

Law for the Second Amendment of the Constitution of the Republic of the Union of Myanmar

Articles under 436 (a)

Article	Proposal
6(d)	Flourishing of a genuine multi-party democratic system
6(f)	Enabling the defence services to be able to participate in the National political role of the Union in accordance with the desire of the people
7	The Union practices genuine multi-party democratic system
8	The Union is constituted by the Democratic Federal Union system
14	The Pyidaungsu Hluttaw, the Region Hluttaws and the State Hluttaws include the Defence Services personnels not exceeding 15% of the total number of Representatives in Third Term of the Pyidaungsu Hluttaw, 10% of the total number of Representatives in the Fourth Term of the Hluttaw, and 5% of the total number of Representatives in the Fifth Term of the Hluttaw as Hluttaw representatives nominated by the Commander-in-Chief of the Defence Services.
17(b)	Remove clause
20(c)	Remove clause
26(a)	Remove Clause
32(a)	care for mothers and children, orphans, fallen Defence Services Personnel's children, the elderly and persons with disabilities;
32(b)	ensure disabled ex-Defence Services personnel a decent living and free vocational training. Terminology of "disabled" adjusted in Myanmar
39	The Union shall enact necessary law to systematically form political parties for flourishing of a genuine multi-party democratic system
40(b)	If there arises or there is sufficient reason to arise a state of emergency endangering life and property of the people in a Region, State, or Self-Administered Area, the Defence Services has the right, in accord with the provisions of this Constitution and as the task assigned by the President, to prevent that danger and provide protection.
40(c)	If there arises a state of emergency that could cause disintegration of the Union, disintegration of national solidarity and loss of sovereign power or attempts therefore by wrongful forcible means such as insurgency or violence, Pyidaungsu Hluttaw (Union parliament) shall pass a resolution approving a measure enabling the President to take the lead and assume State sovereign power
59(c)	shall be an elected person who has attained at least the aged of 40
59(d)	shall be acquainted with the affairs of the Union such as political, administrative, economic, and security

59(f)	Remove Clause
109(b)	Pyithu Hluttaw representatives who are the Defence Services personnel nominated by the Commander-in-Chief of the Defence Services in accord with the law not exceeding 15% of the total number of representatives in the Third Term of the Hluttaw, 10% of the total number of Representatives in the Fourth Term of the Hluttaw, and 5% of the total number of Representatives in the Fifth Term of the Hluttaw
141(b)	Amyotha Hluttaw representatives who are the Defence Services personnel nominated by the Commander-in-Chief of the Defence Services in accord with the law, from each region or state inclusive of relevant Union territories, not exceeding 15% of the total number of representatives in the Third Term of the Hluttaw, 10% of the total number of representatives in the Fourth Term of the Hluttaw, and 5% of the total number of representatives in the fifth term of the Hluttaw
161(d)	Representatives of the Region of State Hluttaw who are the Defence Services personnel nominated by the Commander-in-Chief of the Defence Services in accord with the law not exceeding 15% of the total number of representatives for each region or state, including relevant Union Territories elected under sub-sections (a) and (b) or)a) and (c) in the Third term of Hluttaw, 10% of the total number of representatives in the fourth term of Hluttaw and 5% of the total number of representatives in the Fifth term of the Hluttaw
201	The National Defence and Security Council led by the President, to enable it to discharge the duties assigned by the constitution or any law, shall be formed with the following persons: <ul style="list-style-type: none"> a) The President b) Vice-President c) Vice-President d) Speaker of the Pyithu Hluttaw e) Speaker of the Amyotha Hluttaw f) Commander-in-Chief of the Defence Services g) Deputy Commander-in-Chief of the Defence Services h) Deputy Speaker of the Pyithu Hluttaw i) Deputy Speaker of the Amyotha Hluttaw j) Minister for Defence k) Minister for Foreign Affairs l) Minister for Home Affairs
294	In the Union, there shall be a supreme court of the Union. The supreme court of the Union is the highest court of the union
410	If the president learns that or if the respective local administrative body submits that the administrative functions cannot be carried out in accord with the constitution in a region or a state or a union territory or a self-administered area, he may, either on his or her own initiative or in accordance with the resolution of the Pyidaungsu Hluttaw, promulgate an ordinance and declare a state of emergency
411(c)	the local administrative bodies and their members and the civil service organisations and their members may assign tasks to the defence services to effectively carry out their duties in accord with the existing laws in order to quickly restore to its original situation in an area where the declaration of a state of emergency has been in operation
412(a)	Remove clause
412(b)	Remove clause

