Other Current Receipts
1	2	3	4	5	6
			Kyats	Kyats	Kyats
14	Culture	Prime Minister or a person delegated by the Prime Minister			17,000,000
15	Education	- ditto -			3,383,174,040
16	Health	- ditto -			420,189,500
17	Sports	- ditto -			17,325,000
18	Labour	- ditto -			1,343,050
19	Forestry	- ditto -			311,522,800
20	Agriculture and Irrigation	- ditto -			4,983,593,000
21	Livestock Breeding and Fisheries	- ditto -			234,201,000
22	Mines	- ditto -			33,610,000

## and Departments

## Schedule (3)

Receipts						
Interest Receipts	Capital Receipts	Receipts from Foreign Aids	Debts		Receipts from Investment in Organizations	Savings
			Recovery of Loans	Drawal of Loans		
7	8	9	10	11	12	13
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
		7,392,000				
	900,000	161,289,000				
	50,000	325,000				
		21,279,000				
	100,850,000	1,122,000				
	50,000					

## Ministries

Serial Number	Subject	Responsible person			
			Taxes	Receipts from the State Economic Organizations	Other Current Receipts
1	2	3	4	5	6
			Kyats	Kyats	Kyats
23	Industry No. (1)	Prime Minister or a person delegated by the Prime Minister			27,450,300
24	Industry No. (2)	- ditto -			75,000
25	Science and Technology	- ditto -			448,518,000
26	Construction	- ditto -			2,040,000,000
27	Transport	- ditto -			237,051,760
28	Rail Transportation	- ditto -			848,031,000
29	Communications, Posts and Telegraphs	- ditto -			2,082,000,000
30	Commerce	- ditto -			228,304,000
31	Hotels and Tourism Services	- ditto -			4,005,000

## and Departments

## Schedule (3)

Receipts						
Interest Receipts	Capital Receipts	Receipts from Foreign Aids	Debts		Receipts from Investment in Organizations	Savings
			Recovery of Loans	Drawal of Loans		
7	8	9	10	11	12	13
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
		500,000		37,100,000		
15,000	90,000,000	300,000		10,132,000		

## Ministries

Serial Number	Subject	Responsible person			
			Taxes	Receipts from the State Economic Organizations	Other Current Receipts
1	2	3	4	5	6
			Kyats	Kyats	Kyats
32	Co-operatives	Prime Minister or a person delegated by the Prime Minister			26,800,200
33	National Planning and Economic Development	- ditto -			26,472,600
34	Finance and Revenue	- ditto -			1,327,636,800
35	Pensions and Gratuities	- ditto -			150,700
	Total		49,943,586,000	40,007,779,000	17,334,487,750



## and Departments

## Schedule (3)

Receipts						
Interest Receipts	Capital Receipts	Receipts from Foreign Aids	Debts		Receipts from Investment in Organizations	Savings
			Recovery of Loans	Drawal of Loans		
7	8	9	10	11	12	13
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
	110,000					
51,399,000	105,000	324,000,000	140,770,000			
51,414,000	194,115,000	516,637,000	140,770,000	47,232,000		

## Ministries

Serial Number	Subject	Responsible Person		
			Current Expenditure	Payment of Interest
1	2	3	4	5
			Kyats	Kyats
1	Foreign Affairs	Prime Minister or a person delegated by the Prime Minister	210,000,000	
2	Defence	- ditto -	20,439,554,490	
3	Tatmadaw Affairs	- ditto -	895,730	
4	Progress of Border Areas and National Races and Development Affairs	- ditto -	447,500,000	
5	Home Affairs	- ditto -	2,638,000,000	
6	Immigration and Population	- ditto -	202,400,000	
7	Religious Affairs	- ditto -	197,300,000	
8	Social Welfare, Relief and Re-settlement	- ditto -	184,000,000	
9	Information	- ditto -	317,500,000	

## and Departments

## Schedule (4)

Expenditures						
Contribution	Capital Expenditure	Debts		Investment in Organizations	Savings	Reserve Fund
		Disbursement of Loans	Repayment of Loans			
6	7	8	9	10	11	12
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
5,152,000	86,962,080					
	10,948,000,000					
	4,800,000					
509,452,000	1,000,277,020					
175,751,500	403,106,330					
	42,370,860					
32,711,800	279,352,550					
19,300,000	236,849,500					
	171,883,250					

