

Anti-Corruption Law

(2013 Pyidaungsu Hluttaw, Law No. 23)

The First Waxing Day of Wagaung 1375 M.E.

(7 August 2013)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

Title, Enforcement, Jurisdiction and Definitions

1. (a) This Law shall be called the **Anti-Corruption Law**.
(b) This Law shall come into force commencing from the day on which the President of the Union issued the notification.
2. This Law shall have jurisdiction on any person who commits any offence cognizable under this Law within the territory of the Union of Myanmar or on board a vessel or an aircraft registered under existing law of Myanmar, or any Myanmar citizen or any person residing permanently in the Union of Myanmar who commits the said offence outside the Union of Myanmar.
3. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **Corruption** refers to any of the following acts:
 - (i) giving and attempting to give to, or taking or attempting to take any gratification directly or indirectly from a person concerned by abuse of position or otherwise in order to do something illegal, avoid doing something legal, or to give or deprive any person of any rights to which they are entitled;
 - (ii) causing loss of or damage to State-owned finance or property by violating any existing rules, regulations or procedures while managing State-owned finance in government departments,

government organizations, public organizations or other organizations, or claiming, acquiring, administration or liquidation of their assets, or entering into or executing any agreement relating to them.

- (b) **Gratification** means receiving or giving of any money, property, gift, service fee, treatment and other illegal benefits without consideration or giving due value with the purpose of corruption;
- (c) **Credible Information on Corruption** refers to any information spreading among the public where the Commission has reasonable belief that there is substantial evidence relevant to suspicious conduct of a person with respect to corruption as applicable in this Law;
- (d) **Enrichment by Corruption** means enrichment by accumulating, in money and assets or reducing in liabilities to pay or acquiring money and assets unjustly in exercising official powers and duties by corruption;
- (e) **Public Organization** means any authorized organization of the legislature, executive, judiciary at the Union or Region or State level, or any Public Organization formed under any existing law, or any public company incorporated under the Myanmar Companies Act;
- (f) **Public Servant** means any permanent or temporary employee who is holding a legislative, executive or judiciary position, whether appointed or selected, whether or not receive a salary, allowance and honorarium, or a person working in a public work, including public department, organization and enterprise, or a person designated as a public servant under any existing law;
- (g) **Foreign Public Servant** means an official who is holding a

legislative, executive or judiciary position appointed or selected by any foreign country, or a person who is working with a board, commission, corporation or other organization or authority, formed for exercising a function of a foreign country, and a person who is authorized to perform for and on behalf of a public international organization;

- (h) **Political Postholder** means deputy ministers or the equivalent rank and above who currently hold the political posts;
- (i) **High-ranking Official** means a Director General and Managing Director or a person holding a similar rank who serves as the head of staff of a government department, government organization; or a member of board of directors, board, committee or a person who holds a similar rank in a State owned or State and private joint venture company, board, corporation or any other organization. In this expression, a person temporarily serving in such posts is also included;
- (j) **Competent Authority** means a Public Servant, Foreign Public Servant, Political postholder, High-ranking Official or person with management authority or representative of any public organization who is authorized by virtue of a designation or by administration or by management;
- (k) **Bank and Financial Institutions** mean an organization established in the State, under the Myanmar Financial Institutions Law or any other existing law with the purpose of performing as intermediary by mobilizing financial resources from other persons to invest in credit businesses, instruments on loans and public debts or other permitted financial activities by the organization;
- (l) **Banking Documents** include ledger, daily operating bank book,

- cash book, account book, and other books and documents, computerized statistical records used in banking works;
- (m) **Currency** means legal silver coin, coins and notes, negotiable instruments such as promissory notes, bills of exchange, cheques, debentures, treasury bonds, security bonds and foreign currencies, and any instrument or certificates relating to foreign currencies;
 - (n) **Property** means any movable property or immovable property, whether corporeal or incorporeal and tangible or intangible in any form. It includes interests, rights and titles related to the property;
 - (o) **Representative** means a person who works for or acts for another;
 - (p) **Aggrieved Person** means a person who is affected by corruption committed by any person;
 - (q) **Commission** means the Anti-Corruption Commission formed under this Law;
 - (r) **Commission Office** means the office, which is designated and formed by the Union Government under this Law for anti-corruption;
 - (s) **Preliminary Enquiry Team** means the team formed by the Commission to take any action in respect of accumulated money and property due to enrichment by corruption or to submit for confiscating them as the State property after preliminary enquiry;
 - (t) **Investigation Team** means the relevant Investigation Team formed by the Commission under this Law;
 - (u) **Inspector General** means the Director General of the Commission Office;
 - (v) **Inspector** means the members of the inspection team formed and assigned by the Commission to perform their duty in accordance with the stipulations.

