

THE JUDICIARY LAW (2000)

The State Peace and Development Council Law No. 5/2000
The 11th Waning Day of *Nayone*, 1362 M.E

27 June 2000

The State Peace and Development Council hereby enacts the following Law:-

CHAPTER I TITLE AND COMMENCEMENT

1. (a) This Law shall be called the Judiciary Law, 2000.
- (b) The provision contained in section 3 of this Law shall come into force from 8th July, 1999. With the exception of the provision contained in the said section 3, the remaining provisions shall come into force from the date on which this Law is enacted.

CHAPTER II JUDICIAL PRINCIPLES

2. The administration of justice shall be based upon the following principles:-
 - (a) administering justice independently according to the law;
 - (b) protecting and safeguarding the interests of the people and aiding in the restoration of law and order and regional peace and tranquility;
 - (c) educating the people to understand and abide by the law and cultivating in the people the habits of abiding by the law;
 - (d) working within the framework of law for the settlement of cases;
 - (e) dispensing justice in open court unless otherwise prohibited by law;
 - (f) guaranteeing in all cases the right of defence and the right of appeal under the law;
 - (g) aiming at reforming moral character in meting out punishment to offenders.

CHAPTER III FORMATION AND SEAT OF THE SUPREME COURT

3. The State Peace and Development Council shall constitute the Supreme Court with 1 Chief Justice, 2 Deputy Chief Justices and form a minimum of 7 Judges to a maximum of 12 Judges.

4. The Supreme Court shall sit in Yangon and Mandalay respectively. Provided that, if necessary, it may sit at any other appropriate place.

CHAPTER IV JURISDICTION OF THE SUPREME COURT

5. The jurisdiction of the Supreme Court shall be as follows:-

- (a) adjudicating on original criminal and civil cases;
- (b) adjudicating on a case transferred to it by its own decision;
- (c) adjudicating on transfer of case from any Court to any other Court;
- (d) adjudicating on an appeal case against any judgment, order and decision passed by the State or Divisional Court;
- (e) adjudicating on a revision case against any judgment, order and decision passed by any Court;
- (f) confirming death sentence passed by the State or Divisional Court or the District Court and adjudicating on an appeal case against the death sentence;
- (g) examining any judgment, order and decision of any Court, which is not in conformity with the law and altering or setting aside may be necessary;
- (h) examining any order and decision which is not in conformity with the law relating to the legal rights of a citizen and altering or setting aside as may be necessary;
- (i) adjudicating on an admiralty case;
- (j) adjudicating on cases within its jurisdiction under existing law.

CHAPTER V POWERS OF THE SUPREME COURT

6. The Supreme Court shall supervise the respective Courts.

7. A case finally and conclusively adjudicated by the Supreme Court exercising its original jurisdiction or a case finally and conclusively adjudicated by the Supreme Court on the final and conclusive decision of any Court may, on being admitted for special appeal by the Special Bench in accordance with the procedures, be heard and adjudicated again by the Special Appellate Bench consisting a total of 3 Judges including the Chief Justice, the Deputy Chief Justice and a Judge of the Supreme Court or a total of 3 Judges including

the Chief Justice and 2 Judges of the Supreme Court or a total of 3 Judges including the Deputy Chief Justice and 2 Judges of the Supreme Court.

8. With the exception of a case adjudicated by the Special Appellate Bench, in any case adjudicated by the Supreme Court if the Chief Justice is of the opinion that any substantial question has arisen in the interest of the public he may cause such question to be heard and adjudicated again by the Special Appellate Bench.

9. The Supreme Court may, in exercising its jurisdiction, hear and adjudicate on cases by a single Judge or by a bench consisting of more than one Judge as determined by the Chief Justice.

10. The Supreme Court may direct that cases in the State or Divisional Courts, the District Courts and the Township Courts be heard and adjudicated by a bench consisting of more than one Judge.

11. The Supreme Court shall prescribe as may be appropriate the jurisdiction of the State or Divisional Courts, the District Courts and Township Courts for enabling adjudication on criminal and civil cases.

CHAPTER V FORMATION OF THE STATE OR DIVISIONAL COURTS, THE DISTRICT COURTS AND THE TOWNSHIP COURTS

12. The Supreme Court shall form the State or Divisional Courts, the District Courts and the Township Courts.

13. The Supreme Court shall appoint Judicial Officers and confer upon them appropriate judicial powers to act as Judges at the State or Divisional courts, the District Courts and the Township Courts and prescribe and their functions and duties.

CHAPTER VII JURISDICTION AND POWERS OF COURTS

14. The jurisdiction of the State or Divisional Courts, the District Courts and the Township Courts are as follows:-

- (a) adjudicating on original civil cases;
- (b) adjudicating on original criminal cases;
- (c) adjudicating under any law.

15. The State or Divisional Court may adjudicate on appeal or revision case against any judgment, order and decision passed by the District Court.

16. The State or Divisional Court may:-

- (a) within its State or Division, adjudicate on a case transferred to it by its own decision;
- (b) within its State or Division, adjudicate on the transfer of case from any Court to any other Court.

17. The State or Divisional Court may, in exercising its jurisdiction, adjudicate on cases by a single Judge or by a bench consisting of more than one Judge as determined by the State or Divisional Judge in accordance with the directive of the Supreme Court.

18. The District Court may adjudicate on appeal or revision case against any judgment, order and decision passed by the Township Court.

19. The District court may:-

- (a) within its District, adjudicate on a case transferred to it by its own decision;
- (b) within its District, adjudicate on the transfer of case from any Court to any other Court.

20. The District may, in exercising its jurisdiction, adjudicate on cases by a single Judge or by a bench consisting or more than one Judge as determined by the District Judge in accordance with the directive of the Supreme Court.

21. The Township Court may, in exercising its jurisdiction, adjudicate on cases by a single Judge or by a bench consisting of more than one Judge as determined by the Township Judge in accordance with the directive of the Supreme Court.

CHAPTER VIII MISCELLANEOUS

22. The Special Appellate Bench constituted under section 7 of this Law shall proceed to hear and adjudicate on cases admitted for special appeal by the Special Bench of the Supreme Court.

23. After coming into force of this Law, the original case, appeal case, revision case and applications shall be adjudicated by the Courts having jurisdiction in accordance with the provisions of this Law.

24. The Judges shall proceed to hear and adjudicate on cases pending in the respective Courts.

25. The Chief Justice, the Deputy Chief Justices, the Judges of the Supreme Court, the Judges of the State or Divisional Court and the Judges of the District Court, may, if necessary, inspect prisons, *yebet* camps and police lock-ups for enabling convicted persons

and those under detention to enjoy rights to which they are entitled in accordance with law and relating to the proceedings and for preventing undue delay in the trial cases.

26. The Supreme Court may form service personnel as may be necessary for the Supreme Court and the respective Courts.

27. The Supreme Court may issue such rules, procedures, orders, notifications, directives and manuals as may be necessary.

28. The Judiciary Law (the State Law and Restoration Council Law No. 2/88) is hereby repealed.

Sd./-

Than Shwe

Senior General

Chairman

The State Peace and Development Council