

THE ANTI-CORRUPTION LAW

(THE PYIDAUNGSU HLUTTAW LAW NO.23/2013)

The 1st Waxing of Wagaung, 1375 M.E

(7th August, 2013)

The Pyidaungsu Hluttaw here by enacts this Law.

Chapter I

Title, Enforcement, Extent and Definitions

1. (a) This Law shall be called as the Anti-corruption Law.
(b) This Law shall come into force commencing from the date of the notification by the President.
2. This Law shall extend to any person within the country or for any offence actionable under this Law or to any Myanmar citizen abroad or permanent resident in Myanmar.
3. The following expressions contained in this Law shall have the meaning given hereunder:
 - (a) **Corruption** means the competent authority misused of his post to act something or to avoid from the Lawful act or to give the legal right to someone or to prohibit the legal right incorrectly or giving, accepting, obtaining, attempt to obtain, proposal, promise or by means of any discussion on bribe for him or any other person or organization directly or indirectly from the relevant person.
 - (b) **Gratification** includes the currencies, properties, presents, service fees, entertainments and other illegal benefits accepted or given without consideration or appropriate cost for the purpose of corruption.
 - (c) **Enrichment by corruption** means the enrichment due to the increasing of currencies and properties obtained from corruption or

reducing to pay liabilities or wrongful gain the currencies and properties from exercising the official powers and duties.

- (d) **Public Organization** means any organ of power of legislative, executive, judicial of the Union or Region or State Level of any organization formed with public under any existing Law or any public company formed under the Myanmar Company Act.
- (e) **Public Servant** means permanent or temporary servant served in any post of the legislative, executive and judicial whether he is appointed or elected and whether or he is not received, pay, allowance and recompense or person works in public business including public department, organization, function and public servant determined under any existing law.
- (f) **Foreign Public Servant** means the official of the legislative executive and judicial appointed or elected by any foreign country or a person works in the, Commission, Corporation or other organization which formed to carry out a function of foreign country and a person conferred power by Public International Organization to serve the function on behalf of it.
- (g) **Person who hold Political Post** means the declared person issued by notification from time to time as the person who hold political post by the Commission with the approval of the Pyidaungsu Hluttaw.
- (h) **Senior Official** means the Director General and Managing Director served as the Head of Services Personnel Organization of the Government Department, the Government Organization or the person who is in such similar rank or the member of the Director, the Body, the Committee of State-owned or Joint Venture of State and Private owned Company, Body, Corporation or other organization or the Person who is in such similar rank. In this expression, the temporary servant in such post shall also be included.

- (i) **The Competent Authority** means the Public Servant, the Foreign Public Servant, the Person who hold Political Post, the Senior Official or administrator or the representative of the any Public Organization.
- (j) **Bank and Financial Institution** means Institutions established within the Union under the Financial Institution of Myanmar Law or other existing Laws with the intention of intervening and cooperating in currencies or investment market with the collection of financial sources from other person to invest Money-lending Business, Loan and Public Debt Bonds, Securities or other granted financial performances.
- (k) **Documents Relating to Banking** includes the ledger used in Bank and Financial Institutions, Bank daily banking book, Receipt Book, Account Book and other Book used in the banking and documents, computer accounts records.
- (l) **Currency** means coin issued by the Central Bank of Myanmar, Notes and Currency Notes, Negotiable Instrument such as Promissory Notes, Bills of Exchange, Cheques, Loan Bonds, Treasury Bonds, Security Bonds, Foreign Currency and any Relevant Bonds or Certificates related to the Foreign Currency.
- (m) **Property** means moveable property or immovable property that has substance or no substance of any form or it is tangible or intangible. In such expression, interests, rights and titles in respect of property shall be included.
- (n) **Representative** means a person who works or carries out for other person.
- (o) **Aggrieved Person** means the Person aggrieved due to the commission of corruption by any person.
- (p) **Commission** means the Anti-corruption Commission formed under this Law.

