UNION OF MYANMAR

MYANMAR LAWS

( 1993 -1994 )

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OFFICE OF THE ATTORNEY GENERAL
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(1993 -1994 )

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OFFICE OF THE ATTORNEY GENERAL
FOREWORD


The Office of the Attorney General reprinted some law books which are out of print in the interest of the readers. Apart from those law year-books it has also published various issues of Law Journal in which were included the English section. The Law Journal contains various legal subjects including civil law, international law, environmental law, business law, intellectual property law, Myanmar customary law, space law, maritime law, electronic law and so on. The Law Journal will enlighten the readers with the modern legal aspects. It is learnt that "Myanmar Laws" and "Law Journal" are widely accepted and appreciated by both local and overseas readers.

Though English translations are made by the Office of the Attorney General, there may probably be some divergencies and ambiguities between Myanmar and English versions due to the difference of two language systems. In such case, the Myanmar language text, being the original and authentic version, will prevail.

The Office of the Attorney General believes that the Law Year-books, and Law Journal as well, will bring better understanding of Myanmar laws by local and overseas readers. Publications will also be made in a timely manner to serve, the best interest of its readers.

THE OFFICE OF THE ATTORNEY GENERAL

YANGON, UNION OF MYANMAR
JUNE, 2003

F.I.B
MYANMAR LAWS (1993-1994)

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MYANMAR
The State Law and Order Restoration Council

The Narcotic Drugs and Psychotropic Substances Law
(The State Law and Order Restoration Council Law No. 1/93 )

The 5th Waxing Day of Tabodwe, 1354 f维E.

( 27th January, 1993 )

The State Law and Order Restoration Council hereby enacts the following Law: -

Chapter I

Title and Definition

1. This Law shall be called the Narcotic Drugs and Psychotropic Substances Law.

2. The following expressions, contained in this Law shall have the meanings given hereunder; -

(a) “Narcotic Drug” means any of the following:

(i) poppy plant, coca plants, cannabis plant or any kind of plant which the Ministry of Health has, by notification declared to be a narcotic drug, substances and drugs derived or extracted from any such plant;

(ii) drugs which the Ministry of Health has, by notification declared to be a narcotic drug, and substances containing any type of such drug;

(b) Psychotropic Substance means drugs which the Ministry of Health has, by notification declared to be a psychotropic substance;
n means production designed to transform poppy plant, coca plant, cannabis plant and any kind of plant which the Ministry of Health has, by notification declared to be a narcotic drug, into a narcotic drug or psychotropic substance; processing, preparation and manufacture by a mixture of the substance so produced with chemicals or with any other type of substance;

Possession means the holding of a narcotic drug or psychotropic substance by anyone on his person, in his residence, premises, vehicle/vessel and property. This expression also includes holding or causing to be held: under the arrangement of such person;

Drug User means a person, who uses a narcotic drug or psychotropic substance without permission in accordance with the law;

Central Body means the Central Body for the Prevention of the Danger of Narcotic Drugs and Psychotropic Substances formed by the Government under this Law.

Chapter II
Aims.
The aims of this Law are as follows:

(a) to prevent the danger of narcotic drugs and psychotropic substances, which can cause degeneration of mankind, as a national responsibility;

(b) to implement the provisions of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances;
(c) to carry out more effectively measures for imparting knowledge and education on the danger of narcotic drugs and psychotropic substances and for medical treatment and rehabilitation of drug users;

(d) to impose more effective penalties on offenders in respect of offences relating to narcotic drugs and psychotropic substances;

(e) to co-operate with the States Parties to the United Nations Convention, international and regional organizations in respect of the prevention of the danger of narcotic drugs and psychotropic substances.

Chapter III
Formation of the Central Body and the Functions and Duties of the Central Body

4. The Government shall form the Central Body for the prevention of the Danger of Narcotic Drugs and Psychotropic Substances.

