

# LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

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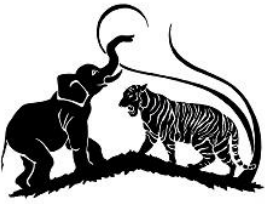
**Union of Myanmar**  
**State Peace and Development Council**  
**National Service Law**  
**(State Peace and Development Council Law No. 27/2010)**  
**1372, 12<sup>th</sup> Waning Day of Thadingyut**  
**(4 November 2010)**

Every citizen shall adhere to the 3 objectives which are non-disintegration of the Union, non-disintegration of National solidarity, and perpetuation of sovereignty, and in order to enable implementation of these objectives, the State Peace and Development Council has enacted the following law for military education and for military service for national defence.

## Chapter 1

### Name, commencement and definitions

1. (a) This law shall be known as the National Service Law.  
(b) This law shall enter into force on the date specified by the Chairman of the State Peace and Development Council by notification.
2. The following expressions contained in this law shall have the following meanings:
  - (a) **“National serviceperson”** means a citizen serving in the military according to this law.
  - (b) **“Person of military service age”** means, if male, every citizen who has reached 18 years of age and has not yet reached 35 years of age, and if female, every citizen who has reached 18 years of age and has not yet reached 27 years of age, and if a male expert, every citizen who has reached 18 years of age and has not yet reached 45 years of age, and if a female expert, every citizen who has reached 18 years of age and has not yet reached 35 years of age.
  - (c) **“Defence Services technician”** means a technician among the personnel serving in the Defence Services whose expertise is included in the grouping table as specified by order of the Defence Department Council.
  - (d) **“Expert”** means a medical doctor, engineer, person with a technical education, or professional with any other skill.
  - (e) **“Family member”** means parents, husband or wife, children, brothers and sisters.



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- (f) **“Clerics”** means the following:
- (1) For Buddhism, monks, novices and nuns who have dedicated their lives permanently to Buddhism and hold a religious affiliation certificate;
  - (2) for Christianity, a person who is recognised and revered by the relevant Christian churches as a person who has dedicated himself mainly to religious service;
  - (3) for Hinduism, a sanyasi, mahant, or Hindu priest.
- (g) **“Students”** means persons studying in universities, colleges and academies opened and recognised by the Government.

### Chapter 2 National service period

3. The national service period is specified as follows:
- (a) Any citizen of military service age may be drafted for military service for a period not exceeding 24 months.
  - (b) Among the citizens of military service age, those who are drafted to serve as Defence Services technicians may be drafted for military service for a period not exceeding 36 months.
  - (c) Experts of military service age may be drafted for military service for a period not exceeding 36 months.
4. If there is a state of emergency in the Union, the Government may increase the national service period to 5 years.
5. A period of punishment imposed according to the 1959 Defence Services Act by any means apart from court-martial and the trial and punishment period of a military court or local court shall not be counted when calculating the national service period.

### Chapter 3

#### Establishment and duties of the Bodies for Drafting National Servicepersons at different levels

6. The Government or an organisation authorised by it shall establish the Central Body for Drafting National Servicepersons.
7. The Central Body for Drafting National Servicepersons:



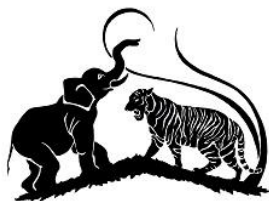
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- (a) May establish as necessary Region and State Bodies for Drafting National Servicepersons.
  - (b) Shall carry out the medical examination of the persons drafted for national service through the Defence Services Medical Examination Boards.
8. The Ward or Village Tract Peace and Development Council shall compile and send as prescribed a list of citizens of military service age living in its ward or village tract as of 31 December to the Township Body for Drafting National Servicepersons by 1 January of each year.
9. The Township Body for Drafting National Servicepersons:
  - (a) Shall draft and register all citizens of military service age. A registration certificate shall be issued for such registration.
  - (b) May summon a person of military service age in possession of a registration certificate for medical examination.
10.
  - (a) A person drafted for national service by the Township Body for Drafting National Servicepersons shall report to the military unit or the department mentioned in the draft order without fail within the specified period.
  - (b) A draft order sent to a person of military service age for any matter related to this law shall be served on the person concerned. If this person is not found, it shall be handed over to a cohabiting family member before a witness. The draft order shall be treated as if it had been handed directly to the person drafted for military service.
11. Any citizen shall comply with the 1959 Defence Services Act from the date on which he is admitted as a national serviceperson.
12. The Township Body for Drafting National Servicepersons:
  - (a) Shall, when drafting any person of military service age for military service, examine the following particulars if the person who is drafted submits a written application stating reasons for exempting him from military service or for reducing its period or deferring it to a specified period of time:
    - (1) Whether the personal information is correct;
    - (2) whether the reasons are justified;
    - (3) whether documents, evidence and endorsements are fully enclosed.



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- (b) Shall request what is deficient from the applicant if the personal information is not complete, or if documents, evidence and endorsements are required and not enclosed.
  - (c) Shall, after completing the matters to be carried out according to sub-sections (a) and (b), proceed to submit to the District Body for Drafting National Servicepersons the drafted person's application together with the Defence Services Medical Examination Board's findings from the medical examination of the applicant and its own findings and comments.
  - (d) Shall compile a list of the persons in the township who meet the specified criteria for military service and submit it to the higher departments.
- 13. The District Body for Drafting National Servicepersons shall comment on the applications submitted by the Township Body for Drafting National Servicepersons and proceed to submit them to the Region or State Body for Drafting National Servicepersons.
- 14. The Region or State Body for Drafting National Servicepersons shall comment on the applications submitted by the District Body for Drafting National Servicepersons and proceed to submit them to the Central Body for Drafting National Servicepersons.
- 15. (a) When reviewing the applications of the persons drafted that were submitted by the Region or State Body for Drafting National Servicepersons, the Central Body for Drafting National Servicepersons may temporarily defer the national service of persons to whom the following particulars apply:
  - (1) Persons who received an endorsement from the relevant Defence Services Medical Examination Board that their health is at the moment not of sufficient standard for military service;
  - (2) civil servants;
  - (3) students;
  - (4) persons who take care of their parents who have no one else to take care of them;
  - (5) persons receiving treatment to quit drugs;
  - (6) persons serving prison terms.
- (b) The persons in sub-section (a) shall serve the period for which a temporary deferment was granted to them so that they fulfill the national service period, even if they are beyond military service age.