- (q) **Commission Office** means the office established for anti-corruption by the Union Government under this Law.
- (r) **Preliminary Scrutiny Body** means the Body established by the Commission causing to submit after the preliminary inquiring only for confiscation the currencies and properties and taking action in respect of the increasing currencies and properties due to the Enrichment by corruption.
- (s) **Investigation Body** means the relevant corruption Inspection Body formed by the Commission under this Law.
- (t) **Inspector General** means the Director General of the Commission Office.
- (u) **Inspector** means the different levels of responsible public servant under the Inspector General of the Commission Office.
- (v) **Offence under this Law** means any conspiracy or attempt or abetment which commits any offence under this law.

Chapter II

Aims

- 4. The aims 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 property, humanity and rights and interest of the Citizen by the corruption.
 - (e) to take action effectively against persons who commit the corruption.
 - (f) to be more transparency in Rule of Law and Governance sector and to develop economy by domestic and foreign investment.

Chapter III

Formation of the commission, Duties and Powers

Formation of the Commission

5. The President of the Union, the Speaker of Pyithu Hluttaw and the Speaker of Amyotha Hluttaw shall each select five members who fulfilled the prescribed qualifications.
6. The Speaker of Pyithu Hluttaw and the Speaker of Amyotha Hluttaw shall send the list of his selected members in accord with the provision of section 5 to the President of the Union.
7. (a) The President of the Union shall, the total (15)members' name list who are selected in accord with the provision of section 5 and the (2)members' name who will be chosen and selected as the Chairman and secretary among that members submitted to the Pyidaungsu Hluttaw after getting approval, form the Commission. The person nominated by the President to be appointed as the Commission member shall not be refused by the Pyidaungsu Hluttaw unless it can clearly be proved that the person concerned is not qualified to be the Commission member.
(b) The Commission shall be responsible to the President of the Union.
8. (a) The Commission and the term of the Commission is normally the same as the term of the President of the Union.
(b) The Commission shall continue to perform his duties until the new Commission is formed and assigned duty.
(c) The Members of the Commission shall not serve more than two terms.
9. Each Commission Member shall have the following qualifications:
 - (a) The person who is Myanmar Citizen.
 - (b) The person who has attained the age of 45 years and not older than 70 years.

- (c) The person whom to be selected by the President, the Speaker of the Pyithu Hluttaw or the Speaker of the Amyotha Hluttaw is deemed to be integrity.

10. The person related with any following matter should not be selected and assigned duty as the member of the Commission:

- (a) a person who is serving in legislative, administrative, judicial duty.
- (b) a person who is of unsound mind as adjudged by any existing law.
- (c) a person who is member of a religious order.
- (d) a person who is serving his or her prison terms according to any court's verdict.
- (e) a person who is determined not eligible to vote and to stand for election by the Union Election Commission.
- (f) a person who is declared as an insolvent.
- (g) a person who is taken action against corruption or the person who is removed or dismissed from any post.

11. The person who is assigned duty as Commission Member shall:

- (a) not to be served in any post or duty obtained any salary, allowance and recompense of the Government.
- (b) not to be the official, servant of the Government Department, Government Organization, Business, Body, Corporation of the Government , Regional Executive Organization.
- (c) not to be worked in the organization of the Partnership, Company, or enterprise to get profit or share the income or shall not be a servant of anyone.

12. When any following matter is arisen, any Commission Member shall be removed.

- (a) death
- (b) the expiry of the term of the Commission
- (c) resignation of his volition.

- (d) occurrence any fact set forth in Section 10 and 11
- (e) finding that not appropriate to continue to serve his duty due to permanently disability of either physical or mental according to the examination of the medical body prescribed by law.
- (f) a person who is serving his or her prison terms according to any decision of the court's verdict.

13. The Commission Members, when they are assigned duty to the commission, shall make a list of currency, property, liability and assets with their values owned by family under their direction shall furnish to the President.

14. The President may determine or alter the recompense, allowance and enjoyment of members of the Preliminary Scrutiny Body and members of the Investigation Body.

Termination of the Duty

15. The President, if he finds out that any member of the Commission carries out duty against the law or breaks the Constitution of the Republic of the Union of Myanmar or any existing law or if there is any situation to tarnish it image of the Commission, may terminate from his duty with the approval of a person who select the member.