5. In forming the Central Body-

(a) it shall consist of the Minister of the Ministry of Home Affairs as Chairman and persons from the relevant Ministry, Government departments and organizations as members;

(b) the Vice-Chairmen, Secretary and Joint Secretary of the Central Body shall be determined.

6. The functions and duties of the Central Body are as follows:

(a) laying down the policies in respect of the prevention of the danger of narcotic drugs and psychotropic substances and co-ordinating with the relevant boards of authority, Ministries and non-Governmental organizations;
being able to . co-operate with States Parties to the United Nations Convention, international and regional organizations in respect of the prevention of the danger of narcotic drugs and psychotropic substances;

determining and co-ordinating as may be necessary the functions and duties of the working bodies and regional bodies in order to carry out successfully the functions and duties of the Central Body;

laying down and carrying out programmes in respect of reclamation of land, allotment of land, contribution of materials and aids and rendering of assistance as may be necessary, in order to carry out substitute crops cultivation and livestock breeding;

laying down and carrying out programmes in respect of medical treatment of drug users, imparting knowledge and educative incitement;

organizing by laying down plans and rendering suitable assistance in respect of rehabilitation of drug users and persons serving sentences; causing to be taught means of livelihood to enable them to resume their normal lives;

scrutinizing, supervising and guiding in order to ascertain whether or not the programmes laid down by the Central Body are systematic and successful;

destroying or causing to be destroyed narcotic drugs and psychotropic substances in accordance with the stipulation;

directing as may be necessary to seize as exhibits immoveable property involved in an offence under this Law, money, property and benefits derived from the transfer and conversion of property involved in the offence;
(j) directing the attachment and sealing of immoveable property involved in the offence, which have been seized as exhibits under this Law; directing the removal of the attachment; disposing of as may be necessary in accordance with the final order of the relevant Court in the offence prosecuted;

(k) directing by passing an order responsible persons of the relevant bank and financial institutions to allow relevant persons authorized to search and seize to inspect financial records relating to an offence under this Law, to make copies thereof and to seize the same as exhibits;

(l) disposing of as may be necessary ownerless narcotic drugs and psychotropic substances which have been seized as exhibits.

(m) taking such measures as may be necessary for giving reward in respect of an offence against which action has been taken under this Law, with the approval of the Government;

(n) reporting from time to time to the Government on the progress of the work of prevention of the danger of narcotic drugs and psychotropic substances;

(o) carrying out the functions and duties as are assigned by the Government from time to time.

Chapter IV

Formation of Working Bodies and Regional Bodies

7. The Central Body shall form the following Working Bodies and shall determine the functions and duties thereof respectively:

(a) Body for Supervision of Prevention and Suppression;
(b) Body for Prevention and Suppression;
(c) Body for Substitute Crops Cultivation;
(d) Body for Livestock Breeding;
(e) Body for Medical Treatment;
(f) Body for Rehabilitation;
(g) Body for Imparting Knowledge to Young Students;
(h) Body for Educative Incitement of the Working People;
(') Body for Disposal of Narcotic Drugs and Psychotropic Substances Seized;
(k) Other- Working Bodies as may be required.

8. The Central Body shall form the following Regional Bodies and shall determine .the functions and duties thereof respectively:

(a) State/Divisional, District, Township, Ward and Village Tract Bodies for the Prevention of the Danger of Narcotic Drugs and Psychotropic Substances;
(b) Special Bodies for the Prevention and Suppression of the Danger of Narcotic Drugs and Psychotropic Substances.

Chapter V
Registration, Medical Treatment and Cancellation of Registration of a Drug User

9. (a) A drug user shall ' register at the place- prescribed by the Ministry of Health or at a medical centre recognised' by the Government for this purpose, to take medical treatment;
(b) The Ministry of Health shall lay down and carry out programmes as may be necessary in respect of medical treatment for a registered drug user;

(c) A registered drug user undergoing medical treatment shall abide by the directives issued by the Ministry of Health.