Chapter II

Objectives

4. The objectives of this Law are as follows:
 - (a) To carry out anti-corruption as a national responsibility;
 - (b) To be of benefit as a Clean Government and Good Governance;
 - (c) To enhance the integrity and accountability in the Public Governance;
 - (d) To protect the State-owned properties, humanity and rights and interest of the citizens by corruption;
 - (e) To take effective action against persons who commit the corruption;
 - (f) To be more transparency in Rule of Law and Governance sector and to develop the economy by domestic and foreign investment.

Chapter III

Formation of the Commission and Duties and Powers thereof

Formation of the Commission

5. The President, the Speaker of the Pyithu Hluttaw and the Speaker of the Amyotha Hluttaw shall select not exceeding five members each who possesses the prescribed qualifications.
6. The Speaker of the Pyithu Hluttaw and the Speaker of the Amyotha Hluttaw shall submit the name-list of the selected nominees to the President in accordance with the provisions of section 5.
7. (a) The President shall, with the consent of the Pyidaungsu Hluttaw, from the Commission after submitting the member's name list who are selected under the provisions of section 5, and the names of two nominees to be selected as chairman and secretary from those selected persons. The Pyidaungsu Hluttaw shall not deny appointing

- as a Commission member who is nominated by the President unless having a sound proof of disqualification of that nominee;
- (b) The Commission shall be responsible to the President.
- 8.
- (a) Normally, the Commission and its term shall be the same as that of the President's.
 - (b) The Commission shall continue to carry out its duties up to the time another Commission has been formed, appointed and assigned.
 - (c) Each of the Commission members shall not be served for more than two terms.
9. Each Commission member shall have the following qualifications:
- (a) Myanmar citizen;
 - (b) A person who has attained the age of 45 years and not older than 75 years;
 - (c) any person to be selected by the President, the Speaker of the Pyithu Hluttaw or the Speaker of the Amyotha Hluttaw must be considered as qualified and a person of integrity.
10. The person to whom any of the following applies shall not be selected as a Commission member:
- (a) A person who is performing the duties relating to legislation, executive and judiciary;
 - (b) A person who is regarded as an insane person under any existing law;
 - (c) A religious person;
 - (d) A person who is serving prison terms under any decision of the court;
 - (e) A person who is determined, by the Union Election Commission, as not eligible to vote and not to be elected;
 - (f) A person who is declared insolvent;
 - (g) A person who has been taken action with corruption or removed or

dismissed from any post.

11. A person who is assigned as a member of the Commission shall not:
 - (a) be serving in any position which is receiving any government salary, allowance and any kind of honorarium;
 - (b) be official or staff in any government department, government organization, government enterprise, board, corporation, regional administrative body;
 - (c) be working for profit or share income in any partnership business, company or business organization or shall not be a staff of any person.
12. Any Commission member shall be terminated from the Commission member upon the occurrence of any of the following events:
 - (a) Death;
 - (b) Expiry of the term of the Commission;
 - (c) Resignation on his own accord;
 - (d) The occurrence of any event under sections 10 and 11;
 - (e) Being found, according to the examination of medical board formed by law, to be not appropriate to continue to discharge his duty due to physical or mental permanent disability;
 - (f) Imprisonment under order of any court.
13. The Commission members shall submit the compiled list comprising the value of monies, properties, liabilities and assets owned by the family led by them to the President.
14. The President may determine or alter the members of the Preliminary Enquiry Team, the emolument, allowance and enjoyment of the members of the Investigation Team.

Termination of Duty

15. The President may terminate the performance of the duties of a Commission member, if he finds that he has not performed such duties in compliance with the law, or such person has breached the Constitution of the Republic of the Union of Myanmar or any existing law, or such person has been involved in any situation which affects the good standing of the Commission, with the consent of person who has selected such Commission member.

