

The Union of Myanmar

The State Peace and Development Council

The Law Relating to the Amyotha Hluttaw

(The State Peace and Development Council Law No. 13 /2010)

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

(21st October, 2010)

Preamble

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

As such, the State Peace and Development Council hereby enacts this Law in accord with section 443 of the Constitution of the Republic of the Union of Myanmar, in order to implement the works relating to Hluttaw smoothly in convening the sessions of the Amyotha Hluttaw in accord with the Constitution of the Republic of the Union of Myanmar.

Chapter I

Title, Enforcement and Definition

1. (a) This Law shall be called **the Law relating to the Amyotha Hluttaw**,
- (b) This Law shall come into force throughout the country commencing from the day of its promulgation.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **Constitution** means the Constitution of the Republic of the Union of Myanmar;
 - (b) **Hluttaw** means the Amyotha Hluttaw formed under the Constitution for the purpose of this Law;
 - (c) **Chairperson** means the Hluttaw representative elected to supervise the Hluttaw session until the Hluttaw Speaker and the Deputy Speaker are elected when the first session of a term of Hluttaw commences;
 - (d) **Speaker** means the Hluttaw representative elected as the Speaker of the Hluttaw for a term of the Hluttaw;

- (e) **Deputy Speaker** means the Hluttaw representative elected as the Deputy Speaker of the Hluttaw for a term of Hluttaw;
- (f) **Hluttaw Representative** means the Hluttaw representative elected for the purpose of this Law under the Amyotha Hluttaw Election Law and the Hluttaw representative who is a Defence Services personnel nominated as a Amyotha Hluttaw representative by the Commander - in - Chief of the Defence Services in accord with law .
- (g) **Hluttaw Organizations** mean the committees, the commissions and the bodies formed by the Hluttaw under sections 21, 23, 24 and 29 of this Law;
- (h) **Union Level Organization** means the Union Government, the National Defence and Security Council, the Financial Commission, the Supreme Court of the Union, the Constitutional Tribunal of the Union, the Union Election Commission, the Auditor General of the Union, the Union Civil Services Board formed under the Constitution, and as well as the committees, the commissions and the bodies formed by the Pyidaungsu Hluttaw, the Pyithu Hluttaw and the Amyotha Hluttaw;
- (i) **Election Law** means the Amyotha Hluttaw Election Law;

- (j) **Office of the Hluttaw** means the Office of the Hluttaw formed to carry out the various office work and administrative matters of the Pyidaungsu Hluttaw, the Pyithu Hluttaw and the Amyotha Hluttaw.

Chapter II

Hluttaw

Formation

3. The Hluttaw shall be formed with a maximum of 224 Hluttaw representatives as follows:

- (a) 168 Hluttaw representatives elected under the Constitution and the Election Laws;
- (b) 56 Hluttaw representatives who are Defence Services personnel nominated by the Commander - in - Chief of the Defence Services in accord with law.

Term of the Hluttaw

4. The term of the Hluttaw is the same as that of the Pyithu Hluttaw. The term of the Hluttaw also terminates on the day of expiry of the term of the Pyithu Hluttaw.

Chapter III

Chairperson

5. When the first session of the Hluttaw of a term of the Hluttaw commences, the Hluttaw representatives shall elect a Hluttaw representative as the Chairperson as prescribed by the rules issued under this Law.
6. The Chairperson shall make an affirmation as a Hluttaw representative and a Chairperson in the presence of the Hluttaw in the prescribed manner and sign it.
7. The Chairperson shall supervise the session of the Hluttaw until the Speaker and the Deputy Speaker have been elected from among the Hluttaw representatives.

Chapter IV

Hluttaw Representatives

Making Affirmation and Signing

8.
 - (a) The Hluttaw representatives shall make affirmation as mentioned in Schedule IV of the Constitution and sign it in the presence of the Chairperson at the first regular session of the Hluttaw.
 - (b) The Hluttaw representatives who have not made affirmation shall make affirmation and sign it in the presence of the Chairperson at the session of the Hluttaw which they firstly attend .