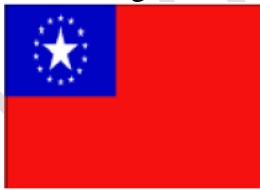
413(a) relocated under 411(b) as sub-article 411(c)	Remove clause
413(b)	Remove clause
415	The president shall, declare a state of emergency himself or herself and, carry out such measures under sections 410 and 411 in accord with section 212 (b), (c) and (e)
417	If there arises or if there is sufficient reason for a state of emergency to arise that may disintegrate the union or disintegrate national solidarity or that may cause the loss of sovereignty due to acts or attempts to take the sovereignty of the union by insurgency, violence and wrongful forcible means, the President may, promulgate an ordinance and declare a state of emergency, to implement the programme approved by the Pyidaungsu Hluttaw. In said ordinance, it shall be stated that the area where the state of emergency in operation is the entire nation and the specified duration is one year from the day of promulgation.
418	The President, according article 417, in implementing the programme approved by Pyidaungsu Hluttaw, shall:
418(a)	If provisions relating to the executive and legislative matters are included, it shall be deemed that the legislative functions of all Hluttaws and leading bodies shall be suspended from the day of the declaration. It shall also be deemed that on expiry of the term of the said Hluttaws, the relevant Hluttaws have been dissolved automatically
418(b)	Commencing from the day such measures are initiated, it shall be deemed that the members appointed and assigned duties by approval of the relevant Hluttaws in accord with the constitution, self-administered division leading bodies or the members of self-administered zone leading bodies, with the exception of the President and the Vice-Presidents, have been terminated from duty
419	Remove clause
420	Remove clause
421	Remove clause
421(a)	Remove clause
421(b)	Remove clause
422	Remove clause
423	The President shall, on the completion of implementation of the programme approved by the Pyidaungsu Hluttaw, revoke the temporary suspension of the legislative functions of all Hluttaws and leading bodies if the term of the Pyidaungsu Hluttaw has not expired. The new executive and judicial bodies prescribed in the constitution shall then be formed and assigned duties in accord with the Constitution. Such bodies shall only carry out the duties for the remaining term of the Hluttaws
425	Remove Clause
426	Remove clause
427	The president, in order to implement the emergency provisions under the programme approved by Pyidaungsu Hluttaw;
427(a)	Exercises the powers of the legislature, executive and judiciary before the Hluttaws are formed in accord with the constitution under the programme approved by the Pyidaungsu Hluttaw
428	The president shall form and assign duties to different levels of administrative bodies, the self-administered division leading body, or the self-administered zone leading bodies and election commission prescribed in the constitution with persons who meet the relevant qualifications prescribed in the constitution

429	The President shall hold the general election in accord with the provisions of the constitution within a duration of six months commencing from the day on which the completion of the implementation of the programme approved by the Pyidaungsu Hluttaw is approved
431	Remove clause
432	The legitimate measures of any administrative body or any of its members, any civil services body or any of its members, and any military body or any of its members assigned powers and duties to take measures as required in order to speedily restores the security, stability, community, peace and tranquillity and prevalence of law and order to its original state as assigned duties by the President while a declaration of emergency is in operation or as tasked by the President under the programme approved by Pyidaungsu Hluttaw, shall be valid. No legal action shall be taken place on such legitimate measures.
436(a)	If it is necessary to amend the provisions of sections 1 to 48 in Chapter I, Sections 49 to 56 in Chapter II, Sections 59 and 60 in Chapter III, Sections 74, 109, 141 and 161 in Chapter IV, Sections 200,201,248 and 276 in Chapter V, sections 293,294, 305, 314 and 320 in Chapter VI, Sections 410 to 432 in Chapter XI and Sections 436 in chapter XII of this constitution, it shall be amended with the prior approval of more than two-thirds of all the elected representatives of the Pyidaungsu Hluttaw, after which in a nation-wide referendum only with the votes of more than half of those who cast their votes.
436(b)	Provisions other than those mentioned in sub-section(a) shall be amended only by a vote of more than two-thirds of all the elected representatives of the Pyidaungsu Hluttaw.

Articles under 436 (b)

Article	Proposal
115(b)	Remove Clause
121(k)	person himself or is a member of an organisation who obtains and utilizes directly or indirectly the state-owned money, land, housing, building, vehicle, property, so forth Proviso - (i) The expression 'State-owned money' does not include pension, allowance, money or salary, allowances, money officially granted by the Union for services rendered for the benefit of the Union
124(a)	Remove Clause
124(b)	Remove Clause
147(b)	Remove Clause
172(a)	Remove Clause
172(b)	The first regular sessions for each term of the region or state hluttaw shall be held by the Speaker of the region or state Hluttaw who continues to perform his or her duties in accord with the provision of the Constitution.
188	The region or state Hluttaw shall have the right to enact laws for the entire or any part of the region or state related to matters prescribed in Schedule Two, Schedule Three and Schedule five of the Region or State Hluttaw Legislative List.
196	The legislative power relating to the matters listed in Schedule Three and Schedule Five for respective divisions or zones are allotted to the Self-Administered Division or the Self-Administered Zone Leading Bodies