Duties and Powers of the Commission

16. The functions and duties of the Commission are as follows:
- (a) forming and assigning the Preliminary Enquiry Team and the Investigation Team, as required, guiding and supervising the said teams;
 - (b) For implementing the provisions of this Law, forming or reforming the working committees and the working teams as necessary; specifying their functions and duties; delegating the Commission's duties to the said committee and any other team if necessary; and giving guidance and supervising those committees and teams;
 - (c) Advising the President on the appointment of the Inspector General;
 - (d) conducting preliminary inquiries into the complaint or information relating to investigation of corruption cases, if necessary, and directing the investigation team and preliminary enquiry team to investigate and report.
 - (e) Submitting the investigation and findings report regarding corruption to the President, the Speaker of the Pyidaungsu Hluttaw, the Speaker of the Pyithu Hluttaw, and the Speaker of the Amyotha Hluttaw;

- (f) Specifying the type and designation, and level of duties undertaken by an authorized person who has to compile the list of monies, properties, liabilities and assets;
- (g) Investigating or cause to investigate whether or not the details of monies, properties, liabilities and assets submitted by the competent authority is true;
- (h) submitting the annual report to the President, the Speaker of the Pyidaungsu Hluttaw, the Speaker of the Pyithu Hluttaw, and the Speaker of the Amyotha Hluttaw in accordance with the stipulations, and publicizing it.
- (i) advising public organizations about anti-corruption.
- (j) coordinating with relevant departments and organizations about corruption-related awareness lessons to be taught in primary education;
- (k) Laying down and perform appropriate arrangements for public participation in prevention of corruption, enhancing integrity of competent authorities and combatting corruption;
- (l) Assigning officials and staff of the relevant government departments, organizations, government economic organizations and regional administration departments and organizations to perform duties in combatting corruption, delegated by the Commission with the permission of those concerned, as is necessary;
- (m) accepting or rejecting complaint letters after scrutiny, taking action after investigation, taking action against any person making a false complaint, in accordance with law, and transferring the complaint to the relevant department if the complaint action should be taken under the Civil Service Personnel Law.
- (n) Regarding corruption, assigning duties to the Investigation Team and

the Inspector to enter into a building or place and to conduct inspection, searching and seizing in accordance with the stipulations;

- (o) Cooperating with international organizations, regional organizations and foreign countries for the purpose of anti-corruption;
- (p) inspecting, if necessary, damage and loss of State-owned finance, properties and assets due to violation of any existing law.
- (q) Issuing an order to develop and apply the work-related code of conduct to any private entities for the prevention of corruption.
- (r) Performing other duties assigned by the President, the Speaker of the Pyidaungsu Hluttaw, the Speaker of the Pyithu Hluttaw and the Speaker of the Amyotha Hluttaw.

17. The powers of the Commission are as follows:

- (a) Directing to seize any money and property relating to enrichment by corruption or corruption as exhibit, issuing release order to return the seizures on bail, and revoking the release order;
- (b) Issuing order to the responsible personnel of the banks and the financial institutions to allow the Investigation Team to search, seize monies and property relating to the matter being investigated, to allow the financial records to be inspected, copied and seized if necessary;
- (c) Issuing the prohibition order and directing for sealing to the personnel of the relevant departments, organizations and persons not to convert, transfer, conceal, obliterate or transform the seized monies and properties during the investigation period under this Law;
- (d) Repealing the order issued in accordance with sub-section (b), and the prohibition order and directing for sealing under sub-section (c);

- (e) Obtaining necessary assistances from relevant government departments, organizations, non-governmental organizations and suitable personnel in implementing this Law;
- (f) Providing allowance and travelling allowance for the witnesses who appear as a witness due to the summon issued by the Preliminary Enquiry Team, the working committee, the working team and the Investigation Team formed under this Law;
- (g) Cause the Investigation Team or the Inspector:
 1. To charge against any competent authority who commits any offence under this Law at the High Court of the relevant Region or State;
 2. To prosecute against any other person other than a competent authority in the court of relevant jurisdiction if he commits any offence under this Law.
- (h) Issuing an order for confiscation of monies and properties, owned by the competent authority, as State property after it is found, upon re-scrutinizing the report submitted by the Preliminary Enquiry Team that such competent authority has been enriched by corruption;
- (i) considering credible information on corruption as a complaint.
- (j) coordinating with relevant government departments and organizations regarding protection of informers, witnesses, aggrieved persons or complainants in the case of revealing and taking action due to the valid information in respect of corruption or enrichment by corruption, and coordinating for presentation of specified prize money.