10. Cancellation of the registration of a drug user shall be carried out in accordance with the stipulations.

Chapter VI
Rehabilitation

11. The Ministry of Social Welfare, Relief and Resettlement shall, in respect of the rehabilitation and after-care of drug users carry out the following measures in accordance with the stipulations:

(a) rendering assistance and protection as may be necessary to persons undergoing medical treatment and their families dependent on them;

(b) providing for rehabilitation, teaching of means of livelihood as may be necessary, resettlement and after-care to enable persons who have undergone medical treatment to resume their normal lives;

(c) conducting expertise training course for the relevant persons in order to implement systematically and effectively work of rehabilitation of drug users.

12. The Ministry of Home Affairs shall provide for the teaching of means of livelihood as may be necessary to persons serving sentences under section 15, in accordance with the stipulations.
Chapter VII

Search, Arrest and Seizure of Exhibits

13. Action taken under this Law in respect of the following matters shall be done in accordance with the rules: -

(a) search and seizure of narcotic drug, psychotropic substance, money, property and arrest of the offender;

(b) search and seizure of money, property and benefits derived from transfer, conversion and transformation of property involved in an offence;

(c) inspection and making copies of financial records kept at the bank and financial institutions;

(d) laboratory analysis in respect of narcotic drugs and psychotropic substances.

14. Notwithstanding anything contained in any existing law, responsible persons from the bank and financial institutions shall, on receipt of an order issued by the Central Body in respect of money and property involved in an offence under this Law -

(a) permit the inspection of financial records and making copies thereof and seizure of the exhibits;

(b) pending the conclusion of a case in which action is being taken, take custody of the financial records, money and property involved in the offence, in accordance with the stipulations, without returning or transferring the same to anyone.
Chapter VII
Offences and Penalties

15. A drug user who fails to register at the place prescribed by the Ministry of Health or at a medical centre recognised by the Government for this purpose or who fails to abide by the directives issued by the Ministry of Health for medical treatment is punished with imprisonment for a term which may extend from a minimum of 3 years to a maximum of 5 years.

16. Whoever is guilty of any of the following acts shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 5 years to a maximum of 10 years and may also be liable to a fine:

(a) cultivation of poppy plant, coca plant, cannabis plant or any kind of plant which the Ministry of Health has, by notification declared to be narcotic drug;

(b) possession, transportation, distribution and sale without permission under this Law of materials, implements and chemicals which the relevant Ministry has, by notification declared to be materials used in the production of a narcotic drug or psychotropic substance;

(c) possession, transportation, transmission and transfer of a narcotic drug or psychotropic substance;

(d) transfer of a narcotic drug or psychotropic substance by a person who possesses the same with permission in accordance with law to a person who is not so permitted;

(e) inciting, inducing, deceiving, coercing, using undue influence or any other means to cause abuse of a narcotic drug or psychotropic substance;
misappropriating, causing to disappear, destroying, removing or transferring any property which has been seized or attached under this Law.

17. A responsible person from the bank or financial institutions, who is guilty of any of the following acts in respect of money, property and benefits involved in an offence under this Law shall, on conviction be punished, with imprisonment for a term which may extend from a minimum of 5 years to a maximum of 10 years and may also be liable to a fine:

(a) transferring of accounts, causing to disappear, altering and amending relevant financial records so that action may not be taken against the offender;

(b) refusing to allow a person authorized to search and seize in accordance with an order passed by the Central Body under section 6 sub-section (k) to inspect the relevant financial records, make copies thereof and seize the exhibits;

(c) returning and transferring without the permission of the Central Body or the relevant Court financial records relating to the offence and money, property and benefits seized as exhibits.