Duties

9. The duties of the Hluttaw representatives are as follows:
 - (a) safeguarding the Constitution and the existing laws;
 - (b) keeping the secrets relating to the State;
 - (c) emphasizing the interest of the Union in discussion relating to the bills and motions submitted to the Hluttaw;
 - (d) aiming and carrying out to enable to obtain and enjoy the fundamental rights of the citizens;
 - (e) performing other duties assigned by the Hluttaw.

Powers

10. The powers of the Hluttaw representatives are as follows:
 - (a) submitting bills in accord with the Constitution and the relevant laws;
 - (b) submitting motions and asking questions with the permission of the Speaker;
 - (c) asking question and discussion relating to the matters submitted to and discussed at the Hluttaw or the activities of the organizations formed under the Constitution and members or persons representing them;
 - (d) having freedom of speech and right to vote at the Hluttaw and Hluttaw organizations subject to the provisions contained in the Constitution and this Law;

- (e) having the right to be elected as the Chairperson of the Hluttaw, the Speaker or Deputy Speaker elected by the Hluttaw or having the right to resign from being so elected ;
- (f) having the right to participate as a member of Hluttaw organizations or the right to resign from being such a member;
- (g) having the right to resign from being a Hluttaw representative.

Ethics and Disciplines

11. The Hluttaw representatives shall abide by the following ethics and disciplines:

- (a) observing non-disintegration of the Union, non-disintegration of national solidarity, perpetuation of sovereignty;
- (b) observing the provisions contained in the Constitution, this Law and the existing laws;
- (c) behaving in conformity with the dignity of Hluttaw representatives;
- (d) fulltilling the duties of Hluttaw representatives;
- (e) abstaining from seeking self-interest, corrupt practice and threat by abusing duties and powers conferred as a Hluttaw representative.

Rights and Privileges

12. The rights and privileges of Hluttaw representatives are as follows:

- (a) having immunity from legal action being taken under other law

except this Law in respect of submissions, discussions and performances at the Hluttaw and Hluttaw organizations;

- (b) being entitled to enjoy the stipulated emolument, accommodation allowance, meal allowance, travelling allowance and other allowances;
- (c) if the prior permission of the Speaker has not been obtained while attending the Hluttaw session;
 - (i) having immunity from being arrested;
 - (ii) having immunity from being summoned as a witness by any court;
- (d) having immunity from being arrested without prior permission of the Speaker through the head of the relevant organization, while attending a session of any Hluttaw organization;
- (e) having right to attend the sessions of the Hluttaw and Hluttaw organizations with the permission of the Speaker before being sentenced if he is arrested for any offence.

Chapter V

Speaker and Deputy Speaker of the Hluttaw

Election

13. The Hluttaw representatives shall elect a Speaker and a Deputy Speaker from among the Hluttaw representatives.

14. When the office of the Speaker or the Deputy Speaker becomes vacant, election in substitution shall be made at the nearest session of the Hluttaw.

Performance of Duty

15. The Speaker and the Deputy Speaker shall perform duties of the Speaker and the Deputy Speaker until the first session of the next term of the Hluttaw is held.

16. When the Speaker is unable to perform his duty or the case of recalling the Speaker arises in accord with law, the Deputy Speaker shall temporarily perform the duty of the Speaker .

17. If the Speaker or the Deputy Speaker is assigned duty in any Union level organization, the Speaker or the Deputy Speaker shall be deemed to have resigned from the said office.

Termination from Duty

18. If the Speaker or the Deputy Speaker resigns, or has been ceased from being a Hluttaw representative or has no right to subsist as a Hluttaw representative or has been recalled from the duty of the Speaker or the Deputy Speaker by the Hluttaw, or has expired, he shall have ceased from being the Speaker or the Deputy Speaker.

19. The Speaker, the Deputy Speaker or both of the Speaker and Deputy Speaker may be recalled from duty by the Hluttaw in accord with the prescribed manner by any of the following causes:

- (a) violation of the allegiance of the Union;

- (b) violation of the provisions of the Constitution;
- (c) misconduct;
- (d) being unable to fulfil the duties assigned by law.

20. If the Speaker or the Deputy Speaker is recalled from duty due to any causes contained in section 19, he shall have ceased from being a Hluttaw representative.