Prosecution

18. The Commission, upon receiving the investigation report or other substantive information:
- (a) shall direct the Investigation Team Leader or the Inspector General to prosecute at the High Court of the Region or State if it is found that any competent authority commits the corruption offence;
 - (b) shall direct the Investigation Team Leader or the Inspector General to prosecute in the court of relevant jurisdiction, if it is found that any person, other than the competent authority commits the corruption offence.

Chapter IV

Formation, Functions and Duties of Preliminary Enquiry Team in connection with money and property gained through Enrichment by Corruption

19. On findings of investigation of the Investigation Team or other information, if there is a firm evidence to confirm the monies and properties received are gained through enrichment by corruption, the Commission shall form a Preliminary Enquiry Team for each matter comprising suitable personnel for the purpose of scrutinizing and submitting a report regarding confiscation.
20. The Preliminary Enquiry Team:
- (a) shall, under the assignment of the Commission, notify and allow the investigated person the right of defence whether by himself or through his representative;
 - (b) may summon necessary persons relating to the money and property, and take necessary statement and evidence;

- (c) shall submit an investigation report to the Commission together with its findings, comments and opinions after analysing the report of the Investigation Team or the information obtained by and defence submitted to the Commission;
- (d) shall keep confidential of the scrutiny and each matter of investigation.

Chapter V

Formation of Investigation Team, and Functions and Duties thereof

- 21. In respect to the following matters, the Commission may investigate or make to investigate to be able to take legal action:
 - (a) The assignment by the President to investigate and submit;
 - (b) assigning the Speaker of the relevant Hluttaw to investigate any submission of a Hluttaw representative to take action against any Political Postholder under sub-section (b) of section 43.
 - (c) Taking legal action against any person who commits corruption, any aggrieved person:
 - (i) to the Commission;
 - (ii) to the working committee, working team, Preliminary Enquiry Team and to any Investigation Team formed under this Law;
 - (iii) to the relevant government department or any government organization and being transferred to the Commission.
 - (d) credible information on corruption.
- 22. The Commission shall not investigate where:
 - (a) the matter of complaint has been the matter already investigated by the Commission;
 - (b) no crucial evidence in the complaint or no substantial evidence in

preliminary inquiry.

(c) no new material evidence cited in further complaint.

23. The Commission may specify the duties of the Investigation Team after forming such team, which comprises suitable citizens led by one of the Commission members.
24. The following persons shall not be comprised in the Investigation Team:
 - (a) A person who has interest in the accusing complaint matter;
 - (b) A person who is prejudiced against the accused;
 - (c) A person who is related to the accuser or the accused;
 - (d) A person who has business relation with the accusing complainant or the accused who is being complained.
25. When performing the investigation process, the Investigation Team shall inform the accused being complained to explain regarding the complaint and submit the evidence or witness within a time frame.
26. In the process of investigation being carried out by the Investigation Team, the accused may defend regarding the accusation, whether by himself or through his representative.
27.
 - (a) The Investigation Team shall submit its findings promptly to the Chairperson of the Commission after investigation.
 - (b) The Chairperson of the Commission shall, within 30 days after receiving the report submitted under sub-section (a), hold a Commission meeting to discuss and decide on the said report.
28. The Commission,
 - (a) according to the investigation report–
 - (i) may reject the accusing complaint if it is considered that there is no sound evidence occurred to the accusation;
 - (ii) may assign the Investigation Team or the Inspector to prosecute against the accused in the relevant court after issuing an order in advance to take proceedings if it

considers that the accused has committed an offence under this Law.

(iii) shall inform to submit immediately to the President, the Speaker of the Pyithu Hluttaw and the Speaker of the Amyotha Hluttaw the decision regarding issuance of the sanction in advance to prosecute in accordance with sub-section 2.

(b) shall form and assign duty to Preliminary Enquiry Team and cause to submit its findings report in accordance with the provisions of Chapter IV of this Law if it is found that any person is enriched by corruption after scrutinizing the investigation report;

(c) shall assign duty to the said Investigation Team or to another Investigation Team, where it considers that the further evidence should be investigated and attained.

29. If the accused is a competent authority and in the case which has been occurred the cause of taking action or has been decided to be scrutinized by the Preliminary Enquiry Team, the Commission shall not allow the accused to perform his functions and duties commencing from the day of such decision has been made.