## Ministries

Serial Number	Subject	Responsible person		
			Current Expenditure	Payment of Interest
1	2	3	4	5
			Kyats	Kyats
10	Culture	Prime Minister or a person delegated by the Prime Minister	177,542,000	
11	Education	- ditto -	6,636,700,000	
12	Health	- ditto -	1,976,000,000	
13	Sports	- ditto -	145,200,000	
14	Labour	- ditto -	63,330,000	
15	Forestry	- ditto -	748,500,000	
16	Agriculture and Irrigation	- ditto -	6,187,500,000	
17	Livestock Breeding and Fisheries	- ditto -	420,000,000	3,908,000
18	Mines	- ditto -	76,700,000	
19	Industry No. (1)	- ditto -	52,700,000	

## and Departments

## Schedule (4)

Expenditures						
Contribution	Capital Expenditure	Debts		Investment in Organizations	Savings	Reserve Fund
		Disbursement of Loans	Repayment of Loans			
6	7	8	9	10	11	12
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
51,560	404,057,500					
306,850	5,291,896,800					
2,992,000	1,146,198,350					
12,565,000	104,908,100					
175,000	36,114,520					
90,000	489,015,340					
429,500	5,459,050,350					
412,000	119,659,500		23,437,000			
	5,593,770					
	12,121,050					

## Ministries

Serial Number	Subject	Responsible Person		
			Current Expenditure	Payment of Interest
1	2	3	4	5
			Kyats	Kyats
20	Industry No. (2)	Prime Minister or a person delegated by the Prime Minister	37,750,000	
21	Science and Technology	- ditto -	500,948,000	
22	Energy	- ditto -	15,800,000	
23	Electric Power	- ditto -	4,500,000	
24	Construction	- ditto -	4,894,000,000	
25	Transport	- ditto -	336,750,000	16,601,810
26	Rail Transportation	- ditto -	77,950,000	
27	Communications, Posts and Telegraphs	- ditto -	9,200,000	
28	Commerce	- ditto -	99,800,000	
29	Hotels and Tourism Services	- ditto -	14,500,000	

## and Departments

## Schedule (4)

Expenditures						
Contribution	Capital Expenditure	Debts		Investment in Organizations	Savings	Reserve Fund
		Disbursement of Loans	Repayment of Loans			
6	7	8	9	10	11	12
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
	2,919,200					
175,000	793,426,950					
	500,000					
	3,070,000					
	8,248,374,700					
770,000	1,408,138,880		97,500,000			
	34,717,840					
680,000	12,609,890					
220,000	49,001,800					
	6,762,950					

## Ministries

Serial Number	Subject	Responsible Person		
			Current Expenditure	Payment of Interest
1	2	3	4	5
			Kyats	Kyats
30	Co-operatives	Prime Minister or a person delegated by the Prime Minister	292,740,000	
31	National Planning and Economic Development	- ditto -	219,900,000	
32	Finance and Revenue	- ditto -	481,950,000	19,511,020,000
33	Pensions and Gratuities	- ditto -	1,645,582,600	
34	Gratuities and Commuted Pensions	- ditto -	502,000,000	
35	Reserve Fund	Responsible person who is authorized to administer the allotment from this Fund as shown in Schedules I, 2&3 or a person delegated by such responsible person		
	Total		50,254,692,820	19,531,529,810



## and Departments

## Schedule (4)

Expenditures						
Contribution	Capital Expenditure	Debts		Investment in Organizations	Savings	Reserve Fund
		Disbursement of Loans	Repayment of Loans			
6	7	8	9	10	11	12
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
	67,324,600					
2116000	572,149,590					
10,407,680,000	109,178,180		375,109,000	19,965,000	30,000	
						100,000,000
11,171,030,210	37,550,391,450		496,046,000	19,965,000	30,000	100,000,000

### State Economic

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

## Organizations

## Schedule (5)

Receipts						
Other Current Receipts	Interest Receipts	Capital Receipts	Receipts from Foreign Aids	Debts		Receipts from Investment in Organizations
				Recovery of Loans	Drawal of Loans	
6	7	8	9	10	11	12
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
309,585,357,000		177,649,000			270,096,000	
309,585,357,000		177,649,000			270,096,000	

### State Economic

Serial Number	Subject	Responsible Person		
			Current Expenditure	Payment of Interest
1	2	3	4	5
			Kyats	Kyats
1	State Economic Organizations	Prime Minister or a person delegated by the Prime Minister	350,670,532,000	
	Total		350,670,532,000	