Chapter VI

Hluttaw Organizations

Formation

21. The Hluttaw shall form the following Hluttaw Committees with the Hluttaw representatives:

- (a) Bill Committee;
- (b) Public Accounts Committee;
- (c) Hluttaw Rights Committee;
- (d) Scrutiny Committee for Guarantees, Pledges and Undertakings of the Government.

22. The Speaker shall select and submit the Hluttaw representatives who are to be included in each Hluttaw Committee. A Hluttaw representative may not participate in more than two Hluttaw Committees.

23. The Hluttaw:

- (a) shall form the Defence and Security Committee with the Hluttaw representatives who are Defence Services personnel for a limited period when the occasion arises to make studies and submit on

defence and security matters or military affairs.

- (b) may form the said Defence and Security Committee including suitable Hluttaw representatives also who are not the Defence Services personnel in accord with the requirement of work.

24. If there arises a need to study and submit other affairs, in addition to legislation, executive, national races affairs, economics, finance, social and foreign affairs, the Hluttaw Committee may form the Hluttaw committees with the Hluttaw representatives for a limited period.

Joint Committees

25. If a matter arises to co-ordinate with the Pyithu Hluttaw, the Hluttaw may elect and assign duties to its representatives who will be included in the said Committee to enable formation of a joint committee comprising an equal number of representatives from the Hluttaw and the Pyithu Hluttaw. If it is necessary to carry out in the interval of Hluttaw sessions, the Hluttaw representatives from the two Hluttaws who will be included in the Joint Committee shall be elected and assigned duties by coordinating between the Speakers and the approval obtain by submitting to the nearest session of the Hluttaw. The term of such Joint Committee shall be until the time it has submitted the report to the relevant Hluttaw.

26. If the Hluttaw and the Pyithu Hluttaw have a matter to study, with the exception of matters to be performed by the committees contained in sections

21 and 23, the Speakers of such Hluttaws may co-ordinate mutually and form a Joint Committee comprising an equal number of representatives from the Hluttaw and the Pyithu Hluttaw. The Hluttaw may elect and assign duties to the Hluttaw representatives who are to be included in the said Committee. When it becomes necessary to carry out in the interval of the two Hluttaw sessions, the Speakers shall coordinate mutually and elect and assign the representatives from the two Hluttaws who will be included in the Joint Committee; and shall submit and obtain approval at the nearest session of the Hluttaw. The term of such Joint Committee shall be until the time it has submitted the report to the relevant Hluttaw.

Determining the Number of Members, Duties, Powers, Rights and Terms

27. The Hluttaw shall determine the number of members, duties, powers, rights and the terms of the Hluttaw Committees.

28. The Hluttaw Committees shall be responsible to the Hluttaw. If the Hluttaw is not in session, they shall be responsible to the Speaker.

Commissions and Bodies

29. If it is necessary to study the remaining matters other than those to be studied only by the Hluttaw committees, the Hluttaw may form commission and bodies with the Hluttaw representatives or by including suitable citizens.

30. In forming the commission and bodies contained in section 29, the Hluttaw shall also determine the number of members, duties, powers, rights and terms.

Chapter VII

Sessions of the Hluttaw

Regular Sessions

31. (a) The commencing day of the term of the Hluttaw is the commencing day of the term of the Pyithu Hluttaw.

(b) The first regular session of the term of the Hluttaw shall be convened within 7 days from the day of commencement of the term of such Hluttaw.

32. The first regular session of the first term of the Hluttaw shall be called and convened by the State Peace and Development Council.

33. The necessary arrangements for convening the first regular session of the Hluttaw shall be carried out by the State Peace and Development Council.

34. Starting from the second regular session of the Hluttaw, the sessions of the Hluttaw shall be called and convened by the Speaker.

35. The first regular sessions for the forthcoming terms of the Hluttaw shall be called and convened by the Speaker who continues to perform his duties in accord with the provision of the Constitution.

36. The Speaker shall call and convene the regular session of the Hluttaw at least once a year. The maximum interval between regular sessions shall not exceed 12 months.

37. (a) The State Peace and Development Council shall form and assign duties to the Hluttaw Representatives Scrutiny Committee with suitable persons to scrutinize the Hluttaw representatives who attend the first regular session of the Hluttaw.