Duties and Powers of the Commission

16. Functions and Duties of the Commission are as follows:

- (a) Forming and assigning the Preliminary Scrutiny Body and the Investigation Body, if necessary, guiding and supervising such Bodies.
- (b) Forming and reforming the working Committees, working groups to implement the provisions under this law and determining their functions, devolving the duties of the Commission to such working committee, and any group if necessary, guiding and supervising such working committee and working groups.
- (c) advising to appoint Inspector General to the President.

- (d) causing to submit the report of findings after investigating in respect of corruption to be investigated and revealed by the Preliminary Scrutiny Body and the Investigation Body.
- (e) submitting the findings report in respect of corruption to the President, the Chairperson of Pyidaungsu Hluttaw, the Speaker of Pyithu Hluttaw and the Speaker of Amyotha Hluttaw.
- (f) determining the level of class and rank, duty of the Competent Authority to be complied and submitted the list of currencies, properties, liability and assets.
- (g) investigating of causing to investigate whether they are true or not the currencies, properties, liability and assets submitted by the Competent Authority.
- (h) submitting the annual report to the President, the Chairperson of Pyidaungsu Hluttaw, the Speaker of Pyithu Hluttaw, and the Speaker of Amyotha Hluttaw in accord with the stipulations.
- (i) advising in drawing up the workplans, schemes by the Government Department , the Government Organization and the Government Enterprise Organization for anti-corruption.
- (j) laying down the appropriate plans for being participate the public in which the prevention on corruption, the elevation of the honesty spirit of the Competent Authorities exceedingly.
- (k) causing to perform and assign duty with the permission of the relevant, if necessary, and duties to the relevant Government Department, the Government Organizations, the Government enterprise Organization and Regional Executive Department, Organizations in respect of the anti –corruption.

- (l) scrutinizing and accepting the complaints , rejecting the complaints found that they are false complaints, taking action against the false complainant under the law.
- (m) assigning duty to the Investigation Body and Inspectors to carry out in accord with the stipulations related to entering, inspecting into any place of building and searching , seizing as exhibit in respect of corruption
- (n) co-operation with international organizations, regional organizations, and foreign countries in anti-corruption area.
- (o) carrying out other duties assigned by the President, the Chairperson of Pyidaungsu Hluttaw, the Speaker of Pyithu Hluttaw, or the Speaker of Amyotha Hluttaw.

17. Powers of the Commission are as follows:

- (a) directing to seize currency and any property derived from the Enrichment by corruption, or the corruption as exhibit, passing the permission order to return the seized exhibit with bond, rewithdrawing the permission.
- (b) the Investigation Body has the right of searching and seizing the relevant currency and property related to the matter of investigation of the relevants Bank and financial Institution as the exhibit, the right of inspecting the financial records and copying thereof, issuing order to the responsible person from the Bank and Financial Institutions permits to search and seize as exhibit, if necessary.
- (c) issuing the prohibited order and directing to seal to the relevant department , organization and persons not to alter or transfer or conceal or disguise or conversion and persons not to alter or transfer

or conceal of disguise or conversion and transform the currencies and property to be used as exhibit during investigation period under this law.

- (d) withdrawing the issued order under sub-section (b) and issued the prohibited order and directives to seal under sub-section (c).
- (e) taking and carrying out the necessary aids from the relevant Government Department, the Governmental Organizations, the Non-governmental organizations in implementing this law.
- (f) issuing witness allowance and travelling allowance in accord with the existing law for the arrival witnesses of summoned by the Preliminary Scrutiny Body, Working committee, Working group Investigation Body established under this law.
- (g) The Investigation Body or the Inspector
 - (i) if the Competent Authority commits any offence under this law, shall prosecute him at the relevant High Court of the Region or State.
 - (ii) if any person except the Competent Authority commits any offence under this law, shall prosecute at the relevant Court.
- (h) When it is found that the currency and property of any competent authority are the Enrichment by Corruption after rescrutinizing the submission of the Preliminary Scrutiny Body, passing the order on his currency and properties seizure as confiscation.
- (i) giving necessary protection and rewarding stipulated bonus to the informer in the matter of revealing and taking action for informing with credible evidence in respect of corruption or enrichment by corruption.