30. The Commission shall,

(a) in the case of a decision of a course of action against a competent authority, submit its report to the President of the Union under sub-section (a) of section 21 and to the Speaker of the relevant Hluttaw under sub-section (b) of section 21 and to the Union Government Office. The decision shall be given to the complainant.

(b) notify the relevant head of the department if it is assumed, upon the investigation, that the accused should be taken action only under the civil service regulations.

31. Even though the accused has already been released from his position during investigation of a complaint conducted by the Commission, the investigation may be completed in order to continue the legal proceedings or to take action in accordance with the civil service regulations or to confiscate the relevant monies and properties by the State.
32. Notwithstanding anything contained in any existing legal provision, if the Commission considers that it is necessary to investigate any offence under this Law, it may empower to the Investigation Team or any Inspector to inspect the relevant bank accounts:
 - (a) Inspecting and copying Banking Documents, bank account records or any bank documents which are in the possession of or under the control of any bank and financial institution;
 - (b) Investigating and copying the lists of shares, purchases, expenditure or any drawing accounts opened in bank by any person;
 - (c) Investigating any items kept in any safe deposit box at any bank and financial institution;
 - (d) Examining and investigating documents, accounts and other information or data related to any item set forth under sub-section (a), (b) and (c).
33. The Investigation Team or Inspector who is conferred power under section 32 may seize books, documents, accounts and monies which is investigating under the following situations:
 - (a) where it is unable to inspect, copy or summarize unless seizing them;
 - (b) where evidence found may be concealed, if not seized;
 - (c) where it is necessary to submit as evidence in proceedings under this Law or any other existing law.
34. (a) If information is received and believed that any moveable property

is in the possession or under the control of any bank and financial institution, including any financial instrument which is to be submitted as evidence in relation to any complaint being investigated, the Commission may, notwithstanding the provisions of any existing law, issue an order not to sell or be disposed and transferred by any means of the said property or any part of such property until the Commission's said order is repealed or revised;

- (b) No action, civil or criminal, shall be taken against any bank and financial institution or their representative or staff who is carrying out the order of the Commission under sub-section (a).

- 35. If the Commission believes that any money and property involved in any offence under this Law, is kept or deposited at a foreign bank or any person, it may take such measures for non-transferable by any means of that property.

Chapter VI

Formation of the Commission Office

- 36. (a) The President may form the Commission Office as necessary;
(b) The Commission may form branch offices of the Commission with the approval of the Union Government.
- 37. The President shall appoint the Inspector General in accord with the civil service regulations upon the advice of the Commission.

Duties and Powers of the Inspector General

- 38. The Inspector General shall be responsible to the Commission and shall perform his functions and duties according to the guideline of the Commission.
- 39. The Inspector General shall direct, control, supervise the Commission Office according to the guideline of the Commission.

40. The Inspector General shall submit report to the Commission in accordance with the stipulations relating to the performance of his functions and duties.

Duties, Powers and Exemptions of the Inspector

41. The Inspector shall perform the following functions and duties according to the assignment given by the Commission —
- (a) Receiving and investigating information and complaints;
 - (b) Investigating in respect of any commitment, an attempt to commit or an abetment of any such offence under this Law;
 - (c) Examining the nature, systems and procedures of the government departments, government organizations and public organizations within which corruption arises, and submit recommendation to the Commission for necessary modification;
 - (d) Advising and assisting, upon their request, to the government departments, government organizations and public organizations which are carrying out anti-corruption measures;
 - (e) Advising, in accord with the guideline of the Commission, the heads of the government departments, government organizations and public organizations for combatting corruption effectively;
 - (f) Submitting its findings of the investigation to the Investigation Team;
 - (g) Educating the public for anti-corruption;
 - (h) Performing other functions and duties assigned by the Commission.
42. The members of the Commission, Preliminary Enquiry Team, Investigation Team, and the Inspectors shall, in exercising of their functions and duties under this Law, have the powers and exemptions of a police officer contained in any existing law.