18. A person authorized to search, arrest, seize exhibits and investigate in respect of any offence under this Law, who is guilty of any of the following acts shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 5 years to a maximum of 10 years and may also be liable to a fine:

(a) asking and accepting any money and property as gratification either for himself or for another person;

(b) accepting a narcotic drug or psychotropic substance unlawfully;

(c) replacing another person for the offender; concealing the offender without taking any action;
(d) causing to disappear, altering by wrongful means, substituting, mixing the material involved in the offence; stating incorrectly the weight, volume or quantity of the material.

19. Whoever is guilty of any of the following acts shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 10 years to a maximum of an unlimited period : -

(a) possessing, transporting, transmitting and transferring a narcotic drug or psychotropic substance for the purpose of sale;

(b) offering for sale, agreeing thereto or communicating to market a narcotic drug or psychotropic substance;

(c) concealing and causing to disappear money, property and benefits derived from the commission of any offence contained in this Law, so that action may not be taken;

(d) transferring and converting money, property and benefits involved in an offence, so that it may appear to have been acquired from a legitimate source.

20. Whoever is guilty of any of the following acts shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 15 years to a maximum of an unlimited period or with death : -

(a) production, distribution and sale of a narcotic drug or psychotropic substance;

(b) importing and exporting a narcotic drug or psychotropic substance; communicating to effect such import and export.

21. Whoever attempts, conspires, organizes, administers or provides financial assistance to commit any offence contained in this Law or abets the commission of any such offence shall be liable to the punishment provided in this Law for such offence.
22. If any of the acts provided in sections 16 to 21 have been committed under any of the following circumstances, the offender shall be liable to the maximum punishment provided for such offence:

   (a) being a member of a local or foreign organization or group which commit crimes involving narcotic drugs or psychotropic substances or communicating with and participating in such organizations or groups;
   (b) handling and using arms or explosives in the commission of the offence;
   (c) making use of children who have not completed the age of 16 years in the commission of the offence;
   (d) committing or causing to commit an offence by making use of the influence or power of a public servant.

23. Whoever is guilty of any of the acts provided in sections 16 to 21 shall, after a prior conviction for the same offence be liable to the maximum punishment provided for such subsequent offence.

24. The Court shall-

   (a) in passing a sentence for any offence provided in sections 16 to 21 pass an order for the confiscation or destruction or disposal in accordance with the stipulations of the narcotic drug, psychotropic substance, money, implements, moveable property, vehicles /vessels and animals involved in the offence;
   (b) in passing a sentence under section 19 or section 20 pass an order for confiscation of the immoveable property involved in the offence, which have been seized as exhibits.
25. The Court shall -

(a) in respect of a person who habitually commits or is notorious of committing any offence contained in this Law pass an order for execution of a bond for good behaviour during a period not exceeding 3 years, in accordance with the rules;

(b) if there is violation of the condition of the bond passed under sub-section (a) or if there is failure to execute the bond in accordance with the order passed for execution of a bond punish such person with imprisonment for a term which may extend from a minimum of 1 year to a maximum of 3 years.

Chapter IX

Miscellaneous

26. Whoever possesses or transports, transmits or transfers any of the following narcotic drug or psychotropic substance of the weight, volume or quantity or in excess of the weight, volume or quantity shown against each shall be deemed to possess for the purpose of sale and to transport, transmit or transfer for the purpose of sale:-

(a) in the case of heroin ... three grammes

(b) in the case of morphine ... three grammes

(c) in the case of mono-acetyl morphine ... three grammes

(d) total of the narcotic drugs contained in sub-sections (a), (b) and (c) ... three grammes

or

total of two types out of the said three ... three grammes
27. If an exhibit involved in any offence prosecuted under this Law is not easily produceable before the Court, such exhibit need not be produced before the Court. However, a report or other relevant documentary evidence as to the manner of custody of the same may be submitted. Such submission shall be deemed as if it were a submission of the exhibit before the Court and the relevant Court shall pass an order for disposal of the same in accordance with law.