Prosecution

18. According with the report of investigation or other credible information facts, the Commission shall:-

- (a) instruct the head of Investigation Body or Inspector General to sue any Competent Authority who commits Corruption, to the High Court of the Region or the High Court of the State,
- (b) instruct the head of Investigation Body or Inspector General to sue any other person except the Competent Authority, who commits Corruption to the relevant Court.

Chapter IV

Formation of the Preliminary Scrutiny Body and its functions and Duties in respect of currencies and properties enriched by Corruption

19. The Commission shall form the Preliminary Scrutiny Body with appropriate person on case by case for the purpose of scrutinizing and submitting in respect of seizing if it is obtained the credible evidence that the currencies and properties are possessed by enrichment due to corruption truly either according with the report of investigation or other information.

20. The Preliminary Scrutiny Body:-

- (a) shall give the right of defence to the person who is under investigation whether he or his agent after intimation assigned duty by the Commission;
- (b) shall take necessary statement and evidences by summoning and examining the necessary person in respect of currency and properties;
- (c) shall submit to the Commission with its findings, consideration and recommendations after considering the report on findings of the

investigation of the Investigation Body or the information and the defence statement received from the Commission.

- (d) shall keep the respective matters of scrutinizing and investigation secretly.

Chapter V

Formation of the Investigation Body and its Functions and Duties

21. The Commission may make investigation or to be made investigation in respect of following matters to take action in accord with Law:-

- (a) assigning duty to investigate and submit by the President;
- (b) assigning duty to investigate and submit in respect of submitting the Proposal according with Law by Hluttaw representatives Post under sub-section (b) of section 43 by the relevant Hluttaw Speaker;
- (c) to take action upon offender who commit corruption according to law, the aggrieved person:-
 - (i) Complaining to the commission;
 - (ii) Complaining to any Working Committee, Working Group, Preliminary Scrutiny Body and Investigation Body Formed by this Law;
 - (iii) Transferring such complaint to the Commission in respect of complaining to any relevant Government department and Government Organization.

22. The Commission shall not investigate the following matters:-

- (a) the matter of complaint which is already investigated by the Commission;
- (b) no important evidences in the complaint;
- (c) no new important evidence in the subsequent complaint.

23. The Commission formed the Investigation Body led by any member of the Commission with appropriate citizens and may assign their function and duties.

24. The following persons shall not be composed in the Investigation Body:-

- (a) the person who is concerned with the complaint matter;
- (b) the person who has hatred of the complainant or the accused;
- (c) the person who is related to the complainant or the accused;
- (d) the partner with the complainant or the accused.

25. The Investigation Body shall determine a period and inform the accused person to explain, submit evidence or burden of proof relating to the charge in carrying out the investigation.

26. The accused person may explain and defend by himself or by his agent in respect of the charge in the investigation made by the Investigation Body.

27. (a) The Investigation Body shall submit the report of investigated

Findings to the Chairman of the Commission after investigating.

- (b) The Chairman of Commission shall be held the Commission session within (30) days after receiving the submitted report according to sub-section (a), to discuss and resolve in respect of that investigation.

28. The Commission:-

- (a) according to the report of investigated finding;
 - (i) may dismiss the charge of the complaint if it is assumed that no credible evidence has arisen relating to the charge;
 - (ii) may assign duty to the Investigation Body or the Inspector to prior sanction for prosecution if it is assumed that he commits any offence of this Law
 - (iii) shall inform and submit the determination in respect of issuing the prior sanction for prosecution under sub-section (2) to the

President , the Speaker of Pyithu Hluttaw and the Speaker of Amyotha Hluttaw as soon as possible.

- (b) shall submit the report of scrutiny after forming and assigning the Preliminary Scrutiny Body in accord with the provision of the Chapter IV of this Law, if it is found that any person is enriched due to corruption after scrutinizing the report of findings.
- (c) if it is assumed that the further evidence should be investigation Body which submitted such report or order investigation body.

