

The Law relating to the Right of Peaceful Assembly and Peaceful Procession

(The Pyidaungsu Hluttaw Law No. 15 / 2011)

The 7th Waxing Day of Nadaw, 1373 M.E.

(2nd December, 2011)

Preamble

Since it is provided in sub-section (b) of section 354 of the Constitution of the Republic of the Union of Myanmar that every citizen shall be at liberty in the exercise of the right of peaceful assembly and peaceful procession without arms, if it is not contrary to the laws enacted for Union security, rule of law, community peace and tranquility or public morality, the Pyidaungsu Hluttaw hereby enacts this Law to enable using and carrying out such rights by citizens in accord with law.

Chapter I

Title and Definition

1. This Law shall be called the Law relating to the Right of Peaceful Assembly and Peaceful Procession .
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) Citizen means a person born of parents, both of whom are nationals of the Republic of the Union of Myanmar and who has already been a citizen under the law on the day the Constitution has been adopted and promulgated;
 - (b) Peaceful assembly means the peaceful existence or talk by more than one person without arms in accord with the stipulated terms and conditions in order to mention their opinion and desire in public place prescribed and permitted under this Law;

- (c) Peaceful procession means the peaceful and orderly procession by more than one person without arms in accord with the stipulated terms and conditions in order to mention their opinion and desire in public road prescribed and permitted under this Law;
- (d) Permit means permit issued under this Law to make peaceful assembly or peaceful procession;
- (e) Poster means a thing managed and made to be held in hand, to be posted in earth, to be affixed at any material or to be expressed by any means which mentioned their wish, opinion and desire that does not injure the reputation of any person in writing, or by sign-board, picture, photo, painting, cartoon or statue, or by telecasting or by any other means;
- (f) Sign board means a thing managed and made to be held in hand, to be posted in earth, to be hanged at any place or to be expressed by any means which mentioned their wish, opinion and desire that does not injure the reputation of any person in writing, including the written expressions of name, symbol of any party or association or organization;
- (g) Arms includes arms, instruments defined in the Arms Acts and the Explosive Substances Act and material which may cause any danger to any person;
- (h) Flag includes the Union flag, the flag of legitimate party and organization.

Chapter II

Objectives

3. The objectives of this Law are as follows:
 - (a) to preserve and safeguard the Union security, prevalence of law and order, community peace and tranquility and public morality by every citizen;

- (b) to entitle to use and carry out systematically the right of peaceful assembly and peaceful procession which is fundamental rights of the citizens contained in the Constitution of the Republic of the Union of Myanmar and to protect them according to law;
- (c) to prevent from causing disturbance, danger, damage, injury and obstruction to the public by the persons who use and carry out the rights of peaceful assembly and peaceful procession;

Chapter III

Applying for Permit

4. The citizens or organizations who are desirous to use and carry out the rights of peaceful assembly and peaceful procession to express their opinion, desire shall submit the application including the following facts to the relevant township police force commander to obtain the permit at least five days prior to the day of such activity:
- (a) objective, place, date and period desired to make peaceful assembly, subject matter desired to talk in peaceful assembly and slogans desired to chant;
 - (b) objective, route, date and period desired to make peaceful procession and slogans desired to chant;
 - (c) personal data of applicant, leading person and speaker for the right of the peaceful assembly and peaceful procession;
 - (d) plan and estimated population to make the peaceful assembly or peaceful procession;
 - (e) decision record or reference of an organization if it carries out as an organization relating to peaceful assembly or peaceful procession;
 - (f) admission for complying with and carrying out the terms and conditions contained in this Law and permit if permit is obtained.

Chapter IV

Issuing and Refusing of Permit

5. When the relevant Township Superintendent of Police Force receives application in accord with stipulations to obtain permit by a citizen or citizens or any organization, he may issue or refuse to issue the permit with the approval of the relevant administrator of the Department of Township General Administration. Provided that if it is not contrary to the laws enacted for Union security, rule of law, community peace and tranquility or public morality, it shall not refuse to issue permit.
6. The issuing permit or refusing to issue according to section 5 shall be reported soon to the relevant District Police Force Commander by the Township Superintendent of Police Force and to the relevant administrator of the Department of District General Administration by the administrator of the Department of Township General Administration.
7. The relevant Township Superintendent of Police Force shall:
- (a) reply to the relevant applicant at least 48 hours prior to the date and time to be permitted to make peaceful assembly or peaceful procession if the permit is issued;
 - (b) if it is refused to issue permit, reply to the relevant applicant at least 48 hours prior to the date and time contained in the application mentioning reason.
8. The permit shall express the following facts:
- (a) date, place and period of time which shall be made for the peaceful assembly;
 - (b) date on which the peaceful procession shall be made, the route which shall be taken and period of time for peaceful procession;
 - (c) number of population granted in the peaceful assembly and peaceful procession;
 - (d) name and address of person or persons who obtained the right to talk;

(e) terms and conditions stipulated according to the local requirement.