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## Chapter 4

### Benefits for a National Serviceperson

16. Any national serviceperson shall, while performing military service, be entitled to the benefits in the form of salary and allowances as specified in the Defence Services according to rank.
17. If any national serviceperson, while performing military service, dies or is injured while on duty, he shall be entitled to the benefits as specified in the Defence Services.
18. (a) The period during which a civil servant serves as a national serviceperson is defined as duty time.  
(b) Any employee who completed the national service period in sections 3 and 4 shall be [re-] employed by the employer in the original or similar employment.
19. If any person having completed the national service period as specified in section 3 wishes to voluntarily join and serve in the Defence Services, military service may be allowed according to the specified regulations and terms.
20. Persons with a Ph. D. or a professional degree and persons meeting the qualifications specified from time to time may be appointed as emergency gazetted officers.

## Chapter 5

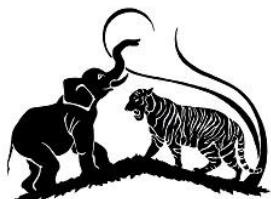
### Military mobilisation

21. (a) If a state of emergency arises for the national defence and security in parts or all of the Union, the Union Government may issue a military mobilisation order for the appropriate region to all or some persons of military service age, and to all or some persons having completed national service.  
(b) When an order is issued under sub-section (a), the persons drafted shall report to the relevant Bodies for Drafting within the specified period. They shall go to the troops or departments to which the Bodies for Drafting sent them and engage in military service.  
(c) The Central Body for Drafting National Servicepersons may direct any drafted citizen to continue working in his current occupation as per business needs.

## Chapter 6

### Exemption from national service

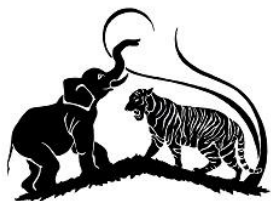
22. The following persons shall be exempted from national service:  
(a) Clerics;



- (b) married women (including divorced women with children);
- (c) persons with a permanent disability in any limb;
- (d) persons determined by an Defence Services Medical Examination Board to be permanently unfit for national service;
- (e) persons exempted according to an order issued by the Central Body for Drafting National Servicepersons.

### Chapter 7 Offences and punishments

23. Any person convicted of having committed any of the following acts or omissions without justification shall be sentenced to imprisonment not exceeding 3 years, or a fine, or both:
- (a) Failure to report when drafted for registration by the Township Body for Drafting National Servicepersons according to section 9 (a);
  - (b) failure to report when summoned for medical examination by the Township Body for Drafting National Servicepersons according to section 9 (b);
  - (c) failure to report when drafted for national service by the Township Body for Drafting National Servicepersons according to section 10, despite having passed the medical examination;
  - (d) failure to report to the troops or department designated for this person at the time of the issuance of the mobilisation order according to section 21 (b);
  - (e) making false statements in relation to any matters to be disclosed according to this law;
  - (f) failing to [re-] employ one's employee who completed his national service period according to section 18 (b).
24. Any person convicted of having committed any of the following offences with the intention of evading national service shall be sentenced to imprisonment not exceeding 5 years, or a fine, or both:
- (a) Pretending to be ill with the intention of lowering one's health status;
  - (b) pretending to be disabled;
  - (c) making oneself ill or disabled;



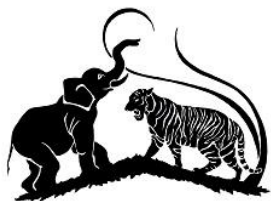
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- (d) deliberately delaying or worsening one's disease or disability instead of treating it;
  - (e) self-inflicting an injury;
  - (f) acting in other ways.
25. If any civil servant or member of an organisation who is obliged to act under this law is convicted of having dishonestly performed his duty or having failed to perform his duty, he shall be sentenced to imprisonment not exceeding 3 years, or a fine, or both.
26. Any person convicted of having aided and abetted an offence under this law shall be sentenced to imprisonment not exceeding 1 year, or a fine, or both.
27. If an offence is committed according to section 23, the burden of proving that there is justification for the failure shall be on the accused.
28. No citizen convicted of an offence according to sections 23 and 24 shall be exempted from national service according to this law.

### **Chapter 8 Miscellaneous**

29. The Union Government may as necessary form and assign tasks to bodies and committees to methodically and efficiently carry out the provisions of this law.
30. An offence under section 26 is considered a cognisable offence.
31. No organisation or member of an organisation shall be criminally or civilly liable for acts performed in good faith in accordance with the legal regulations and terms.
32. When implementing the provisions of this law, the Ministry of Defence may issue rules, procedures, notifications, orders and directives as necessary.
33. The 1959 National Service Act is repealed by this law.

Than Shwe  
Senior General  
State Peace and Development Council



## LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

### About Lincoln Legal Services (Myanmar) Limited

Lincoln Legal Services (Myanmar) Limited provides the full range of legal and tax advisory and compliance work required by investors. We pride ourselves in offering result-oriented work, high dependability and a fast response time at very competitive prices. Please do not hesitate to contact us:

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