29. If the accused is a competent authority, in a case of taking action against the accused person by the commission and in the matter of determining to scrutinize by the Preliminary Scrutiny Body, such accused shall not be continued his duty to perform from the date of such decision by the Commission.

30. The Commission;-

- (a) shall send his report, which is a matter of deciding to take action against a person who is a competent authority, to the President assigned duty to the Commission under the sub-section (a) of the section 21 and to a person who the respective Hluttaw Speaker and the complainant who is an aggrieved person and also to the Union Government Office so that it can continue to take action against him under the arrangement of the Union Attorney-General's Office.
- (b) shall inform to his Head of the Service Personnel if it is assumed that the accused person should be taken action only by Civil Services Regulations according to the investigation.

31. The Commission may carry out to fulfill the investigation upon the accused person who has given up his position during investigation about the charge so as to continue to take action according by law or by Civil Services Regulations or to seize the respective currencies and properties by the State .

32. Whatever provisions are included in any existing Laws, the Commission if it assumes that it is necessary to investigate in respect of any offence under this Law, shall vest following powers to an Investigation Body of an Inspector to investigate the bank accounts in a bank related to the accused:-

- (a) on inspecting or making copies of books, bank account or documents deals with the bank which are in possession of or under the maintenance of bank and any Financial Institution;
- (b) on inspecting or making copies of sharing account, purchasing account, expenditure account or any cash withdrawal account opened account at bank by a person;
- (c) on inspecting the things kept in the security box which has been saved in bank or in other Financial Institution;
- (d) on inspecting or inquiring other information concerning documents, accounts and anything related to sub-section a, b and c.

33. The Investigation Body or an Inspector who conferred power under section 32, may seize following situation investigation books, document, account and money under his in investigation:-

- (a) may not inspect, copy or extract as summarize without seizing those things;
- (b) may be concealed the evidence if not seize;
- (c) require to submit those things as evidence for prosecuting according to this Law or any other existing Law.

34. (a) The Commission may, after receiving information that any moveable property including any financial deed is in possession of or under the maintenance of a bank and Financial Institution, which is committed any offence to be taken action under this Law or to be submitted as an exhibit in such case, issue the order not to sell or sell by other means or transfer of such property or any other part of such property until

revoking or transferring the Commission's order notwithstanding any provision of existing law as it believes such information.

- (b) The bank and financial Institution or the agent or the Civil Service shall not be taken Criminal action or Civil action carrying out the order in sub-section (a).

35. When the Commission believe that the money or any property deals with any offence contained in this Law which has been kept or saved in Foreign bank or any person may perform such property not to be transferred by any means in accord with the stipulation.

Chapter VI

Formation of Commission

36. The President may form the Office of the Commission as may be necessary.

37. The President shall appoint the Inspector General in accord with regulations of personnel under the advice of Commission.

Duties and Powers of Inspector General

38. The Inspector General is responsible to the Commission, and shall carry out functions and duties under the guidance of Commission.

39. The Inspector General shall instruct, maintain and supervise the Office of Commission under the guidance of Commission.

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

Functions and Duties, Powers and Exemptions of Inspector

41. The Inspector shall carry out the following functions and duties under the assignment of Commission:

- (a) accepting and investigating the informations and complaints;

- (b) investigating in respect of committing, attempting and abetting any offence contained in this Law;
- (c) inspecting the natures, systems and procedures of Government department, Government organization and organizations related to public to be emerged corruption; supporting and submitting to the Commission for enabling to alter such systems and procedures as may be necessary;
- (d) advising and assisting if the Government department, Government organization and private organization which performed anti-corruption requested him;
- (e) advising heads of Government department, Government organization, public organizations for enabling to perform the anti-corruption effectively under the guidance of the Commission;
- (f) submitting his investigative findings to the investigation body;
- (g) educating the public for anti-corruption;
- (h) performing other functions and duties assigned by the Commission.

42. Members of Commission, members of preliminary scrutiny body, members of investigation body and inspectors shall, in performing functions and duties of this Law, have the powers and exemptions of a police officer contained in any existing law.