(b) The Committee formed under sub-section (a) shall scrutinize and approve the Hluttaw representatives who attend the first regular session of the Hluttaw with the accreditation certificate issued by the Union Election Commission.

(c) The Hluttaw shall form and assign duties to the Hluttaw Representatives Scrutiny Committee with suitable Hluttaw representatives to scrutinize the Hluttaw representatives commencing from the second regular session of the Hluttaw.

Determination of the Date and Time of the Session and Quorum

38. The sessions of the Hluttaw other than the sessions convened before the election of the Speaker in the first regular session called and convened under section 32 shall be convened on the day and at the time determined by the Speaker.

39. On every first day of any session of the Hluttaw convened within a term of the Hluttaw, if more than half of the total number of the Hluttaw representatives who have the right to attend the Hluttaw session are present, it shall form a quorum. If a quorum is not formed at the session, it shall be adjourned.

40. At the sessions which are adjourned due to non-formation of the quorum under section 39, and at the sessions continued after formation of the quorum if at least one-third of the total number of Hluttaw representatives who have the right to attend the Hluttaw session are present, it shall form a quorum.

Matters to be carried out at the Session

41. The following matters are carried out at the Hluttaw session:

- (a) recording the address delivered by the President;
- (b) reading and recording the message sent by the President and other messages permitted by the Speaker;
- (c) submitting, discussing and deciding on a bill;
- (d) discussing and deciding on the matters to be carried out by the Hluttaw in accord with the provisions of the Constitution;
- (e) discussing, deciding and recording the reports submitted to the Hluttaw;
- (f) submitting a motion, discussing and deciding ;
- (g) asking questions and answering;
- (h) performing matters approved by the Speaker .

Decision by Voting

42. Unless otherwise provided in the Constitution, a matter that shall be decided at the sessions of the Hluttaw shall be decided by a majority of votes of the Hluttaw representatives who are present and voting.

43. In carrying out under section 42, the Speaker or the Deputy Speaker discharging duties as the Speaker shall not vote in the first instance, but shall have and exercise a casting vote only in the matter of an equality of votes.

44. In electing the Speaker and the Deputy Speaker, all the Hluttaw representatives including the Chairperson shall vote and decide at the session of the Hluttaw in accord with the prescribed manners. The Chairperson is not entitled to decide by exercising a casting vote.

Freedom of Speech and Right to Vote

45. The Hluttaw representatives have freedom of speech and right to vote at the Hluttaw or committee and bodies formed by the Hluttaw other than discussion or talk affecting non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty, speaking ill of other religion, affecting the interest of the Union and its citizens, violating the allegiance to the Union, causing leakage of the security and confidential of Union directly or indirectly, asking question relating to the character or behavior of any person., violation of the provisions of the Constitution, et cetera. No action shall be taken against a Hluttaw representative under any other law except under this Law in

respect of the discussion, submission and asking questions at the Hluttaw or committee and bodies formed by the Hluttaw.

46. The members or persons representing any Union level organizations formed under the Constitution who are invited to attend the session of the Hluttaw have the freedom of speech and right to vote at the Hluttaw or committee and bodies formed by the Hluttaw except the discussion or talk affecting non-disintegration of the Union, non-disintegration of national solidarity and perpetuation of sovereignty, speaking ill of other religion, affecting the interest of the Union and its citizens, violating the allegiance to the Union, causing leakage of the security and confidential of Union directly or indirectly, asking questions relating to the character or behavior of any person, violation of the provisions of the Constitution et cetera. No action shall be taken against a Hluttaw representative under any other law except under this Law in respect of the discussion, submission and asking questions at the Hluttaw or committee and bodies formed by the Hluttaw.

47. If the persons contained in sections 45 and 46 commit assault in exercising the above privileges, they shall be liable to punishment under the regulations, bye-laws, procedures of the Hluttaw or the existing laws .

Chapter VIII

Communication between the President and the Hluttaw

48. If the President intimates his desire to attend and address the session of the Hluttaw, the Speaker shall invite the President and make necessary arrangements.