28. The provisions of this Law shall not apply to the following cases: -

(a) production of narcotic drug or psychotropic substance and carrying out works or research thereof, with the consent of the relevant Ministry;

(b) use, possession, transportation, transmission, transfer, sale, import, export and external dealing in respect of narcotic drug or psychotropic substance in the manner prescribed for the purpose of production, work of research or medical treatment, with the consent of the relevant Ministry;
(c) use, possessing and transportation of a narcotic drug or psychotropic substance permitted by the Ministry of Health under the direction of any registered medical practitioner, in accordance with the stipulations.

29. Rules, notifications, orders and directives issued under the Narcotics and Dangerous Drugs Law, 1974 which is repealed by this Law may continue to be applicable in so far as they are not inconsistent with this Law.

30. For the purpose of carrying out the provisions of this Law-

(a) the relevant Ministry may issue rules and procedures with the approval of the Government;

(b) the relevant Ministries and the Central Body may issue notifications, orders and directives as may be necessary

31. The Narcotics and Dangerous Drugs Law, 1974 is hereby repealed.

Sd./ Than Shwe
General
Chairman
The State Law and Order Restoration Council
The State Law and Order Restoration Council

The State Supplementary Appropriation Law, 1993

(The State Law and Order Restoration Council Law No. 2/93)

The 3rd Waxing Day of Hnaung Tagu, 1354 W.I.E.

(25th March, 1993)

The State Law and Order Restoration Council hereby enacts the following Law:

Chapter I

Title and Period of Effectiveness

1. (a) This Law shall be called the State Supplementary Appropriation Law, 1993;

(b) This Law shall have effect for the 1992-93 financial year.

Chapter II

Sanctioned Allotment and Administration of Supplementary Expenditures

2. (a) The respective persons who have been assigned responsibility for expenditure sanctioned in Schedules (1), (2), (3) and (4) in respect of the State Law and Order Restoration Council, Multi-Party Democracy General Election Commission, Government, Chief Justice, Attorney General, Auditor General, Ministries, Departments, State Economic Organizations, Development Committees and Municipalities may incur the relevant expenditures shown against them;
Appropriation sanctioned under sub-section (a) shall be deemed to be supplementary expenditure in addition to the appropriation sanctioned under the State Budget Law, 1992.

The respective persons who have been assigned responsibility under section 2 may delegate the respective officials subordinate to them to administer the expenditure for which they are responsible;

In administering the expenditure, it shall be in conformity with the provisions of this Law, provisions of the State Budget Law, 1992, relevant laws, rules, regulations, bye-laws, orders, directives and procedures.
The State Law and Order Restoration Council, Commission, Government, Chief Justice,

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## Multi-Party Democracy General Election

### Attorney General and Auditor General

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**14,713,700**
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<td>21</td>
<td>Co-operatives</td>
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<tr>
<td>22</td>
<td>National Planning and Economic Development and Revenue</td>
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<td>Finance and Revenue</td>
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## Departments

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<tr>
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<tbody>
<tr>
<td></td>
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<td>Repayment of Loans</td>
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<table>
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<tr>
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<td>18,000,000</td>
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<td>Responsible Person</td>
<td>Supplementary</td>
<td>Ordinary Expenditure</td>
<td>Payment of Interest</td>
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<td>6</td>
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</tr>
<tr>
<td>1</td>
<td>1</td>
<td>State Economic Organizations</td>
<td>Prime Minister or a person delegated by Prime Minister</td>
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Total .................... 6,779,309,300
## Organizations

### Schedule (3)

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<th>Contribution</th>
<th>Capital Expenditure</th>
<th>Debts</th>
<th>Sanctioned</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Disbursement of Loans</td>
<td>Repayment of Loans</td>
</tr>
<tr>
<td>7</td>
<td>8</td>
<td>9</td>
<td>10</td>
</tr>
<tr>
<td>Kyats</td>
<td>Kyats</td>
<td>Kyats</td>
<td>Kyats</td>
</tr>
<tr>
<td>1,166,250,400</td>
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</table>

