

Government of the Republic of the Union of Myanmar

Ministry of Home Affairs

Regulations relating to the Right to Peaceful Assembly and Peaceful Procession

Unofficial translation

Order No. 364/2012

Nay Pyi Daw, 2nd Waning of First Waso 1374.

(5 July 2012)

By exercising the power accorded by Article 24, Section (A) of the Right to Peaceful Assembly and Peaceful Procession Act, the Ministry of Home Affairs hereby issues these by-laws approved by the Union Government.

Chapter 1

Title and Definition

1. These By-Laws shall be cited as the Regulations relating to the Right to Peaceful Assembly and Peaceful Procession
2. The Terms mentioned in these By-Laws must follow the same definitions as in the Right to Peaceful Assembly and Peaceful Procession Act and the terms mentioned below must be defined as follows:
 - (a) The term Act refers to the Right to Peaceful Assembly and Peaceful Procession Act.
 - (b) The term Governor refers to the Head of the General Administration Department.
 - (c) The term Form refers to the designated form in accordance with these by-laws.

Chapter 2

Application for Permission

3. A person who wants to exercise either the right to peaceful assembly or the right to procession or the right to peaceful assembly and peaceful procession must apply for permission at least 5 days in advance; by submitting the designated form 1, 2 or 3 to the concerned Commander of the Township Police Force.
4. If the person who wants to exercise either the right to peaceful assembly or the right to procession or the right to peaceful assembly and peaceful procession, intends to carry out the activity in more than one township area, the permissions must be obtained from all concerned townships in accordance with Article 3 of these by-laws.
5. The particulars of the applicant, the leader and the speaker are to be filled in the designated form 4 which must be attached when the application for permission is made in accordance with Article 3 or 4.
6. The application is to be received by the Commander of Township Police Force. In the absence of the Commander, the duty officer shall receive the application and must rapidly inform the Commander.
7. If the application is not complete with the necessary information, it shall be returned promptly to the applicant with a full explanation provided by the Commander or the assigned officer.
8. If the incomplete application is returned in accordance with Article 7 of these by-laws, the applicant can reapply by submitting the completed form. This reapplication must still be made at least five days in advance of the day of the activity.

9. The Commander of the Township Police Force must present the application to the Governor of the Township by providing personal remarks and opinions. In the absence of the Governor of the Township, one of the officials shall receive the application. The Governor of the Township or the assigned official must speedily decide whether or not the application is granted.
10. If the Governor of the Township decides to deny the application, the reasons for refusal must be sent to the Commander of the Township Police Force.

Chapter 3

Issuing of permission, rejection of permission and the application for appeal

11. If the Governor grants the application, the Commander of the Township Police Force must notify the applicant by issuing the designated forms, either Form 5 for Peaceful Assembly, Form 6 for Peaceful Procession or Form 7 for Peaceful Assembly and Peaceful Procession.
12. If there are any restrictions due to the necessity of the local area in accordance with the article 8, section (e) of the Act, these restrictions must be mentioned in the notice of grant which is to be issued in accordance with the article 11.
13. In order to establish the restrictions in the grant due to the necessity of the local area in accordance with the article 8 section (e) of the Act, the Commander of Township Police Force must prepare to draw up the restrictions in advance by seeking the opinions from the Governor of Township and present the suggested restrictions to the Divisional or State-level Police Commander through the District-level Police Commander.
14. When the Divisional or State-level Police Commander receives the suggested restrictions in accordance with the article 13 of the by-laws, the approval must be obtained from Divisional or State-level Governor and the Commander of Township Police Force concerned must be informed.
15. If the application for, either peaceful assembly or peaceful procession or peaceful assembly and procession is denied, the refusal notice must use the designated form number 8 and the concrete reason of refusal must be stated.
16. The application should not be denied unless the security of the State, rule of law, public tranquillity and the existing laws protecting the public are to be breached.
17. The applicant who is not granted permission is given the right to appeal and the appeal must be submitted to the Divisional or State-level Police Commander concerned within 7 days of receiving the refusal notice.
18. When the Divisional or State-level Police Commander receives the appeal application form, the decision whether the refusal notice issued by the Commander of Township Police Force is granted or dismissed is to be determined after obtaining the approval from the Divisional or State-level Governor.
19. If the appeal is granted, the applicant must be notified by the designated form 9 and if the appeal is dismissed, the applicant must be notified by the designated form 10.
20. When the designated form 9 is issued, the applicant shall inform the Commander of the Township Police Force which day the activity, either peaceful assembly or peaceful procession or peaceful assembly and procession is scheduled for.
21. The notice of permission must mention the complete address if the permitted place is inside a building and the notice must mention the detailed description of the area if the permitted place is outside.
22. The precise route for peaceful procession must be described in permission notice in which the conditions to be followed also must be mentioned so as not to obstruct the traffic and the private and business properties located along the route.
23. If the permission is granted for peaceful assembly and peaceful procession, the notice must mention permitted place and route in accordance with Article 20 and 21.

Chapter 4

General

24. During the peaceful assembly and peaceful procession, the attendees are to be given the protection by the officer with a rank of no less than police lieutenant and the sufficient number of police must be used depending on the number of the attendees at the assembly and procession.

25. The leader must be carrying the permission notice during, either, the peaceful assembly or peaceful procession or the peaceful assembly and peaceful procession and the notice must be presented and checked at the request of authorized personnel.

26. The Commander of the Township Police Force shall announce verbally the revocation of the permission to the leader of the activity if the warning given in accordance with Article 14 section (a) of the Act is failed to follow during, either, the peaceful assembly or peaceful procession or the peaceful assembly and peaceful procession and the written notice must include the information mentioned below.

(a) The disciplinary conditions which were failed to follow.

(b) The revocation announcement due to the failure to follow the warning.

(c) The revocation date and time.

27. The main applicant or organisation must take the responsibilities of all attendees during, either, the peaceful assembly or peaceful procession or the peaceful assembly and peaceful procession is carrying out in accordance with the permission granted.

Signed by

Lieutenant General Ko Ko

Union Minister

Ministry of Home Affairs