49. If the Hluttaw has something to intimate the President, it may intimate him by any of the following manners:

- (a) sending as a message to the President through the Speaker after submitting a proposal to the Hluttaw and obtaining the approval;
- (b) sending a message to the President by the Speaker on behalf of the Hluttaw.

Chapter IX

Provisions Relating to the State of Emergency and the Hluttaw

50. The legislative functions of the Hluttaw shall be deemed to be suspended commencing from the day on which the President declares the transferring of legislative, executive and judicial powers of the Union to the Commander-in-Chief of the Defence Services under section 418 of the Constitution. It shall be deemed that on the expiry of the term of the Hluttaw, the Hluttaw has been dissolved automatically.

51. If the President, on receipt of the report from the Commander-in -Chief of the Defence Services that he has completed the assigned duties, revokes the

temporary suspension of the legislative functions of the Pyidaungsu Hluttaw, the Pyithu Hluttaw, the Hluttaw, all the Region or the State Hluttaws and relevant Leading Bodies under section 423 of the Constitution, due to non-expiry of the term of the Hluttaw, the Hluttaw shall proceed with the duties for the remaining term of the Hluttaw.

Chapter X

Prohibitions and Penalties

52. Whoever violates any of the following prohibitions shall, on conviction, be punished with imprisonment for a term not exceeding one year, or with fine not exceeding one hundred thousand kyats, or with both:

- (a) no person other than Hluttaw representatives who have the right to attend the session shall enter into the meeting hall of the Hluttaw without the permission of the Speaker, while the Hluttaw is in session;
- (b) no person shall enter into the meeting hall of the Hluttaw by saying fraudulent words or by impersonation, while the Hluttaw is in session;
- (c) no person shall stay overnight in the stipulated premises of the Hluttaw without permission of the Speaker while the Hluttaw is in session or not.

53. Whoever violates any of the following prohibitions shall, on conviction, be punished with imprisonment for a term not exceeding two years, or with fine not exceeding two hundred thousand kyats or with both:

- (a) no person shall carry out a demonstration or disturbance by any means in the stipulated premises of the Hluttaw;
- (b) no person shall exert, undue influence, inducement or threat to a person who is invited to discuss and inquire by the Hluttaw or a Hluttaw organization;
- (c) no person shall commit assault or disturbance to a Hluttaw representative in the meeting hall or the premises of the Hluttaw,
- (d) no person shall disturb or obstruct a service personnel assigned duties to perform the functions of the Hluttaw matters or a person responsible for the security of Hluttaw in discharging his duties;
- (e) no person shall submit the faked documents and evidences with fraudulent intention to the Hluttaw or a Hluttaw organization;
- (f) no person shall speak, write, print, distribute or communicate by any means in order to leak out the documents, subjects, facts, figures, pictures and other documents that are to be kept confidential ;
- (g) no person except the person allowed shall bring arms in the meeting hall of the Hluttaw or the premises of the Hluttaw.

54. (a) If a Hluttaw representative violates any prohibition contained in sections 52 and 53, the Office of the Hluttaw shall carry out to prosecute at the relevant court after obtaining the permission of the Speaker:
- (b) If a person who is not a Hluttaw representative violates any prohibition contained in sections 52 and 53, the Office of the Hluttaw shall carry out to prosecute at the relevant court.
55. The offences contained in this Chapter are determined as cognizable offences.

Chapter XI

Miscellaneous

56. No proceedings shall be instituted at any court in respect of acts done under this Law and rules.
57. The matters allocated by the Pyidaungsu Hluttaw to the Hluttaw shall be carried out by the Hluttaw.
58. All office works and the administrative matters of the Hluttaw shall be undertaken by the Office of the Hluttaw.
59. No proceeding shall be instituted in respect of the reports, documents and records of the Hluttaw circulated and published by or under the authority of the Hluttaw.

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

61. In implementing the provisions contained in this Law:

- (a) the State Peace and Development Council may issue rules, regulations bye-laws, notifications, orders, directives and procedures as may be necessary before the formation of the Hluttaw;
- (b) the Hluttaw may issue rules, regulations, bye-laws, notifications, orders, directives and procedures as may be necessary after the formation of the Hluttaw.

Sd/. Than Shwe

Senior General

Chairman

The State Peace and Development Council