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
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<tr>
<td>1,166,250,400</td>
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<td>166,727,000</td>
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### Development Committees

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<tr>
<th>Serial Number</th>
<th>Serial Number Contained in the State Budget Law, 1992</th>
<th>Subject</th>
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<th>Supplementary</th>
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<tbody>
<tr>
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<td></td>
<td></td>
<td></td>
<td>Ordnary Expenditure</td>
</tr>
<tr>
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<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Kyats</td>
</tr>
<tr>
<td>1</td>
<td>1</td>
<td>City of Yangon Development Committee</td>
<td>Chairman of the State Law and Order Restoration Council or a person delegated by the Chairman</td>
<td>52,815,000</td>
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<tr>
<td>2</td>
<td>2</td>
<td>City of Mandalay Development Committee</td>
<td>Prime Minister or a' person delegated by the Prime Minister</td>
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</tr>
<tr>
<td>3</td>
<td>3</td>
<td>Municipalities under the Ministry of Home Affairs</td>
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<td>175,537,530</td>
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## Schedule (4)

**and Municipalities**

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</thead>
<tbody>
<tr>
<td></td>
<td>Capital</td>
<td>Debts</td>
</tr>
<tr>
<td></td>
<td>Expenditure</td>
<td>Disbursement of Loans</td>
</tr>
<tr>
<td>7</td>
<td>8</td>
<td>9</td>
</tr>
<tr>
<td>Kyats</td>
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<td>Kyats</td>
</tr>
<tr>
<td>573,879,800</td>
<td>9,021,780</td>
<td>13,783,470</td>
</tr>
<tr>
<td>596,880,050</td>
<td>2,895,200</td>
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</tr>
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</table>

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**Sdl. Than Shwe**  
General  
Chairman  
The State Law and Order Restoration Council
The State Law and Order Restoration Council

The State Budget Law, 1993

(The State Law and Order Restoration Council Law No. 3/93)

The 7th Waxing Day of Hnaung Tagu, 1354 M.E.

(29th March, 1993)

The State Law and Order Restoration Council hereby enacts the following Law: -

PART I

Title and Date of Enforcement

(a) This Law shall be called the State Budget Law, 1993;

(b) This Law shall come into force with effect from the 1st of April, 1993 for the 1993-94 financial year.
Chapter I

Receipts and Expenditures

2. The State Law and Order Restoration Council, Multi-Party Democracy General Election Commission, Government, Chief Justice, Attorney General, Auditor General, Ministries and Departments shall carry out their functions in accordance with the State Budget Programme. In carrying out such functions, all receipts shall be credited to the State Budget and all expenditures payable shall be debited to the State Budget.

3. (a) The respective persons who have been given the responsibility for the receipts and expenditures of the State Law and Order Restoration Council, Multi-Party Democracy General Election Commission, Government, Chief Justice, Attorney General, Auditor General, Ministries and Departments shall supervise and collect those receipts and administer those expenditures as are shown against them in Schedules (1) (2) (3) and (4);

(b) The respective persons who have undertaken the responsibility under sub-section (a) may delegate their powers to the respective persons serving under them;

(c) Supervision and collection of the receipts and administration of the expenditures shall be in accordance with the provisions of this Law, relevant laws, rules, regulations, bye-laws, orders, directives and procedures.

4. (a) Out of the estimated receipts shown in Schedules (1) and (3), if foreign aids and loans received under Chapter III exceed the estimated amount, and if expenditures of those works which are to be incurred out of such excess amount received as foreign aids and loans are in excess of the sanctioned expenditures shown in Schedules (2) and (4), the Government
may approve after scrutiny. Provided that, if expenditures to be incurred out of the State Budget in kyats converted from the aforesaid foreign aids and loans are not covered by the sum shown in Schedules (2) and (4), then it may be incurred out of the reserve fund in accordance with the provisions of section 6;

(b) The Government shall submit matters relating to expenditures in excess permitted under sub-section (a) to the State Law and Order Restoration Council together with objects and reasons casewise.

