

Political Parties Registration Law

SPDC Law No. 2/2010

8th March 2010

Preface

The State Peace and Development Council, in accordance with Union of Myanmar Constitution's Section 443, enacted the following law, in order to form political parties that are with the objectives of non-disintegration of the Union, non-disintegration of national solidarity, consolidation of national sovereignty, parties that realise and respect the gratitude of the State, parties that accept and practice genuine, discipline flourished multi-party democracy system.

Chapter (1)

Name and Definition

1. This law must be called '**Political Parties Registration Law.**'

2. The following words included in this law must be defined as follows:-

(a) **State** is defined as Union of Myanmar.

(b) **Division or State** is defined as the current divisions and states.

(c) **Commission** is defined as Union Election Commission.

(d) A **political party** is defined as one which is convinced of discipline flourished multi-party democracy system and implements its tasks on the basis of a political ideology and allowed to registered according to this law.

(e) A **party** is defined as a political party that carries out organising works across the country or in a specific state and division. The word includes sub-party groups at different levels.

(f) **Election** is defined as Pyithu Hluttaw (lower house) election, Amyotha Hluttaw (upper house) election and state and divisional elections.

(g) **General election** is defined as election hold by the Commission for a normal tenure of Hluttaw, (Parliament).

(h) An **interim election** is defined as; whether an election is postponed in one of the constituencies during a normal tenure of a parliament, or whether one of the parliamentarians resigned, died or terminated or ceased from duties, an election hold by the Commission to elect the vacant post.

(i) **Constituency** is defined as an area designated by the Commission according to the law, to elect a parliamentarian for Pyithu Hluttaw (lower house), Amyothar Hluttaw (upper house) and divisional and state Hluttaws (Legislatures).

(j) **Property owned by party** is defined as party fund and immovable or movable properties owned by the party.

(k) **Religious servant** is defined as follows.

(1) For Buddhist; include monks, novices, holy men, nuns

Explanation: Religious servant means religious monks or those who temporarily adopted as religious servants.

(2) For Christians; include those who consecrated themselves to serve in the Christian faith and recognised, ordained and assigned duties by Churches, and those who with ones' own will, determined to accept the governance of the head of a religious association

(3) For Hindus; Sanyaci, Mahunt or Hindu monks

(l) An imprisoned person means a person who is convicted by a court and serving prison sentence. Those on appeal are also included

Chapter-II Formation of Political Parties and Registration

- 3) a) At least 15 people who wish to establish a political party shall put up their application to the commission including their political party's name.
b) The commission shall allow them to form a political party if their registration is in line with the existing laws or the commission shall not allow them to run a political party if their registration is not in line with the existing laws.
c) If a political party gets permission to form from the commission, the party has to choose a leader and a deputy leader.
- 4) Persons who wish to set up a political party shall possess the following qualifications:-
- a) A citizen or a person who is eligible to be a citizen
 - b) Persons who have attained 25 years of age
 - c) Not members of a religious order
 - d) Not civil service personnel
 - e) Not persons serving prison term
 - f) Directly or indirectly contacting or abetting an insurgent group in armed rebellion against the Union or associations and persons determined by the Union to have committed terrorist acts or association declared to be unlawful associations
 - g) Not persons who have violated laws regarding narcotic drugs and psychotropic substances;
 - h) Not foreigners or persons who are citizens of foreign countries

- 5) The leader and deputy leader shall apply to register the party with the commission by paying the designated registration fee together with the following information:
- a) Name of the party, flag and seal
 - b) Party's manifesto
 - c) Party's rules, regulations and structure
 - d) Personal information about the persons who wish to set up a political party such as Name, Father's name, Occupation, Address and National Registration Number and etc in line with Section 4 (above)
 - e) Commitment in line with Section 6
 - f) Letter of Commitment saying the party will organise 1000 people as its members within 90 days from the date of getting an official registration from the commission, if the party is going to compete nationwide (or) a letter of commitment saying the party will organise 500 people as its members within 90 days from the date of getting an official registration, if the party is going to compete only in a Region or a State.
- 6) The following commitments shall be submitted under the section 5:-
- a) to uphold: non-disintegration of the Union, non-disintegration of national solidarity, and perpetuation of sovereignty.
 - b) preserve stability of the Union, community peace and tranquillity and prevalence of law and order.
 - c) avoid any act which is intended or is likely to promote feelings of hatred, enmity or discord between racial or religious communities or sects or any personal attack.
 - d) avoid the abuse of religion for political purposes.
 - e) directly or indirectly receiving and expending financial, material and other assistance from a foreign government, or a religious association, other association or person from a foreign country.
- 7) The following organisations would not be eligible for the registration of a political party:
- a) Organisations having been declared an unlawful association under the existing law;
 - b) Organisations which are directly or indirectly contacting or abetting the insurgent group launching armed rebellion against the Union or the associations and persons determined by the Union to have committed terrorist acts or the association declared to be an unlawful association.
 - c) Organisations which are directly or indirectly using government buildings and property.
 - d) Organisations which are directly or indirectly receiving and expending financial, material and other assistance from a foreign government, or a religious association, other association or person from a foreign country.
 - e) Organisations which are abusing a religion for political purposes.
- 8) a) According to Section-5,(a), flags and seals of political parties shall not be related to any religion seals or anything that shall be harmful to the non-disintegration of the Union, non-disintegration of the national solidarity and consolidation of national sovereignty

b) If a flag or a seal of a political party is similar to that of the another party, the commission shall intervene and issue an order and if a political party does not follow the order of the commission, the political party shall be rejected for registration.