Chapter VII

Information about Corruption

Performing by the President, the Speaker of Pyithu Hluttaw, the Speaker of Amyotha Hluttaw and Hluttaw Representatives

43. (a) The President or the Speaker of Pyithu Hluttaw or the Speaker of Amyotha Hluttaw may assign the Commission to investigate and submit in respect of Corruption.

- (b) The representatives of Pyithu Hluttaw or Amyotha Hluttaw has the right to propose to the relevant Hluttaw in accord with law in respect of enriching by corruption or abusing the official authority or committing the corruption on the person who holdes political post.
- (c) The relevant Speaker of Hluttaw shall:
 - (i) assign the Commission to investigate and submit as may be necessary when receiving the submission of Sub-section(b);
 - (ii) inform the respective person for taking action against him in accord with law if it is found that any person who hold political post is enriching by corruption or abusing the official authority or committing the corruption according to the submission of Commission.

Informing and Complaining by the Aggrieved Person

44. The aggrieved person due to corruption may send informations and complaints to the Commission or Office of the Commission or working committee, working group, preliminary scrutiny body and any investigation body formed by this Law or any relevant Government department, organization in accordance with the stipulations in respect of corruption or any competent authority who enriched by Corruption.

45. The Office of Commission, working committee, working group, preliminary scrutiny body and investigation body or any Government department, organization which obtained information or complaint under section 44 shall submit to the Commission as soon as possible in accordance with the stipulation for enabling to give necessary guidance to carry out effectively in respect of the said information or complaint.

46. The informer or complaint under section 44 shall be taken action by this Law if it is appeared that he gives information or complaint intentionally for the purpose of any person to be injured or to be defamed without credible evidence.

Chapter VIII

Declaration of Currencies, Properties, Liabilities and Assets Owned by the Competent Authority

47. The Commission shall, the name list of competent authorities who are responsible to send the declaration in respect of the ownership of currencies, properties, liabilities and assets requesting from the relevant departments and organizations, promulgate the notification after scrutinizing.

48. The competent authorities who are responsible to send the declaration under section 47 shall, the list of currencies, properties, liabilities and rights of family assets under their direction, submit declarations to the Commission once a year in accord with the stipulations.

49. In sending the declaration, the competent authorities shall:

- (a) submit together with the copy of evidence that how they own their currencies and properties;
- (b) submit together with copy of documentary evidence which was levied income tax from proceeds of sale if there is transferred and sold the properties;
- (c) submit the evidence of ownership of the currencies and properties contained in Sub-section (a) and (b), moreover the list of currencies, properties, liabilities and rights obtained from internal and external.

50. When the competent authority, who is responsible to send the declaration of the list of currencies, properties, liabilities and assets is deceased, the successor or the legal representative or the receiver of him shall submit the declaration of the list of currencies and properties owned by the said deceased to the Commission in accordance with the stipulations.

Chapter IX

Confiscation the Currencies and Properties which Obtained from the Enrichment by Corruption

51. The Commission shall assign the preliminary scrutiny body to vet and submit in respect of currencies and properties owned by any competent authority who is enriched by corruption under the report of the investigation.

52. The preliminary scrutiny body shall, after obtaining the necessary evidences in accord with this Law under the assignment of the Commission, whether or not the said currencies and properties be seized as confiscation, submit the report of findings to the Commission with the comment.

53. The Commission, scrutinize the report of findings submitted by the preliminary scrutiny body and the said currencies and properties are;

- (a) obtained by corruption if so proved clearly, the Commission shall pass an order for confiscation of the said currencies and properties;
- (b) obtained by means of legality if so proved clearly by the Competent Authority the Commission shall return the currencies and properties to him.

54. The Commission shall, if it is clearly proved that the currencies and properties seized as exhibit are legally transferred with good faith by any other person who is not person under investigation, re-issue them to the said other person.

Chapter X

Offences and Penalties

55. Any person who hold political post commits corruption, on conviction, he shall be punished with imprisonment for a term not exceeding 15 years, and may also be liable to fine.

56. Any other competent authority except the person who hold political post commits corruption, on conviction, he shall be punished with imprisonment for a term not exceeding 10 years, and may also be liable to fine.