5. In respect of any alteration of sums shown in Schedules (1), (2), (3) and (4) under requirement of work, it shall be shown in the revised estimate budget for the 1993-94 financial year submitted to the State Law and Order Restoration Council.

Chapter II

Reserve Fund

6. (a) Expenditures incurred by the State Law and Order Restoration Council, Multi-party Democracy General Election Commission, Government, Chief Justice, Attorney General, Auditor General, Ministries and Departments out of the reserve fund shown in Schedule (4), column 12 shall be effected only in accordance with the following conditions:-

(i) being expenditure which cannot be anticipated;

(ii) being a case in which expenditure must be incurred within the financial year,

(iii) where transfer of budget heads cannot be effected or where there is no allotment for transfer of budget heads under the existing laws, rules, regulations and bye-faws;
(b) any expenditure from the reserve fund shall be made only by
the decision of the Government;

(c) The Government shall submit matters relating to expenditure to
be incurred out of the reserve fund to the State Law and Order
Restoration Council together with objects and reasons casewise.

7. The State Law and Order Restoration Council, Multi-Party Democracy
General Election Commission, Government, Chief Justice, Attorney General,
Auditor General, Ministries and Departments shall not be allowed to submit
supplementary budget of the State in respect of receipt of amounts in excess
of or less than the estimated amount under this Law or appropriation of
allotment by transferring budget heads within the sanctioned expenditure of
expenditure incurred from the reserve fund or expenditure incurred with the
sanction of the Government under section 4. Provided that if expenditures in
conformity with the conditions contained in section 5 are not covered by the
reserve fund allowed under this Law, then such expenditures may be
submitted to the State Law and Order Restoration Council together with
objects and reasons casewise.

Chapter III
Taking of Loans

8. For the purpose of projects or for expenditures shown in the State
Budget, the Government may take loans by issuing security bonds guaranteed
by Government of debentures or by other means, within the country or from
abroad. Reasonable rates of interest may be prescribed for such loans.
Conditions for repayment, redemption or provision otherwise may also be
stipulated.
9. Regarding loans obtained by issuing security bonds for covering the deficit in the budget of the previous financial year, new security bonds may be issued when repayment of the loan becomes due.

10. The State Economic Organizations, Development Committees and Municipalities may take loans from abroad, for their projects with the approval of the Government.

11. (a) The Government may empower the Minister of the Ministry of Finance and Revenue for carrying out wholly or partly the duties contained in this Chapter III;

(b) The Minister of the Ministry of Finance and Revenue may, on behalf of the State furnish guarantees for the taking of loans under this Chapter III.

12. During the Financial year commencing 1st April 1993 and ending on 31st March 1994, the amount of loans actually received by the execution of loan agreement—under this Chapter III shall not exceed kyats fifteen thousand million.

PART 111

State Economic Organizations

13. The State Economic Organizations shall carry out their functions in accordance with the State Budget Programme, in carrying out such functions, all receipts shall be credited to the State Budget and expenditures payable shall be debited to the State Budget.

14. (a) The respective persons who have been given the responsibility for the receipt and expenditure of the State Economic Organizations shall supervise and collect these receipts and administer these expenditures as are shown against them in Schedules (5) and (6);
(b) The respective persons who have undertaken the responsibility under sub-section (a) may delegate their powers to the respective persons serving under them;

(c) Supervision and collection of the receipts and administration of the expenditures, shall be in accordance with the provisions of this Law, relevant laws, rules, regulations, bye-laws, orders, directives and procedures.

15. (a) The Government may alter the amounts shown in Schedules (5) and (6), if it becomes necessary for the functions of the State Economic Organizations. Such alterations shall be shown in the revised estimate budget for the 1993-94 financial year submitted to the State Law and Order Restoration Council together with objects and reasons therefor;

(b) The Government may determine the amount of money to be contributed by the State Economic Organizations towards the State.

