

The Union of Myanmar

The State Peace and Development Council

The Union Civil Services Board Law

(The State Peace and Development Council Law No.24 / 2010)

The 5th Waning Day of Thadinkyut, 1372 M.E.

(28th 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 enable determination of the duties and powers of the Union Civil Services Board under the Constitution of the Republic of the Union of Myanmar.

Chapter I

Title, Enforcement and Definition

1. (a) This Law shall be called **the Union Civil Services Board Law**.
- (b) This Law shall come into force from the day on which the Constitution comes into force.
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) **Board** means the Union Civil Services Board formed under the Constitution and this Law;
 - (c) **Chairperson** means the Chairperson of the Union Civil Services Board;
 - (d) **Member** means the member of the Union Civil Services Board;
 - (e) **Services Personnel Organization** means the Civil Services Personnel Organization formed in accord with the provisions contained in the Constitution and the existing law;
 - (f) **Services personnel** means the civil services personnel who are appointed in the post contained in the set-up of any Services Personnel Organization.
3. This Law shall apply to all civil services personnel of each Services Personnel Organizations except the civil services personnel mentioned in sections 291 and 292 of the Constitution.

Chapter II

Formation of the Union Civil Services Board and Appointing and Assigning Duties

Formation of the Board

4. The President of the Union shall form the Union Civil Services Board with a minimum of five members to a maximum of seven members, including the Chairperson, to enable carrying out of duties for selecting, training of civil services personnel and prescribing of civil services regulations.

Appointing and Assigning Duties to the Chairperson and Members

5. The President of the Union shall appoint a Chairperson and members from among the persons who fulfil the following qualifications :
 - (a) person who has attained 50 years of age;
 - (b) person who fulfils the qualifications stipulated for the Pyithu Hluttaw representatives as mentioned in section 120 of the constitution, with the exception of the age limit;
 - (c) person who has not infringed the provisions mentioned in section 121 of the Constitution which disqualify a person from standing for election as Pyithu Hluttaw representatives;
 - (d) experienced intelligentsia and intellectuals;
 - (e) person who is loyal to the Union and its citizens;
 - (f) person who is not a member of a political party;

- (g) person who is not a Hluttaw representative.
- 6. (a) The Chairperson shall be responsible to the President of the Union.
- (b) The members shall be responsible to the Chairperson and to the President of the Union. through the Chairperson.
- 7. If the Chairperson and members:
 - (a) are civil services personnel, it shall be carried out according to the provisions of sub-section (c) of section 246 of the Constitution;
 - (b) are person who will contest in any forthcoming general election, in order not to lose the right to be elected conferred on a citizen under sub-section (a) of section 38 of the Constitution, are entitled to carry out the party organizational activities and territorial organizational activities relating to election in conformity with the provisions contained in sections 120 and 121 of the Constitution, commencing from the day of the announcement to hold the election by the Union Election Commission.

Chapter III

Duties and Powers of the Board

- 8. The duties of the Board are as follows:
 - (a) selecting the civil services personnel contained in section 3 systematically;

- (b) training and nurturing the services personnel effectively;
- (c) supporting the Union Government for determining the ethics, regulations, procedures, standards relating to the services personnel and enabling to lay down the policy guidelines ;
- (d) conducting research relating to the affairs of services personnel;
- (e) communicating with the United Nations Agencies, Regional Organizations and International Organizations, with the approval of the Union Government, in respect of the matters of services personnel;
- (f) scrutinizing the matters of services personnel which are enquired by the Services Personnel Organizations and replying in accord with the existing regulations and procedures;
- (g) maintaining the records systematically in respect of matters of taking action against the services personnel;
- (h) scrutinizing and coordinating in respect of matters of selecting, nurturing and maintenance of the disciplines of the Union Services Personnel Organizations and Services Personnel Organizations of the Region or State;
- (i) coordinating and carrying out to form the Civil Services Personnel Organizations for enabling to carry out works administered by the Region or State Government and in the appointment of necessary civil services personnel, in accord with the Union law

relating to services personnel or by coordinating with the Union Government in advance;

- (j) reporting the performance of the Board annually to the President of the Union and submitting interim report if necessary;
- (k) performing duties assigned by the Union Government, from time to time.

9. The powers of the Board relating to the selection for the appointment and promotion of the services personnel are as follows:

- (a) determining, with the approval of the Union Government, which rank of services personnel only shall have to be selected by the Board;
- (b) determining to select the services personnel of the remaining ranks by the relevant Services Personnel Organizations in accord with the directives of the Board, other than the stipulated rank of office to be selected only by the Board;
- (c) delegating the Union Services Personnel Organizations to select the services personnel for the prescribed rank under sub-section (b) by forming a body by the head of the relevant Services Personnel Organization;
- (d) causing the head of the Services Personnel Organization of the Region or State to carry out according to the directive of the Board in the matters where it is desired to appoint the services

personnel contained in sub-section (i) of section 8, subject to the provisions contained in sub-section (h) of section 8;

- (e) recommending to the office of the Union Government if it is necessary to appoint any rank of services personnel in any Services Personnel Organization due to any unusual circumstance;
- (f) scrutinizing and carrying out the matters recommended by the relevant Services Personnel Organizations in respect of the promotion to the rank of gazetted officer according to the stipulations relating to promotion.