## Organizations

## Schedule (6)

Expenditure					
Contribution	Capital Expenditure	Debts		Investment in Organizations	Savings
		Disbursement of Loans	Payment of Loans		
6	7	8	9	10	11
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
	16,674,406,690		967,371,000		
	16,674,406,690		967,371,000		

## Cantonment

Serial Number	Subject	Responsible Person			
			Taxes	Receipts from the State Economic Organizations	Other Current Receipts
1	2	3	4	5	6
1	Cantonment Municipalities under the Ministry of Defence	Prime Minister or a person delegated by the Prime Minister	Kyats 253,400	Kyats	Kyats 23,359,050
	Total		253,400		23,359,050

**Municipalities**

**Schedule (7)**

Receipts						
Interest Receipts	Capital Receipts	Receipts from Foreign Aids	Debts		Receipts from Investment in Organizations	Savings
			Recovery of Loans	Drawal of Loans		
7	8	9	10	11	12	13
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats	Kyats

## Cantonment

Serial Number	Subject	Responsible Person		
			Current Expenditure	Payment of Interest
1	2	3	4	5
1	Cantonment Municipalities under the Ministry of Defence	Prime Minister or a person delegated by the Prime Minister	Kyats 23,236,000	Kyats
	Total		23,236,000	



## Municipalitie

## Schedule (8)

Expenditure					
Contribution	Capital Expenditure	Debts		Investment in Organizations	Savings
		Disbursement of Loans	Payment of Loans		
6	7	8	9	10	11
Kyats	Kyats	Kyats	Kyats	Kyats	Kyats
	6,408,960				
	6,408,960				

Sd./Than Shwe  
Senior General  
Chairman

The State Peace and Development Council

**The State Peace and Development Council**  
**The Judiciary Law,2000**  
**(The State Peace and Development Council Law No. 5/2000)**  
**The 11th Waning Day of *Nayone*,1362 M.E.**  
**( 27th June,2000)**

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

**Chapter I**

**Title and Commencement**

1. (a) This Law shall be called the Judiciary Law,2000.
- (b) The provision contained in section 3 of this Law shall come into force from 8th July, 1999. With the exception of the provision contained in the said section 3, the remaining provisions shall come into force from the date on which this Law is enacted.

**Chapter II**

**Judicial Principles**

2. The administration of justice shall be based upon the following principles:-
  - (a) administering justice independently according to law;
  - (b) protecting and safeguarding the interests of the people and aiding in the restoration of law and order and regional peace and tranquillity;
  - (c) educating the people to understand and abide by the law and cultivating in the people the habit of abiding by the law;
  - (d) working within the framework of law for the settlement of cases;

- (e) dispensing justice in open court unless otherwise prohibited by law;
- (f) guaranteeing in all cases the right of defence and the right of appeal under the law;
- (g) aiming at reforming moral character in meting out punishment to offenders.

### **Chapter III**

#### **Formation and Seat of the Supreme Court**

3. The State Peace and Development Council shall constitute the Supreme Court with 1 Chief Justice, 2 Deputy Chief Justices and from a minimum of 7 Judges to a maximum of 12 Judges.
4. The Supreme Court shall sit in Yangon and Mandalay respectively. Provided that, if necessary, it may sit at any other appropriate place.

### **Chapter IV**

#### **Jurisdiction of the Supreme Court**

5. The jurisdiction of the Supreme Court shall be as follows; -
  - (a) adjudicating on original criminal and civil cases;
  - (b) adjudicating on a case transferred to it by its own decision;
  - (c) adjudicating on an appeal case from any Court to any other Court;
  - (d) adjudicating on an appeal case against any judgment, order and decision passed by the State or Divisional Court;
  - (e) adjudicating on a revision case against any judgment, order and decision passed by any Court;
  - (f) confirming death sentence passed by the State or Divisional Court or the District Court and adjudicating on an appeal case against

- the death sentence;
- (g) examining any judgment, order and decision of any Court, which is not in conformity with the law and altering or setting aside may be necessary;
  - (h) examining any order and decision which is not in conformity with the law relating to the legal rights of a citizen and altering or setting aside as may be necessary;
  - (i) adjudicating on an admiralty case;
  - (j) adjudicating on cases within its jurisdiction under any existing law.

