



LINCOLN LEGAL SERVICES (MYANMAR) LIMITED



NATIONAL SERVICE LAW, RESERVE FORCES LAW
22.3.2024

THE NATIONAL SERVICE LAW: OVERVIEW



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History

- 1959 National Service Act, never activated
- Replaced by 2010 National Service Law, activated on 10.2.2024
- Central Body for Drafting National Servicepersons established on 13.2.2024
- Region/State and Nay Pyi Taw Council Bodies for drafting National Servicepersons established on 14.2.2024



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History

- Drive to brief township, ward and village administrations started on or around 16.2.2024 ([example](#))
- District and Township Bodies for Drafting National Service Persons established on [22.2.2024](#)
- Various working groups established on [24. and 25.2.2024](#)
- As of [5.3.2024](#), the relevant working group has drafted Standard Operating Procedures (SOP) and the third draft of National Service Rules (neither are in the public domain)



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History

- National Service Rules reportedly in the final review stage, and matters that may be carried out in advance were notified to the Region and State Bodies for Drafting National Servicepersons ([source](#))
- Official registration of potential recruits started in “almost all Regions and States” on or before [16.3.2024](#)



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Scope and timeline

- “Start roughly after Thingyan” ([Source](#))
- “More than 6.3 million men and 7.7 million women of military age, only 1 in 200 to serve” ([Source](#))
- “More than 60,000 villages and wards; not more than one or two persons per village and ward expected to serve” ([Source](#))
- “Batches of 5,000 per month to be summoned for national service” ([Source](#))



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Scope and timeline

- “50,000 to serve per year” ([Source](#))
- “Currently no plan to draft women” ([Source](#))
- “No restrictions on renewal of passports and departures abroad” ([Source](#))
- However, recommendation letter from ward office or police now required for domestic travel by bus ([source](#))



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THE NATIONAL SERVICE LAW IN DETAIL



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Targeted age groups

- **Men:** 18-35 years
- **Women:** 18-27 years
- **Male experts:** 18-45 years
- **Female experts:** 18-35 years

(“**Expert**” = medical doctor, engineer, person with a technical education, or professional with any other skill)

(Only citizens are targeted according to section 2 (a))



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Length of service

- **Ordinary recruits:** Up to 2 years
- **Experts and “Defence Services technicians”:** Up to 3 years
- **“If there is a state of emergency in the Union”:** Up to 5 years

(“**Defence Services technician**” = technician among the personnel serving in the Armed Forces whose expertise is included in the grouping table as specified by order of the Defence Department Council)



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List compilation

- **Section 8:** Ward and Village Tract “Peace and Development Councils” (now: “Administrators”) to compile and send lists of residents of military age to the relevant Township Body for Drafting National Servicepersons “by 1st January every year”
- List compilation has started, but not clear yet how complete and comprehensive the lists are
- Data may be from household lists, guest lists, census data kept by the Department of Immigration and Population, and door-to-door collection



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Drafting process

Drafting process consists of three distinct steps:

- (i) Summoning for registration**
- (ii) Summoning for medical examination**
- (iii) Summoning for national service**



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Registration

- Township Body for Drafting National Servicepersons to summon “**all citizens** of military service age” (section 9 (a)) **for registration**
- Registration seems to have officially started in “almost all Regions and States” on or before 16.3.2024 by Ward and Village Tract Administrators delivering summonses and sending out registration forms to those who are covered by the law
- Still unclear whether this registration drive really covers “all citizens” or only some per ward or village tract



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Registration

- Registered citizens should get a registration certificate (section 9 (a))
- Registered citizens are apparently told to notify ward and village tract authorities if they want to travel, to avoid “delays in the medical examination” ([source](#))



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Registration: Important for workers/students

The following was apparently conveyed to industrial zone executives and CMP entrepreneurs in a meeting with officials on 15.3.2024 ([source](#)):

- Workers and students are not drafted with priority
- Workers travelling during Thingyan should take employee cards, social security cards and NRCs with them, plus ward recommendation letter to prove their address in Yangon and a letter from the company ([sample](#))



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Medical examination

- Township Body may summon registered persons **for medical examination** by Defence Services Medical Examination Board (section 9 (b))
- Apparently, Township Bodies are to send registration files through District and Regional/State Bodies to the Central Body which will select candidates and send the files of those picked step-by-step back to the Township Bodies. Township Bodies are then to summon those selected for medical examination ([source](#)).



Summoning for national service

- Township Body may summon **“for national service”** (section 10 (a)) citizens who (i) are registered and (ii) have undergone medical examination
- In analogy to the apparent process for selecting candidates for medical examination, we assume that the Township Bodies will send the files of those who passed medical examination step-by-step to the Central Body which will make a selection and step-by-step send back the relevant files.



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Summoning for national service

- The plan seems to be to select for national service those who ticked “want to be drafted with priority” in the registration form and fill remaining vacancies by drawing lots
- **“For national service”**: “Trainees shall serve in the geographical area of their choice after the completion of their training period” (SAC spokesperson Maj.-Gen. Zaw Min Tun in an interview with Channel News Independent [14.2.2024](#))



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Exemptions

- **Buddhist, Christian and Hindu clerics (Muslims not mentioned)**
- **Married women (including divorced women with children)**
- **Persons with permanent disability in any limb**
- **Persons determined by the Defence Services Medical Examination Board to be permanently unfit**
- **Persons exempted by an order of the Central Body for Drafting National Servicepersons**



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Deferments

- **Persons determined by the Defence Services Medical Examination Board to be temporarily unfit**
- **Civil servants**
- **Students**
- **Persons taking care of otherwise helpless parents**
- **Persons under drug rehabilitation**
- **Persons serving prison terms**



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Deferments

- “Those who are studying or working abroad” (SAC spokesperson Maj.-Gen. Zaw Min Tun in an interview with Channel News Independent on [14.2.2024](#))



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Procedure for being exempted or deferred

- **Section 12 (a) National Service Law:** Point of time to apply for exemption or deferment apparently when Township Body summons a person for military service (i.e., only after (i) registration and (ii) medical examination)
- Application to be filed with Township Body with evidence
- Application to be reviewed by Township Body, District Body, Region/State Body, and Central Body
- Central Body to decide



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No loss of employment

- Employers obliged to re-employ employees after they completed their national service in the same or similar position
- Establishment of a “Body for the Re-Employment of National Servicepersons” on [25.2.2024](#)
- National servicepersons are paid by the Union; employers not obliged to pay salary during national service. However, employers are obliged to pay “60 days of wages as a special right” (section 3 (c) [Payment of Wages Law](#)).



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Mobilisation

- If there is a “state of emergency for the national defence and security in all or parts of the Union,” the Union Government may issue a mobilisation order for the appropriate region to all or some persons of military age and all or some persons having completed national service
- **“Enemy”** according to the definition in section 3 (n) [Defence Services Act 1959](#): Includes armed mutineers, armed rebels, armed rioters, pirates and any person in arms against whom it is the duty of a person subject to military law to act



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Offences

Various offences with punishments from up to 1 to up to 5 years imprisonment



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RESERVE FORCES LAW



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Reserve Forces Law

- **State Peace and Development Council Law No. 28/2010 dated 4.11.2010**
- **Activated by the SAC on 13.2.2024**
- **Makes it compulsory for veterans who left the Defence Services to rejoin them if they are called to do so within 5 years after their resignation or retirement**



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