10. The powers of the Board relating to the effective training and nurturing of the services personnel are as follows:

- (a) establishing the universities and schools of services personnel to enable training and nurturing of the services personnel effectively;
- (b) holding the training, discussions and seminars;
- (c) preparing the policies relating to training, submitting them to the Union Government, obtaining its approval and carrying them out;
- (d) coordinating, in accord with the adopted training policies relating to the departmental proficiency training courses opened by the respective Services Personnel Organizations of the Union for their services personnel.

11. The Board may form subordinate bodies with members in carrying out the works of the Board.

12. The Board is entitled to request for assistance from the Services Personnel Organizations or experts if the technical assistance is required in carrying out the functions of the Board.

13. The Board is entitled to request for necessary facts relating to the services personnel from the relevant Services Personnel Organizations.

Chapter IV

Term of Office, Resignation from Office, Termination from Duty and Filling the Vacancy and Appointment of the Chairperson and Members

14. The term of office of the Chairperson and members is the same as that of the President of the Union.

15. (a) If the Chairperson desires to resign from office on his own volition for any cause before the expiry of the term of office, he may resign from office after submitting his desire to resign as such in writing to the President of the Union.

(b) If any member desires to resign from office as contained in subsection (a), he may resign from office after submitting his desire to resign in writing to the President of the Union through the Chairperson .

16. The President of the Union may direct the Chairperson or any member who cannot discharge his duties assigned efficiently or does not obey the ethics and disciplines contained in section 18 to resign from office. If he fails to comply with the directive of the President of the Union, he shall be terminated from duty.

17. If the office of the Chairperson or any member becomes vacant due to resignation, termination from duty, death or any other cause, the President of the Union may appoint and assign duties to a new Chairperson or member in accord with the provisions relating to the appointment of Chairperson or member contained in the Constitution. The term of office of the Chairperson or member so appointed and assigned duties shall be for the remaining term of office of the President of the Union.

Chapter V

Ethics and Disciplines of the Chairperson and Members

18. The Chairperson and members shall abide by the following ethics and disciplines:

(a) shall not owe allegiance to any State other than the Republic of the Union of Myanmar;

(b) shall abide by the provisions contained in the Constitution, this Law and existing laws;

(c) shall perform duty honestly without corruption;

(d) shall behave in accord with his duty and dignity.

Chapter VI

Meetings of the Board

19. The regular session of the Board, in general, shall be held at least twice per month. If it is necessary, special session may be called and convened.
20. The Chairperson of the Board shall act as the Chairman in the sessions.
21. (a) The Office of the Board shall record the meeting minutes of the session.
- (b) The meeting minutes of the session shall be submitted to the next session and obtained the approval.
- (c) The decision of the Board which have not been issued and meeting minutes of the session are confidential of the Union.

Chapter VII

Miscellaneous

22. The preparatory works carried out by the State Peace and Development Council, before this Law comes into force, for the implementation of this Law shall be deemed to have carried out according to the Constitution.
23. The Civil Services Selection and Training Board formed under the Civil Services Selection and Training Board Law (Pyithu Hluttaw Law No.4 /1977) shall continue to carry out its duties and powers until the day of the formation of the Union Civil Services Board under this Law.

24. The regulations, orders, directives and procedures issued by the Civil Services Selection and Training Board before this Law comes into force may be applied in so far as they are not contrary to the provisions of the Constitution and this Law.

25. The Board shall form the staff office of the Board to carry out the various office works of the Board with the approval of the Union Government.

26. 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.

27. In implementing the provisions contained in this Law, the Board may:

(a) issue necessary rules with the approval of the Union Government;

(b) issue necessary regulations, notifications, orders, directives and procedures.

28. The Civil Services Selection and Training Board Law (Pyithu Hluttaw Law No.4/1977) is hereby repealed.

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Senior General

Chairman

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- (a) becoming a lay person;
- (b) death;
- (c) determined as unsound mind in accord with the provisions of the relevant law;
- (d) not accepting decision on moral purity from the relevant Vinisaya Group or Vinaya experts in sects of sangha order due to the impeachment of offence of Parajika Vinaya Rule.
- (e) convicted of any offence;
- (f) departing illegally from the Union of Myanmar.

Chapter IX

Miscellaneous

30. The funds and properties, works carried out and pending works, rights and liabilities of the Tipitakadhara Selection Board formed under the Tipitakadhara Selection Board Act, 1960 which was repealed by section 35, shall devolve on the Selection Board.

31. The outstanding monks of Sasana who passed in the Tipitakadhara selection examination held by the Association to Support Buddha Sasana or the Ministry of Religious Affairs on behalf of State Sasana Association before this Law comes into force shall have the right to continue to enjoy the deserved rights under this Law consecutively.

32. The matters administered by the Ovacariya Group or the Selection Board shall not be invalidated due to the vacancy of any relevant member.

33. The rules contained in the first Schedule, the provisions and regulations contained in the second schedule and third schedule of Tipitakadhara Selection Act, 1960 which was repealed by section 35 may continue to be applicable in so far as they are not inconsistent with this Law.

34. In implementing the provisions of this Law:

- (a) the Ministry of Religious Affairs may, with the approval of the Government, issue such rules as may be necessary;
- (b) the Ministry of Religious Affairs may issue such procedures, notifications, orders and directives as may be necessary and the Selection Board may issue such orders and directives as may be necessary.

35. The Tipitakadhara Selection Board Act, 1960 is hereby repealed.

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