## **Chapter V**

### **Powers of the Supreme Court**

6. The Supreme Court shall supervise the respective Courts.
7. A case finally and conclusively adjudicated by the Supreme Court exercising its original jurisdiction or a case finally and conclusively adjudicated by the Supreme Court on the final and conclusive decision of any Court may, on being admitted for special appeal by the Special Appellate Bench in consisting a total of 3 Judges including the Chief Justice, the Deputy Chief Justice and a Judge of the Supreme Court or a total of 3 Judges including the Chief Justice and 2 Judges of the Supreme Court or a total of 3 Judges including the Deputy Chief Justice and 2 Judges of the Supreme Court.
8. With the exception of a case adjudicated by the Special Appellate Bench, in any case adjudicated by the Supreme Court if the Chief Justice is of the opinion that any substantial question has arisen in the interest of the public he may cause such question to be heard and adjudicated again by the Special Appellate Bench.

9. The Supreme Court may, in exercising its jurisdiction, hear and adjudicate on cases by a single Judge or by a bench consisting of more than one Judge as determined by the Chief Justice.
10. The Supreme Court may direct that cases in the State or Divisional Courts, the District Courts and the Township Courts be heard and adjudicated by a bench consisting of more than one Judge.
11. The Supreme Court shall prescribe as may be appropriate the jurisdiction of the State or Divisional Courts, the District Courts and Township Courts for enabling adjudication on criminal and civil cases.

#### **Chapter VI**

#### **Formation of the State or Divisional Courts, the District Courts and the Township Courts**

12. The Supreme Court shall form the State or Divisional Courts, the District Courts and the Township Courts.
13. The Supreme Court shall appoint Judicial Officers and confer upon them appropriate judicial powers to act as Judges at the State or Divisional Courts, the District Courts and the Township Courts and prescribe their functions and duties.

#### **Chapter VII**

#### **Jurisdiction and Powers of Courts**

14. The jurisdiction of the State or Divisional Courts, the District Courts and the Township Courts are as follows; -
  - (a) adjudicating on original civil cases;
  - (b) adjudicating on original criminal cases;

(c) adjudicating under any law.

15. The State or Divisional Court may adjudicate on appeal or revision case against any judgment, order and decision passed by the District Court.

16. The State or Divisional Court may; -

(a) within its State or Division, adjudicate on a case transferred to it by its own decision;

(b) within its State or Division, adjudicate on the transfer of case from any Court to any other Court.

17. The State or Divisional Court may, in exercising its jurisdiction, adjudicate on cases by a single Judge or by a bench consisting of more than one Judge as determined by the State or Divisional Judge in accordance with the directive of the Supreme Court.

18. The District Court may adjudicate on appeal or revision case against any judgment, order and decision passed by the Township Court.

19. The District Court may; -

(a) within its District, adjudicate on a case transferred to it by its own decision;

(b) within its District, adjudicate on the transfer of case from any Court to any other Court.

20. The District Court may, in exercising its jurisdiction, adjudicate on cases by a single Judge or by a bench consisting of more than one Judge as determined by the District Judge in accordance with the directive of the Supreme Court.

21. The Township Court may, in exercising its jurisdiction, adjudicate on cases by a single Judge or by a bench consisting of more than one Judge as determined by the Township Judge in accordance with the directive of the Supreme Court.

**Chapter VIII**  
**Miscellaneous**

22. The Special Appellate Bench constituted under section 7 of this Law shall proceed to hear and adjudicate on cases admitted for special appeal by the Special Bench of the Supreme Court.
23. After coming into force of this Law, the original case, appeal case, revision case and applications shall be adjudicated by the Courts having jurisdiction in accordance with the provisions of this Law.
24. The Judges shall proceed to hear and adjudicate on cases pending in the respective Courts.
25. The Chief Justice, the Deputy Chief Justices, the Judges of the Supreme Court, the Judges of the State or Divisional Court and the Judges of the District Court may, if necessary, inspect prisons, *yebet* camps and police lock-ups for enabling convicted persons and those under detention to enjoy rights to which they are entitled to in accordance with law and relating to the proceedings and for preventing undue delay in the trial of cases.
26. The Supreme Court may form service personnel as may be necessary for the Supreme Court and the respective Courts.
27. The Supreme Court may issue such rules, procedures, orders, notifications, directives and manuals as may be necessary.
28. The Judiciary Law (The State Law and Order Restoration Council Law No.2/88) is hereby repealed.

