

# **The Law Protecting the Peaceful and Systematic Transfer of State Responsibility and the Successful Performance of the Functions of the National Convention against Disturbances and Oppositions**

## **State Law and Order Restoration Council Law No. 5/96 of June 7, 1996**

The Tatmadaw has protected the interests of the State and the people whenever disturbances which undermine national unity in the State and Sovereignty of the State occur. Likewise from the time it took over the responsibility of the State after making a timely prevention of the dangers which could cause the destruction of the State, the State Law and Order Restoration Council (Tatmadaw) has established stability of the State, community peace and tranquillity, prevalence of law and order and national reconsolidation. It has also laid down the foundations with a view to the development of a genuine multi-party democracy system and the peaceful and systematic transfer of the responsibility of the State.

The State Law and Order Restoration Council together with the people is striving its utmost to build a peaceful and modern developed State, after laying down the political objectives, economic objectives and social objectives.

At the same time, in order to draft a firm and enduring Constitution, the State Law and Order Restoration Council formed the National Convention Convening Commission and assigned responsibility to lay down the fundamental principles and the detailed principles to be based upon and is successfully convening the National Convention with an extensive participation of representatives from the entire State.

However, it is found that people who are against the development and progress of the State with reliance on external elements are conducting acts which undermine the stability of the State, community peace and tranquillity, prevalence of law and order and national reconsolidation.

Furthermore, it is also found that disturbance of the functions of the National Convention and acts such as incitement, delivering speeches, making oral and written statements and disseminating in various ways to belittle the National Convention and to make the people misunderstand are being conducted. Such acts amount to obstruction, disturbance and oppression to the development of a genuine multi-party democracy system and the peaceful and systematic transfer of the responsibility of the State.

Consequently, as it has become necessary to prevent the obstruction, disturbance and opposition to the peaceful and systematic transfer of responsibility of the State, successful performance of the functions of the National Convention, building of a peaceful and modern development State, the State Law and Order Restoration Council hereby enacts the following Law:--

## **Chapter I**

### **Title and Definition**

1. This Law shall be called The Law Protecting the Peaceful and Systematic Transfer of State Responsibility and the Successful Performance of the Functions of the National Convention against Disturbances and Oppositions.
2. The following expressions contained in this Law shall have the meanings given hereunder:--
  - (a) "National Convention" means the National Convention being convened by the National Convention Convening Commission formed by the State Law and Order Restoration Council under Order No. 13/92 Dated 2 October, 1992;
  - (b) "Functions of the National Convention" means the functions being carried out by the National Convention.
  - (c) "Organization" means an organization and its subordinate organizations formed with the participation of a large number of persons. This expression also includes a political party registered in accordance with the Political Parties Registration Law.

## **Chapter II**

### **Prohibitions**

3. No one and no organization shall violate either directly or indirectly any of the following prohibitions:--
  - (a) inciting, demonstrating, delivering speeches, making oral or written statements and disseminating in order to undermine the stability of the State, community peace and tranquillity and prevalence of law and order;
  - (b) inciting, delivering speeches, making oral or written statements and disseminating in order to undermine national reconsolidation;
  - (c) disturbing, destroying, obstructing, inciting, delivering speeches, making oral or written statements and disseminating in order to undermine, belittle and make people misunderstand the functions being carried out by the National Convention for the emergence of a firm and enduring Constitution;
  - (d) carrying out the functions of the National Convention or drafting and disseminating the Constitution of the State without lawful authorization;
  - (e) attempting or abetting the violation of any of the prohibitions.

## **Chapter III**

### **Penalties**

4. Whoever violates any prohibition contained in section 3 shall, on conviction be punished with imprisonment for a term of a minimum of (5) years to a maximum of (20) years and may also be liable to fine.
5. If any organization or any person on the arrangement or abetment of any organization violates any prohibition contained in section 3, such organization may be --

- (a) suspended for a period to be specified;
- (b) abolished; or
- (c) declared as an unlawful association under the Unlawful Associations'

Law.

6. All funds and property of an organization against which action is taken under section 5 may also be confiscated.

#### **Chapter IV**

#### **Miscellaneous**

7. In prosecuting under section 3 of this Law prior sanction of the Government shall be obtained.

8. Action taken under sections 5 and 6 of this Law shall be carried out by the Ministry of Home Affairs with the consent of the Government shall be obtained.

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9. Such orders and directives as may be required under this Law shall be issued by the Ministry of Home Affairs with the approval of the Government.

(Sd.) Than Shwe  
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Chairman The State Law and Order Restoration Council