9. It may appeal as follows in respect of being refused to issue permit:

(a) it may appeal to the relevant Region or State Police Force Commander within seven days from the day of the receipt of the intimation letter refusing to issue permit;

(b) the relevant Region or State Police Force Commander shall decide with the approval of the relevant administrator of the Department of Region or State General Administration within 14 days from the day of the receipt of such application in respect of the appeal made under sub-section (a);

(c) the decision passed by the Region or State Police Force Commander under sub-section (b) shall be final and conclusive.

Chapter V

Determining Terms and Conditions

10. In respect of holding peaceful assembly, it shall be made only at the place stipulated in the permit.

11. In making peaceful procession, in order not to cause disturbance to the public, it is entitled to start assembling at the starting place of the route stipulated in the permit and carry out peaceful procession only through the stipulated route.

12. The persons who make peaceful assembly and peaceful procession shall comply with the following terms and conditions:

(a) it shall not carry out speech or conduct that may cause or likely to cause disturbance, obstruction, nuisance, danger or injury to the public;

(b) it shall not carry out conduct that may cause damage to state-owned property, public property and private property and conducts that may cause environmental pollution along the permitted assembled place or processional route;

(c) it shall not carry out obstruction which causes disturbance to the vehicles and pedestrians;

(d) no arms shall be handled in making peaceful assembly and peaceful procession;

(e) speeches and conducts which affect the State and Union, racial, religious or human dignity and morality shall not be made;

(f) it shall not deliver false information (rumours) or false data;

(g) in making peaceful assembly and peaceful procession, the flag, poster and signboard may be held and shown;

(h) in making peaceful procession, using loud speaker except loud hailer, chanting and shouting except the permitted slogans shall not be made;

(i) supervision and disciplinary control of the responsible persons shall be complied with;

(j) the notifications, orders and directives issued under requirement shall be complied with;

(k) if the permit is revoked, it shall disperse without continuing to carry out.

Chapter VI

Taking Action

13. The necessary protection and safeguarding measures not to do disturbance, destruction or obstruction to the persons who are carrying out the peaceful assembly and peaceful procession under permit in accord with law shall be carried out by any police-officer not below the rank of sub-inspector of police.

14. Any police-officer not below the rank of sub-inspector of police shall:

(a) warn the leading person if it is found that any term and condition contained in this Law or any term and condition contained in the permit is not abided

by at the place where the peaceful assembly and peaceful procession is made;

- (b) if it is not complied with the warning under sub-section (a), submit soonest to the Township Superintendent of Police Force.

15. If the Township Superintendent of Police Force obtains the submission under sub-section (b) of section 14, he shall submit immediately to the administrator of the Department of Township General Administrative, obtain permission and may revoke the permit for peaceful assembly or peaceful procession. Such revocation shall be informed in writing within 24 hours after declaring it orally by the responsible person.

16. If there are continued violations of terms and conditions after declaring the revocation of permit, the Township Superintendent of Police Force shall continue to take action in accord with the existing laws, rules, regulations or by-laws and procedures.

Chapter VII

Offences and Penalties

17. Any person who disturbs, destructs, obstructs, annoys, commits assault, commits force or causes danger to the persons who carry out peaceful assembly or peaceful procession shall, on conviction, be punished with imprisonment for a term not exceeding two years, or with fine not exceeding fifty thousand kyats, or with both.

18. Any person who carries out peaceful assembly or peaceful procession without permit shall, on conviction, be punished with imprisonment for a term not exceeding one year, or with fine not exceeding thirty thousand kyats, or with both.

19. Any person who violates any terms and conditions prescribed under sub-section (e) of section 8 or any terms and conditions contained in sections 10,11 and 12 shall, on conviction, be punished with imprisonment for a term not exceeding six months, or with fine not exceeding ten thousand kyats, or with both.

Chapter VIII

Miscellaneous

20. The offence taken action under this Law is determined as the cognizable offence.

21. If any person who carries out peaceful assembly or peaceful procession under permit, violates the Union security, prevalence of law and order, community peace and tranquility or commits contrary to the laws enacted for public morality or commits actions which may damage or injure to any person, it shall be taken action under the existing law relating to them.

22. Each citizen shall, in using and carrying out the rights of peaceful procession and peaceful expression for revealing his belief, opinions freely, shall comply with and carry out in accord with the provisions contained in this Law.

23. If the citizen or organization which obtained permit does not desire to make peaceful assembly and procession for various causes, shall submit again to the relevant Township Superintendent of Police Force within 24 hours.

24. In implementing the provisions contained in this Law, the Ministry of Home Affairs may: -

- (a) issue necessary rules, regulations or by-laws with the approval of the Union Government;
- (b) issue necessary notifications, orders, directives and procedures.

I hereby sign under the Constitution of the Republic of the Union of Myanmar.

(sd) Thein Sein

President

The Republic of the Union of Myanmar