**Sd./- Than Shwe**  
**Senior General**  
**Chairman**

**The State Peace and Development Council**



**The State Peace and Development Council**  
**The Law Amending the Code of Civil Procedure**  
**(The State Peace and Development Council Law No. 6/2000)**  
**The 12th Waxing Day of Waso, 1362 M.E.**  
**( 12th July, 2000)**

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

1. This Law shall be called the Law Amending the Code of Civil Procedure.
2. After the expression "The High Court" contained in sub-section (1) of section 24 of the Code of Civil Procedure the expression "or the State or Divisional Court" shall be inserted.
3. The expression "one thousand kyats" contained in sub-section(2) of section 35 A of the Code of Civil Procedure shall be substituted by the expression "kyats 100,000."
4. Section 56 of the Code of Civil Procedure shall be deleted.
5. In sub-section(1) of section 100 of the Code of Civil Procedure; -
  - (a) the expression "any Court subordinate to the High Court" shall be substituted by the expression "the State or Divisional Court".
  - (b) the expression "in a suit relating to immovable property or to any right or interest in immovable property, and in any other suit where the amount or value of the subject-matter of the original suit exceeds kyats 500," shall be substituted by the expression "in the suit where the amount or value of the subject-matter of the original suit exceeds kyats 2,000,000."
6. Section 102 of the Code of Civil Procedure shall be substituted as follows:  
"102. No second appeal shall lie from the decree passed in appeal where the amount or value of the subject-matter of the original suit does not exceed kyats 2,000,000."
7. The expression "where such order is made by a Court (not being the High Court) in the exercise of appellate jurisdiction, then to the High Court" contained in



section 106 of the Code of Civil Procedure shall be substituted by the expression "where such order is made by the District Court or the State or Divisional Court in the exercise of appellate jurisdiction, then to the immediate higher Court."

8. (a) After every expression "the High Court" contained in section 115 of the Code of Civil Procedure the expression "or the State or Divisional Court or the District Court" shall be inserted.

(b) In section 115 of the Code of Civil Procedure the following proviso shall be inserted: -

"Provided that this provision shall not apply to the record of any case which has been decided by any Court in the exercise of its revisional jurisdiction or its appellate jurisdiction."

9. After the expression "The evidence of the witnesses in attendance" contained in Order XVIII, Rule 4 of the Code of Civil Procedure the expression "which the Judge thinks necessary" shall be inserted.

10. The expression "The Judge shall, if necessary, correct the deposition and sign it" contained in Order XVIII, Rule 5 of the Code of Civil Procedure shall be substituted by the expression "The evidence so taken shall be read over to the witness, and, if he admits it to be correct, shall be signed by him on every page, and the Judge shall, if necessary, correct the same and sign it."

11. The expression "may proceed" contained in Order XVIII, Rule 15 (1) of the Code of Civil Procedure shall be substituted by the expression "shall proceed".

12. Every expression "kyats 100" contained in Order XXXIII, Rule 1 of the Code of Civil Procedure shall be substituted by the expression "kyats 50,000".

**Sd./- Than Shwe**

**Senior General**

**Chairman**

**The State Peace and Development Council**

**The State Peace and Development Council**  
**The Law Amending the Political Pension Law.\***  
**(The State Peace and Development Council Law No. 7/2000)**  
**The 7th Waxing Day of *Tawthalin*,1362 M.E.**  
**( 4th September,2000)**

The State Peace and Development Council enacts the following Law; -

1. This Law shall be called the Law Amending the Political Pension Law.
2. Section 15 of the Political Pension Law shall be substituted as follows:-
  - "15 (a) The right to enjoy monthly political pension shall be enjoyed only after attaining the age of 60.
  - (b) Provided that the age limit may be relaxed and monthly political pension be allowed to be enjoyed in the case of a person who has not attained the age of 60, but has carried out heavy political duty free from fault.
  - (c) If salary is being earned due to continued assignment of duty after the attainment of the age of 60, there shall be no right to enjoy monthly political pension."
3. Section 16 of the Political Pension Law shall be amended as sub-section (a) of section 16.

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\* The Myanmar Gazette, Part I, p.750, dated 15 September 2000.

4. The following sub-section shall be inserted as sub-section (b) after sub-section (a) of section 16 of the Political Pension Law: -
- (b) Provided that the provision "there is the right to enjoy only from the date on which the deceased attained the age of 60" in sub-section (a) of section 16 shall not apply to a person who has the right to enjoy monthly political pension on relaxation of age limit under sub-section (b) of section 15.