Chapter VII
Giving Information relating to Corruption,
Carrying out by the President,
the Speaker of the Pyithu Hluttaw,
the Speaker of the Amyotha Hluttaw
and the Hluttaw Representatives

43. (a) The President or the Speaker of the Pyithu Hluttaw or the Speaker of the Amyotha Hluttaw may assign the Commission to investigate and submit relating to corruption;
- (b) A representative of the Pyithu Hluttaw or the Amyotha Hluttaw has the right to submit a proposal in connection with corruption, enrichment by corruption or abuse of power by any Political Postholder to the Speaker of the relevant Hluttaw in accordance with law.
- (c) The relevant Speaker of Hluttaw shall:
- (i) assign the Commission to investigate and submit as is necessary upon receiving the proposal under sub-section (b);
 - (ii) notify the relevant authority to take action against any person in accordance with law if it is found that he has committed corruption, has been enriched by corruption or has abused power.

Informing and Complaint

44. Any person may, in accordance with the stipulations, submit information and complaints in respect of corruption or enrichment by corruption to the Commission or Commission Office or working committee, working team, Preliminary Enquiry Team or any Investigation Team formed under this Law or to any relevant government department and organization.

45. The Commission Office, the working committee, the working team, the Preliminary Enquiry Team and the Investigation Team, or any relevant government department or organization that receives the information or complaint under section 44, shall promptly submit such information to the Commission in accordance with the stipulations for necessary guidance in order to proceed effectively.
46. Action shall be taken under this Law against any person who is found to have purposely submitted information or a complaint under section 44 with the intention of impairing and defaming the person, without a credible reason.

Chapter VIII

Declaration relating to Monies, Properties, Liabilities and Assets owned by a Competent Authority

47. The Commission shall issue a notification after requesting the name-list of competent authorities who are responsible to submit a letter of declaration in connection with the ownership of monies, properties, liabilities and assets from the relevant departments and organizations and scrutinizing it.
48. The competent authorities who are responsible to submit the letter of declaration under section 47, shall submit declaration of the list of monies, properties, liabilities and assets related to the business which are owned by their families led by them to the Commission annually in accordance with the stipulations.
49. When the competent authorities submit their declaration letter, it shall be attached with —
- (a) the copies of supporting documents stating how they came to own their monies and properties;

- (b) the copies of supporting documents, if the properties are transferred and sold, and if income tax on the sale proceeds have been paid;
 - (c) the list of monies and properties, liabilities and assets received both onshore and offshore together with evidence of title to the monies and properties according to sub-sections (a) and (b).
50. Upon the decease of the competent authority who is responsible to submit the letter of declaration in connection with the ownership of monies, properties, liabilities and assets, his successor, legal representative or trustee shall submit the letter of declaration on the list of monies and properties owned by the said deceased to the Commission in accordance with the stipulation.

Chapter IX
Confiscation of monies and properties
obtained through Enrichment by Corruption as
Public Property

51. The Commission shall, under the investigation report of the Investigation Team, assign the Preliminary Enquiry Team to scrutinize and submit in connection with monies and properties owned by any competent authority who is enriched by corruption.
52. The Preliminary Enquiry Team shall, as assigned by the Commission, submit to the Commission its findings report with its remarks as to whether or not the said monies and properties should be confiscated after obtaining relevant evidence in accordance with this Law.
53. The Commission, after scrutinizing that findings report on those monies and properties submitted by the Preliminary Enquiry Team shall:
- (a) order to confiscate the said monies and properties as Public

- Property, if the evidence obviously shows that the monies and properties have indeed been obtained through corruption;
- (b) return the said monies and properties to the competent authority, if it can be proved by the competent authority that such monies and properties have been obtained by lawful means.
- 53-A. (a) Regarding an order made under sub-section (a) of section 53, the person who has been ordered has the right to appeal to the Union Government in accordance with the stipulations within 90 days, commencing from the date of issuing the order;
- (b) The Union Government may approve, revise or cancel any order passed by the Commission, and may, if necessary, order to re-investigate and issue an appropriate order;
 - (c) The decision of the Union Government shall be final.
54. If it is clearly found, based on the evidence, that the seized monies and properties have been acquired and transferred legally in good faith by other person who is not the one being investigated, the Commission shall return such seized monies and properties to such other person.

Chapter X

Offences and Penalties

55. any current or former political postholder who commits corruption shall, on conviction, be punished with imprisonment for a term not exceeding 15 years and may also be liable to a fine.
56. If people who are not political postholders commit corruption, they shall be punished with imprisonment for a term not exceeding 10 years and may also be liable to a fine.
57. Any person other than the Political Postholder and the Competent Authority, who commits corruption shall, on conviction, be punished

with imprisonment for a term not exceeding seven years and may also be liable to a fine.