57. Any other person except the person who hold political post and the competent authority commits corruption, on conviction, he shall be punished with imprisonment for a term not exceeding 7 years, and may also be liable to fine.

58. Any person conceals or obliterates or alters or transfers the currencies and properties related to any offence contained in this Law for not being taken action against them, on conviction, he shall be punished with imprisonment for a term not exceeding 5 years, and any also be liable of fine.

59. Whoever intend to be injured or defamed to any person who commits any offence contained in this Law or he is enriched by corruption by giving false information and complain or giving false evidence or fabricating false evidence or compels to do so to any other person without credible evidence, on conviction, he shall be punished with imprisonment for a term not exceeding 5 years, and may also be liable to fine.

60. Any person fails to obey any order issued by the Commission or any organization delegated by the Commission, on conviction, he may be punished with imprisonment for a term not exceeding 6 months, or with fine, or with both.

61. Any Competent Authority voluntarily fails to submit the grounds of currency, property, liability and assets within the period specified by the Commission under this Law, or submits falsely such grounds or conceals the facts on conviction, he shall be punished with imprisonment for a term not exceeding 5 years, and may also be liable to fine.

62. Any responsible person of any bank and financial institution commits any following offence in respect of offence contained in this Law, on conviction, he shall be punished with imprisonment for a term not exceeding 5 years, and may also be liable to fine for such any act:

- (a) refusing to allow performing legally by the investigation body under the assignment of Commission;

- (b) issuing and transferring currencies and properties having in any bank and financial Institution which prohibitive order issued by the Commission without the permission of the Commission;
- (c) obliterating or altering or amending the records of currency and property related to investigation or transferring without permission of Commission.

63. Any person instigates or attempts or conspires or manages or abets to commit any offence contained in this Law, he shall be punished with the prescribed penalty for such offence.

Chapter XI

Miscellaneous

64. The person under investigation has the burden of proof clearly with credible evidence of how he legally obtained his assets of money and property or obtained by what kind of income.

65. The investigation body or the inspector who assigned duty shall, in prosecuting with any offence contained in this Law:

- (a) obtain prior sanction issued by the Commission, if it is prosecuted the person who hold political post, with the approval of the Union Government.
- (b) obtain prior sanction in accord with the existing law if it is prosecuted the Hluttaw representative.
- (c) obtain prior sanction issued by the Commission if it is prosecuted any other person except the person who hold political post and the Hluttaw representative.

66. If the exhibit relating to the corruption prosecuted according to this Law is not easily produce before the court, such exhibit needs not be produced before the court and may submit with the report or the relevant documentary evidence however in the manner of custody. Such submission shall be deemed as if it were a submission of the exhibit before the court and the relevant court shall pass the administrative order in accordance with law.

67. In implementing the provision of this Law, member the Commission, member of the preliminary scrutiny body, member of the investigation body, inspector, member of the working group and staff of the Office of the Commission and served on behalf of the Commission, the preliminary scrutiny body, the investigation body and staff of the Office of the Commission who performed with good faith shall not be taken civil action, or criminal action, or any other offences.

68. Notwithstanding contained in any other existing law in respect of the Corruption or enriched by the corruption or investigating and taking action currencies and properties shall take action only according to this Law.

69. The offences taken action under this law are stipulated as cognizable offences.

70. Members of the Commission, members of the working committee formed by this Law, members of the working group, members of the preliminary scrutiny body, member of the investigation body, the inspector and the Officer and Staff of the Office of the Commission shall be deemed as public servants.

71. The Union Government shall estimate and contribute the finance for the expenditures of the Commission and the working committees formed by this Law, the working groups, the preliminary scrutiny bodies, the investigation bodies and the Office of the Commission.

72. To implement the provisions of this Law:

(a) the Commission may issue rules, regulations and bye-laws with the approval of the Union Government.

(b) the Commission may issue the necessary notifications, orders, directives and procedures.

73. The Prohibition of Bribery Act, 1948(Law No.67/48)is hereby repealed

I sign it in accord with the Constitution of the Republic of the Union of Myanmar.

Sd/ Thein Sein

President

Republic of the Union of Myanmar