**Sd./- Than Shwe**  
**Senior General**  
**Chairman**

**The State Peace and Development Council**

**The State Peace and Development Council  
The Highways Law  
(The State Peace and Development Council Law No. 8/2000)  
The 7th Waning Day of *Tazaungmon*,1362 M.E.  
( 17th November,2000)**

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

**Chapter I  
Title and Definition**

1. This Law shall be called the Highways Law.
2. The following expressions contained in this Law shall have the meanings given hereunder: -
  - (a) **Highway** means the highway prescribed by notification by the Ministry of Construction. This expression also includes road boundaries on either side of the highway and bridges situated along the highways. However, the roads constructed or maintained by the relevant Development Committee are excluded;
  - (b) **Vehicle** means any vehicle propelled on land by mechanical power or by any type of energy, to ride or to transport goods;
  - (c) **Animal** means buffalo, ox or cow, elephant, horse, donkey, mule, sheep, goat and pig;
  - (d) **Cart** means any type of wheeled cart moved by being drawn, pushed or attached by man or by animal.

## **Chapter II**

### **Objectives**

3. The objectives of this Law are as follows: -
- (a) to cause easier communication and transportation among states and divisions by constructing the highways and to strengthen national solidarity and friendship and to cause all-round development in all regions and areas in economic and social sectors,
  - (b) to give support in implementing the duty for security and convenience in road and communication and quickness in flow of commodities;
  - (c) to give support in the modernization and development of the State by constructing highways within the State or by constructing highways which connect with neighbouring countries;
  - (d) to carry out systematically the works of extension, repair and maintenance for durability of highways;
  - (e) to supervise systematically in respect of traffic and use of highways.

## **Chapter III**

### **Duties and Powers of the Ministry of Construction**

4. The duties and powers of the Ministry of Construction are as follows; -
- (a) laying down policies with the approval of the Government for modernization and development of road and communication within the State;
  - (b) submitting short-term, long-term and special plans to the Government and obtaining confirmation thereof for construction of highways;
  - (c) constructing highways which connect with neighbouring countries, with the confirmation of the Government;

- (d) supervising to enable implementation of the plans within the prescribed period;
- (e) prescribing and notifying as highways;
- (f) prescribing and notifying the boundaries of highways;
- (g) laying down the work programmes to construct and extend the highways; if necessary, co-ordinating with the relevant Government departments or organizations;
- (h) giving guidance and supervising for repair and maintenance of highways;
- (i) carrying out joint venture business with any individual or economic organization or permitting any individual or economic organization to operate, prescribing terms and conditions in accordance with the existing laws in respect of construction, extension, repair and maintenance of highways;
- (j) carrying out land acquisition and removal of building in accordance with the existing laws, in constructing and extending highways;
- (k) indenting and importing from abroad the necessary machineries to be used in constructing highways;
- (l) exchanging technical know-how and co-operating with international organizations and foreign countries in respect of construction of highways;
- (m) carrying out works of research in respect of construction, repair and maintenance of highways.

#### **Chapter IV**

#### **Duties and Powers of the Public Works**

5. The duties and powers of the Public Works are as follows; -
- (a) implementing in accordance with the policies laid down by the Ministry of Construction for modernization and development of communication within the State;
  - (b) drawing up and submitting short-term, long-term and special plans and work programmes to the Ministry of Construction in respect of construction and extension of highways;
  - (c) implementing for the completion of plans within the prescribed period;
  - (d) repairing and maintaining highways for durability;
  - (e) planting trees and clearing dangerous trees within the boundary of highways;
  - (f) determining the width of verge of highways;
  - (g) closing of vehicular traffic subject to a time limit in extending or repairing highways and constructing diversion for traffic at the time when traffic is closed;
  - (h) prescribing vehicle and type of wheel, vehicle and laden weight, and iron rim of cart wheel the driving of which are not permitted on highways, and inspecting, supervising and taking action as to whether such stipulations are abided by or not;
  - (i) prescribing terms and conditions to be abided by in respect of traffic and stoppage of carts and animals on highways, and inspecting, supervising and taking action as to whether such terms and conditions are abided by or not;
  - (j) issuing necessary prohibitions to prevent damage to highways, inspecting whether such prohibitions are abided by or not; supervising and taking

action thereof;

- (k) scrutinizing and permitting construction across the highways, constructing and building within the boundary of highways and setting-up of the signboards for advertisement.