9) The commission shall or shall not approve the registration of a political party after inspecting the proposed rules and regulations of the persons who wish to register a political party.

10) In the line of organising party members, persons shall possess the following qualifications:-

- a. A citizen or a person who is eligible to be a citizen
- b. Persons who have attained 18 years of age
- c. Not members of a religious order
- d. Not Civil Services personnel
- e. Not persons serving prison term
- f. Directly or indirectly contacting or abetting the insurgent group launching armed rebellion against the Union or the associations and persons determined by the Union to have committed terrorist acts or the association declared to be an unlawful association
- g. Not persons who violated laws regarding narcotic drugs and psychotropic substances;
- h. Not foreigners or persons who are citizens of foreign countries
- i. Persons who commit to follow Section-6

11) On the day a political party which gets official registration under section-9

a) Shall do political activities such as issuing membership cards to members, collecting membership fees, in accordance with the exiting laws. b) The political party shall compile a list of its members and submit to the commission in accordance with rules and regulations.

Chapter-III

De-registration of Political Parties

12) A) If a political party infringes one of the following stipulations, it shall have no right of continued existence:

1) Unable to run in at least 1 constituencies in each of the Lower House of Parliament, Upper House of Parliament, and a Region or State Parliament.

2) Having being declared an unlawful association under the law

3) If the party is directly or indirectly contacting or abetting an insurgent group launching armed rebellion against the Union, or associations and persons determined by the Union to have committed terrorist acts, or association declared to be an unlawful association.

4) Unable to abide by the laws described in Section 6.

5) If the party obtains and utilises, directly or indirectly, State-owned money, land, housing, building, vehicle, property.

Exceptions:

(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;

(ii) The expression 'State-owned land, housing, building, vehicles and property' does not include State-owned land, housing, building and apartments, other building and apartments, State-owned aircraft, trains, vessels and motor vehicles and property, so forth, which have been permitted by the Union to be used under an existing law or as required by duty, or leased from the Union on payment.

6) If the party does not expel party members who are not in conformity with laws described under section -10 of this law.

7) If the party does not manage to obtain the number of the party members described in Section 5 (f)

B) If the commission finds that a political party infringes on the stipulations contained in Section (A), the party's registration shall be revoked.

13) According to the Section 5 (f), political parties have to inform the commission of the number of their members within the designated days. If the numbers of their members is less than required, the commission shall revoke the party from the registration and the party.

Chapter-IV

Funds, Property, Maintenance, Utilising, Inspecting and Auditing

14. The following persons shall take duties to look after the maintenance of party's property and record keeping.

A) For the Headquarters, Chairman or Secretary of the Executive Committee

B) For Region and State, Chairman or Secretary of that Region or State, and For wards and village-tract groups, Party's Organiser in-Charge of that area

15. (A) Fund for the party shall be collected and kept as follows:-

1) Collecting different party membership fees in line with the Section-11

2) A citizen inside the country or organisations or companies which contribute in cash or in kind to the party's fund from their legal earnings.

3) Profits gained by the party's legal business.

(B) Tax will not be collected from earnings gained Para (A) subpara-1 and sub para-2.

16. A party within a period of Parliament term:-

(A) has the right to spend its budget in accordance with existing laws.

- (B) has the right to spend designated budget allowances for its members who are planning to run in the elections on behalf of the party.
17. A party will have to keep an annual record of annual income and expenditures in accordance with party's policy and principles.
 18. If an audit is required, commission as well as sub-commission shall conduct the audit. In this case, the commission or sub-commission shall ask for helps from other government organisations.
 19. (A) if a party de-registered or dissolved by itself, the property of the party will revert to a designated government organisation in accord with the law.
(B) According to Section (A) above, the designated government organisation will follow instructions made by the government.

Chapter-V **General**

20. Concerning the implementation of the provisions enacted in this law:-

- (a) The Commission's decision is final.
- (b) There is no right to sue at any court.

21. A person can join only one party at a time.

22. Party formation at different levels must be within the boundary of area's administrative body.

23. The Commission can supervise parties to abide by and acted according to the existing laws, regulations, directives, orders and instructions. Different level sub-commissions can be assigned to perform duties on behalf of the Commission.

24. (a) If a political party is found by the Commission that it is not complying with this law, the regulations, orders, directives and instructions enacted in this law, the Commission can instruct the party to take necessary steps within a given time frame set by the commission.

(b) If someone lodges complaint with the Commission concerning the internal affairs of a party, the Commission will investigate and, if necessary, for the benefit of the State, will instruct the party to take necessary steps within a time frame set by the Commission.

(c) If the party fails to comply exactly according to the provisions set in sub-section (a) and (b), the Commission can suspend the political party's registration up to three years.

(d) In case if a party is suspended in accordance with sub-section (c), the party must suspend all the works of the party, except for the tasks instructed by the Commission.

(e) If the suspended party failed to abide by the instructions until the end of the suspension period, the Commission can cancel the registration of the party and the party must be abolished.

25. If the political parties that are currently existing under the SLORC Law 4/88, and if they would like to continue their existence according to this law, the parties have to apply to the Commission within 60 days from the date which this law is enacted. If they receive permission from the Commission, they can continue (with their works) in accordance to this law. If they do not apply, they will be considered automatically void as a political party.

26. The Commission has the authority to enact and issue laws, regulations, orders, directives in implementing this law.

27. Political parties registration Law (SLORC Law No. 4/88) is abolished with this law.

Signed

Than Shwe

Senior General

Chairman

SPDC