58. Whoever is found guilty of concealing, obliterating, converting or transferring the monies and properties relating to any offence under this Law, so as to avoid action being taken against them, shall, on conviction, be punished with imprisonment for a term of not exceeding five years and may also be liable to a fine.
59. Whoever is found guilty of submitting false information or complaints making allegation of corruption with the purpose of damaging or defaming someone without sound reason shall be punished, with imprisonment for a term not exceeding 3 years and may also be liable to a fine.
60. Whoever is found guilty of an offence of failure to comply with any order issued by the Commission or any organization empowered by the Commission, shall, on conviction, be punished with imprisonment for a term of not exceeding six months or may be liable to a fine or to both.
61. Any Competent Authority is found guilty of an offence of willful default to submit the supporting documents of monies, properties, liabilities and assets within the time frame of the Commission under this Law or submitting false documents or concealing data shall, on conviction, be punished with imprisonment for a term of not exceeding five years and may also be liable to a fine.
62. Any responsible person of a bank and financial institution is found guilty of an offence under this Law shall, on conviction, be punished with imprisonment for a term of not exceeding five years and may also be liable to a fine:

- (a) Refusing to allow the Investigation Team's performance of its official duties, as assigned by the Commission;
 - (b) Issuing, transferring, without permission of the Commission, the monies and properties kept in any Bank and financial institution that are the subject of a prohibition order made by the Commission;
 - (c) Obliterating, converting, amending, or transferring without the permission of the Commission, documents relating to the monies and properties which are the subject of the investigation.
63. Whoever is found to have instigated, attempted, and conspired or managed, or abetted to commit any offence under this Law shall be punished with the punishment provided for that offence.

Chapter XI

Miscellaneous

64. The person under investigation shall have the burden of proof how he has legally obtained the monies and properties or from what income they have been obtained with sound evidence.
65. In pursuing any legal proceedings against any offence committed under this Law, the assigned Investigation Team or Inspector:
- (a) shall obtain a prior sanction issued by the Commission with the approval of the Union Government if it is to prosecute a Political Postholder;
 - (b) shall obtain the prior sanction according to the existing law if it is to prosecute a Hluttaw Representative;
 - (c) shall obtain the prior sanction issued by the Commission if it is to prosecute any other person other than a Political Postholder and Hluttaw representative.
66. If the exhibit relating to corruption cannot be easily produced before the

court, it is not necessary to do so and a report or relevant documents on how it is maintained may be submitted. The relevant court shall deem such submission as if the exhibit is produced before the court and issue the disposal order in accordance with the law.

67. No action shall be taken under civil or criminal proceeding or any other proceeding against the members of the Commission, the Preliminary Enquiry Team or the Investigation Team, the Inspector, the member of the working team and the staff of the Commission Office, or the Commission, the Preliminary Enquiry Team, the Investigation Team and any person who works for and on behalf of a member of the Commission Office in performing in good faith under the provisions of this Law.
68. Notwithstanding anything contained in any other existing law, actions for corruption or enrichment by corruption or monies and properties under investigation, shall only be taken under this Law.
69. The offences against which action may be taken under this Law shall be determined as cognizable offences.
70. (a) shall determine the chairperson of the commission as the Union Minister level, Secretary and members as Deputy Minister level.
- (b) shall be entitled the emolument, allowance and insignia commensurate with the standard determined in accord with sub-section (a).
- (c) members of the Working Committee, members of the Working Group, member of the Preliminary Enquiry Team, member of the Investigation Team, inspector and officer, staff of the Commission Office formed under this Law shall be deemed as public servant.
71. The Union Government shall allocate budget to cater for the expenditures of the Commission and the working committee, the

working team, the Preliminary Enquiry Team formed under this Law and the expenditures of the Commission Office.

72. For implementing the provisions of this Law, the Commission may issue:
- (a) rules, regulations and by-laws with the approval of the Union Government;
 - (b) the necessary notifications, orders, directives and procedures.
73. The Suppression of Corruption Act, 1948 (Act No. LXVII of 1948) is repealed by this Law.

I hereby signed in accordance with the Constitution of the Republic of the Union of Myanmar.

President
The Republic of the Union of Myanmar