6. The Public Works may delegate and assign its duties and powers to the State, Division, District and Township Public Works.

### **Chapter V**

#### **Offences and Penalties**

7. Whoever without the permission of the Public Works commits any of the following acts shall, on conviction, be punished with imprisonment for a term which may extend to 3 years or with fine or with both:—

- (a) building or constructing across the highway;
- (b) constructing the building within the boundary of the highway;
- (c) digging a pond within the boundary of the highway.

8. Whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term which may extend to 6 months or with both:-

- (a) disturbing or obstruction the work of constructing, extension, repairing and maintenance of highway;
- (b) driving a vehicle the traffic of which and the type of the wheel of which is prohibited and a vehicle with a laden weight or using an iron rim of cart wheel on highways;
- (c) planting, cutting or destroying tree or crops within the boundary of the highway without permission of Public Works;



9. Whoever commits any of the following acts shall, on conviction, be punished with imprisonment for a term which may extend to 3 months or with fine or with both: -
- (a) violating any prohibition issued to prevent damage of highways;
  - (b) violating any of the terms and conditions prescribed in respect of traffic of carts and animals on highways;
  - (c) intentionally placing of materials that may cause hindrance or danger to traffic on highways;
  - (d) setting up the signboard of advertisement within the boundary of highways without permission of Public Works.

#### **Chapter VI**

#### **Miscellaneous**

10. Any Government department or organization desirous of connecting underground pipeline, connecting underground electricity power line, connecting underground cable line or constructing drainage across the highway due to its departmental or organizational requirement of work shall co-ordinate with the Ministry of Construction in advance.
11. In respect of collecting tolls for traffic on highway prescribed by notification under this Law, the Ministry of Construction may carry out in accordance with the provisions of the Utilization of Roads and Bridges Law (Law No. 13/85).
12. Before the issuance of rules, procedures, notifications, orders and directives under this Law, rules, notifications, orders and directives issued under the Highways Act, 1907 may continue to be applicable in so far as they are not inconsistent with this Law.

13. For the purpose of carrying out the provisions of this Law;-
- (a) the Ministry of Construction may, with the approval of the Government, issue such rules and procedures as may be necessary;
  - (b) the Ministry of Construction and the Public Works may issue such notifications, orders and directives as may be necessary.
14. The Highways Act, 1907 is hereby repealed.

**Sd./Than Shwe**

**Senior General**

**Chairman**

**The State Peace and Development Council**

# **Orders of the Ministry of Home Affairs**

**Government of the Union of Myanmar**  
**Ministry of Home Affairs**  
**Yangon, 1<sup>st</sup> Waxing Day of Tazaungmon 1362, M.E.**  
**(27<sup>th</sup> October, 2000)**  
**ORDER SUPPLEMENTING ORDER NO.1/99\***

The Ministry of Home Affairs of the Government of the Union of Myanmar, under the direction of the State Peace and Development Council, hereby directs that the following amendment shall be made to Order No.1/99 dated 14<sup>th</sup> May, 1999\*\* as requisition of forced labour is illegal and is an offence under the existing laws of the Union of Myanmar:-

1. Clause 5 of the said Order 1/99 shall be substituted with the following :-
  - (a) Responsible persons including members of the Police Force and other public service personnel shall not requisition work or service notwithstanding anything contained in Sections 7(1) and 9(b) of the Towns Act, 1907 and Sections 8(1) and 11(d) of the Village Act, 1907.
  - (b) The above Clause(a) shall not apply to requisition work or service when an emergency arises due to fire, flood, storm, earthquake, epidemic disease, war, famine and epizootic disease that poses an imminent danger to the general public and the community.
2. When the responsible persons have to requisition work or service for purposes mentioned in Clause 1(b) of this Supplementary Order the following shall comply:-
  - (a) The work or service shall not lay too heavy a burden upon the present population of the region.

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\* The Myanmar Gazette ,Part I,p-875,dated 10<sup>th</sup> November,2000.

\*\* Order No.1/99 of the Ministry of Home Affairs is mentioned as Annexure.