198(b)	If any provision of the law enacted by the region hluttaw or the state hluttaw is inconsistent with any provision of the law enacted by the Pyidaungsu Hluttaw, except for the laws enacted in accord with Schedule Three, the law enacted by the Pyidaungsu Hluttaw shall prevail;
198(d)	if any provision of the law enacted by the leading body of the self-administered division or the self-administered zone is inconsistent with any provision of the law enacted by the Region Hluttaw or State Hluttaw concerned, except for the laws enacted in accord with Schedule Five, the law enacted by the Region Hluttaw or State Hluttaw concerned shall prevail
204(b)	the power to grant amnesty
225	In carrying out functions of the region government, the state government and the leading bodies of self-administered divisions and self-administered zone, the Union government can cooperate and coordinates with them to be effective and successful.
226 (a)	can mediate and if necessary, decide, on disputes over administration between the Region and State, among Regions, among States, between Region or State and Self-Administered Area, among Self-Administered Areas;
226(b)	can mediate and if necessary, decide, on disputes over administration between the region or state and Union territory, between Self-administered area and Union territory
232(a)i	person who has attained the age of 35 years
232(b)i	select suitable persons who have qualifications prescribed in sub-section (a)
232(j)ii	The Defence Services personnel who are appointed as Union Ministers for the Ministries of Defence, Home Affairs and Border Affairs shall be deemed to have retired from the Defence Services from the day he or she is appointed as a Union Minister
232(k)	Remove Clause
234(a)	The President may appoint the persons possessing the following qualifications as Deputy Ministers to assist the Union Ministers:
234(f)	If the Deputy Minister is a representative of a Hluttaw or a Civil Services personnel or a Defence Services personnel, or a member of a political party, the provisions of sub-sections (i) and (j) of 232 shall be applied.
235(c)ii	Remove clause
237(a)	The president with the approval of the Pyidaungsu Hluttaw shall appoint a person having the following qualifications as the Attorney-General of the Union to obtain legal advice and assign duties of legal matters:
237(a)(iv) dd	Remove clause
239(a)	The President shall appoint, in his own volition, a person who have the following qualifications, as Deputy Attorney General to assist the attorney general of the Union
239(a)(iv) dd	Remove clause
242(a)	The president, with the approval of the Pyidaungsu Hluttaw, shall appoint a person who have the following qualifications, as Auditor-General of the Union so as to audit Union budget and report thereon to the Pyidaungsu Hluttaw:
242(a)(iv) cc	Remove clause
244 (a)	The President shall appoint, in his own volition, a person who has the following qualifications, as the Deputy Auditor-General to assist the Auditor-General of the Union:
244(a)(iv) cc	Remove clause
262(a)i	select suitable persons who have prescribed qualifications under sub-section (a) of section 261;

262(m)ii	The Defence Services personnel who are appointed as Ministers of the Region or State for Ministries of Security and Border Affairs shall be deemed to have retired from the defence services from the day of their appointment.
264(b)ii	Remove clause
285(a)iv	Remove clause
285(f)	The Defence services personnel who are appointed as a member or members of the Nay Pyi Taw Council, to coordinate Security Affairs, shall be deemed to have retired or resigned from the Defence Services
285(g)	Remove clause
286(a)(iii) bb	Remove clause
301(d)iv	Remove clause
310(d)iii	Remove clause
319	According to sub section (b) of section 293, the Courts-Martial shall be constituted in accord with the constitution and the military law and shall adjudicate Defence Services personnel
333(d)(iv)	Remove clause
338	Remove clause
339	Remove clause
344	A law shall be enacted to provide assistance and care for disabled Defence Services personnel and the families of deceased or fallen Defence Services personnel. Updated terminology in Myanmar for 'disabled'
359	The Union prohibits forced labor as well as hard labor as a punishment for crime duly convicted
376	No person shall be held in custody for more than 24 hours without the remand of a competent magistrate
396(b)	A minimum of 20 percent out of the original voters of the electorate of the constituency concerned shall submit the complaint to the Union Election Commission against the Hluttaw representative on whom it wishes to recall
398(b)(iii) dd	Remove clause
399(f)	prescribing rules relating to elections in accord with the provisions of this constitution, and procedures, directives, so forth, in accord with the relevant laws:
405(a)	practice a genuine multi-party democratic system;
437(a)	Amend fag to; 
441	Remove Clause
442	Remove clause
443	Remove clause
444(a)	Remove clause
444(b)	Remove clause
445	Remove clause
446 (relocated under 450 as sub- section a)	Remove clause

447 (relocated under 450 as sub- section b)	Remove clause
448	Remove clause
450 (a)	The existing laws shall continue to be in effect until they are revoked or amended by the Pyidaungsu Hluttaw as long as they are not in conflict with this Constitution.
450 (b)	The existing by-laws, regulations, rules, notifications, orders, directives and procedures shall continue to be in effect until they are revoked or amended by the Union Government as long as they are not in conflict with this Constitution.

Unofficial Translation