

THE ATTORNEY GENERAL LAW (2001)

The State Peace and Development Council Law No. 1/2001
The 6th Waxing Day of Tabaung, 1362 M.E

27 February 2001

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

CHAPTER I

TITLE

1. This law shall be called the Attorney General Law, 2001.

CHAPTER II

APPOINTMENT OF THE ATTORNEY GENERAL AND THE DEPUTY ATTORNEY GENERAL

2. The State Peace and Development Council shall, for enabling the exercise and performance of the duties and powers contained in this Law, appoint an Attorney General and a Deputy Attorney General.

CHAPTER III

DUTIES OF THE ATTORNEY GENERAL

3. The duties of the Attorney General are as follows:-

- (a) tendering legal advice when so requested by the State Peace and Development Council, the Government or any Government department and organization;
- (b) appearing in criminal cases on behalf of the State;
- (c) appearing on behalf of the Government in civil cases in which the Government is a party as the plaintiff or defendant;
- (d) filing necessary appeal, special appeal or revision to the Supreme Court in respect of adjudication of Courts at different levels that are not in accordance with law;
- (e) scrutinizing, drafting and translating laws;
- (f) tendering legal advice to the relevant Government departments and organizations as to whether or not the State should be a party to international conventions and regional agreements;

(g) tendering legal advice to the Government departments and organizations on matters related to bilateral or multilateral treaties, memorandums or understanding, memorandums of agreements, local and foreign investment instruments and other instruments;

(h) bringing to the notice of the Government departments and organizations, if their acts are not in conformity with the law;

(i) giving legal protection to the people in order to enable them to fully enjoy their legal rights and privileges;

(j) guiding and supervising the Office of the Attorney General, the different levels of Law Offices and Law Officers;

(k) performing other duties as are prescribed by the existing laws and rules or rules, procedures, orders and directives issued under this Law;

(l) performing other duties as are assigned by the State Peace and Development Council.

CHAPTER IV POWERS OF THE ATTORNEY GENERAL

4. The powers of the Attorney General are as follows:-

(a) prescribing the duties and powers of the Deputy Attorney General;

(b) withdrawing, if necessary, any charge, any accused or the whole criminal case;

(c) making decision regarding the closing of a criminal case;

(d) filing appeal against acquittal under the Code of Criminal Procedure to the Supreme Court, if it is considered appropriate to do so against an acquittal order passed by the Court;

(e) calling for necessary orders, decisions, directives, activities, proceedings and other documents from the relevant Government departments and organizations if it is necessary to scrutinize legal matters;

(f) giving consent in writing under the Code of Civil Procedure in order to institute a suit regarding public charities;

5. The Attorney General may delegate to the Law Officers the duties and powers conferred on him under sections 3 and 4.

CHAPTER V
FORMATION OF THE OFFICE OF THE ATTORNEY GENERAL
AND THE DIFFERENT LEVELS OF LAW OFFICES

6. The Attorney General, with the approval of the State Peace and Development Council:-
- (a) shall form the Office of the Attorney General and the different levels of Law Offices as follows:-
 - (i) Office of the Attorney General;
 - (ii) State/Divisional Law Office;
 - (iii) District Law Office;
 - (iv) Township Law Office.
 - (b) may, in forming under sub-section (a), form the Branch Office of the Office of the Attorney General and Branch Offices of the State/Divisional Law Office, if necessary;
 - (c) shall stipulate the necessary strength of the Law Officers and staff of the Office of the Attorney General and the different levels of Law Offices under an organizational set-up.

CHAPTER VI
FUNCTIONS AND DUTIES OF THE LAW OFFICERS

7. The Law Officers of the Office of the Attorney General shall, in accordance with the stipulations, perform the functions and duties delegated by the Attorney General.
8. The Law Officers of the Office of the Attorney General shall, in accordance with the stipulations, carry out compiling and publishing of law books, law manuals and periodicals.
9. The Law Officers of the different levels of Law Offices shall, in accordance with the stipulations, perform the following functions and duties:-
- (a) tendering legal advice when so requested by the relevant Peace and Development council and any relevant Government department and organization;
 - (b) appearing in criminal cases on behalf of the State;
 - (c) tendering legal advice and appearing on behalf of the Government in civil cases in which the Government is a party as the plaintiff or defendant;
 - (d) scrutinizing and tendering legal advice on criminal cases before trial to be in conformity with the law;

- (e) scrutinizing and submitting as to whether or not the relevant prosecuting body complies with the legal advice tendered by the Law Office;
- (f) scrutinizing as to whether or not the request of remand by the prosecuting body is in conformity with the existing laws, orders and directives;
- (g) making decision to tender a pardon from being prosecuted to an approve in accordance with the Code of Civil Procedure in criminal cases;
- (h) scrutinizing and making decision, in accordance with the stipulations as to whether or not any charge, any accused or the whole criminal case filed at the Court should be withdrawn;
- (i) scrutinizing and making decision, in accordance with the stipulations, in respect of closing of criminal cases;
- (j) hiring of a lawyer to appear for the accused in poverty who is accused of a criminal offence punishable with death;
- (k) supervising the practicing lawyer hired by the complainant in accordance with the stipulations in criminal cases in which the Law Officer appears;
- (l) filing revision to the relevant Court in respect of any judgment, order or decision of the Court considered to be not in conformity with law;
- (m) submitting to the Office of the Attorney General in accordance with the stipulations if it is considered that an appeal should be filed against the acquittal order passed by the Court;
- (n) performing the other duties as are assigned by the Attorney General.

CHAPTER VII
MISCELLANEOUS

10. In order to carry out the provisions contained in this Law, the Attorney General may:-

(a) with the approval of the Government, issue such rules and procedures as may be necessary;

(b) issue such notifications, orders and directives as may be necessary.

11. The Attorney General Law (The State Law and Order Restoration Council Law No. 3/88) is hereby repealed.

Sd/.

Than Shwe

Senior General

Chairman

The State Peace and Development Council