- (b) The work or service shall not entail the removal of workers from their place of habitual residence.
  - (c) The work or service shall be important and of direct interest for the community. It shall not be for the benefit of private individuals, companies or associations.
  - (d) It shall be in circumstances where it is impossible to obtain labour by the offer of usual rates of wages. In such circumstance, the people of the area who are participating shall be paid rates of wages not less favourable than those prevailing in the area.
  - (e) School teachers and pupils shall be exempted from requisition of work or service.
  - (f) In the case of adult able-bodied men who are the main supporters of the necessities of food, clothing and shelter for the family and indispensable for social life, requisition shall not be made except only in unavoidable circumstances.
  - (g) The work or service shall be carried out during the normal working hours. The hours worked in excess of the normal working hours shall be remunerated at prevailing overtime rates.
  - (h) In case of accident, sickness or disability arising at the place of work, benefits shall be granted in accordance with the Workmen's Compensation Act.
  - (i) The work or service shall not be used for work underground in mines.
3. When the responsible persons have to requisition work or service for purposes mentioned in Clause 1(b) of this Supplementary Order, they shall do so only with the permission of the Deputy Commissioner of the General Administration Department who is also a member of the relevant District Peace and Development Council.
4. The State or Divisional Commissioner of the General Administration

Department who is also a member of the relevant State or Divisional Peace and Development Council shall supervise the responsible persons to abide by the Order No. 1/99 and this Supplementary Order.

5. The phrase " Any person who fails to abide by this Order shall have action taken against him under the existing law" contained in Clause 6 of the said Order No. 1/99 means that any person including local authorities, members of the Armed Forces, members of the Police Force and other public service personnel shall have action taken against him under Section 374 of the Penal Code or any other existing law.

**Sd./ Col. Tin Hlaing,**  
**Minister,**  
**Government of the Union of Myanmar,**  
**Ministry of Home Affairs.**

Government of the Union of Myanmar

Ministry of Home Affairs

Order No,1/99\*

Yangon, the 15<sup>th</sup> Waning Day of *Kason* 1361, M.E.

(14<sup>th</sup> May, 1999)

**Order Directing Not To Exercise Powers Under Certain  
Provisions of The Towns Act, 1907 and the Village Act, 1907**

1. The Government of The Union of Myanmar, the Ministry of Home Affairs hereby issues this Order under the directive of the Memorandum dated 14-5-99, Letter No.04/Na Ya Ka (U)/Ma Nya of the State Peace and Development Council.
2. Under Section 7 of the Towns Act, 1907, powers have been conferred on the Chairmen of the Ward Peace and Development Councils to enable them to execute their public duties. Among such powers, the right to requisition for personal service of the residents of the ward is provided in Sub-section (1) (l) and (m) of Section 7. It is provided in Section 9 that residents of the ward shall fulfil the duty assigned under the said power and it is provided in section 9 A that on failing to fulfil such duty, action may be taken against them.
3. Similarly, under Section 8 of the Village Act, 1907 also, powers have been conferred on the Chairmen of the Village Tract Peace and Development Councils to enable them to execute their public duties. Among such powers, the right to requisition for personal service of the residents of the village tract is provided in Sub-section (1)(g), (n) and (c) of section 8. It is provided in section 11 (d) that the residents of the village tract shall fulfil the duty assigned under the said power and it is provided in section 12 that on failing to fulfil such duty, action may be taken against them.

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\* The Myanmar Gazette , Part I, p.415, dated 25<sup>th</sup> June 1999.

4. In order to make the Towns Act, 1907 and the Village Act, 1907 conform to the changing situation such as security, administrative, economic and social conditions within the internal domain of the State, the Ministry of Home Affairs has been studying and reviewing as to how the said Acts should be amended, inserted and deleted, in coordination with the relevant ministries, Government departments and organizations.

5. As such, this Order is hereby issued directing the Chairmen of the Ward and Village Tract Peace and Development Councils and the responsible persons of the Department of General Administration and the Myanmar Police Force not to exercise powers under these provisions relating to requisition for personal service prescribed in the above-mentioned Towns Act, 1907 and the Village Act, 1907, until and unless any further directive is issued, except for the following circumstances:-

- (a) requisition for personal service in work or service exacted in cases of emergency on the occurrence of disasters such as fire, flood, storm, earthquake, epidemic diseases that would endanger the existence or the well-being of the population.
- (b) requisition for personal service in work or service which is of important direct interest for the community and general public and is of present or imminent necessity, and for which it has been impossible to obtain voluntary labour by offer of usual rates of wages and which will not lay too heavy a burden upon the present population.

6. Any person who fails to abide by this Order shall have action taken against him under the existing law.

**Sd./Col. Tin Hlaing,**  
**Minister,**  
**Government of the Union of Myanmar,**  
**Ministry of Home Affairs.**