PART IV
Development Committees and Municipalities

16. The Development Committees and the Municipalities shall subsist on their own funds and shall carry out their functions in accordance with their Budget Programme.

17. (a) The respective person who have been given thereresponsibility for the receipt and expenditure of the Development Committees and the Municipalities shall supervise and collect these receipts and administer those expenditures as are shown against them in Schedules (7) and (8);
(b) The respective persons who have undertaken the responsibility under subsection (a) may delegate their powers to the respective persons serving under them;

(c) Supervision and collection of the receipts and administration of the expenditures shall be in accordance with the provisions of this Law, relevant laws, rules, regulations, bye-laws, orders, directives and procedures.

18. (a) The Government may alter the amounts shown in Schedules (7) and (8), if it becomes necessary for the functions of the Development Committees and the Municipalities. Such alterations shall be shown in the revised estimate budget for the 1993-94 financial year submitted to the State Law and Order Restoration Council together with objects and reasons therefor;

(b) The Government may permit the Development Committees and the Municipalities to obtain money required for carrying out their functions or for investment grants or loans.

19. The Development Committees and the Municipalities may collect only such rates and taxes permitted by the existing laws, rules, regulations, bye-laws, orders, directives as are relevant to them.
The State Law and Order Restoration Council, Commission, Government, Chief Justice,

<table>
<thead>
<tr>
<th>Serial Number</th>
<th>Subject</th>
<th>Responsible Person</th>
<th>Taxes</th>
<th>Receipts from the State Economic Organization</th>
<th>Other Current Receipts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The State Law and Order Restoration Council</td>
<td>Chairman of the State Law and Order Restoration Council or a person delegated by the Chairman</td>
<td>Kyats</td>
<td></td>
<td>Kyats 10,731,200</td>
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<tr>
<td>2</td>
<td>Multi-Party Democracy General Election Commission</td>
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<td></td>
<td></td>
<td>250</td>
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<tr>
<td>3</td>
<td>Government</td>
<td>Prime Minister or a person delegated by the Prime Minister</td>
<td></td>
<td></td>
<td>215,500</td>
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<td>4</td>
<td>Chief Justice</td>
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<td>73,422,200</td>
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<td>5</td>
<td>Attorney General</td>
<td>Attorney General or a person delegated by the Attorney General</td>
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<td>6</td>
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<tr>
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<td>Total ...</td>
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## Multi-Party Democracy General Election
### Attorney General and Auditor General

### Receipts

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<th>Capital Receipts</th>
<th>Receipts from Foreign Aids</th>
<th>Receipts from Foreign Aids</th>
<th>Receipts from Foreign Aids</th>
<th>Debt Recovery of Loans</th>
<th>Debt Drawal of Loans</th>
<th>Savings</th>
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<tbody>
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<td>7</td>
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<td>Kyats</td>
<td>Kyats</td>
<td>Kyats</td>
<td>Kyats</td>
<td>Kyats</td>
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<td></td>
</tr>
<tr>
<td>15,000</td>
<td>1,500</td>
<td>662,500</td>
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<td>5000</td>
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</tr>
<tr>
<td>21,500</td>
<td>662,500</td>
<td></td>
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</table>
The State Law and Order Restoration Council, Commission, Government, Chief Justice, 

<table>
<thead>
<tr>
<th>Serial Number</th>
<th>Subject</th>
<th>Responsible Person</th>
<th>Current Expenditure</th>
<th>Payment of Interest</th>
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<td>1</td>
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<td>Prime Minister or a person delegated by the Prime Minister</td>
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<td>4</td>
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<td>Chief Justice or a person delegated by the Chief Justice</td>
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## Multi-Party Democracy General Election
### Attorney General and Auditor General

### Schedule (2)

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<td>Capital Expenditure</td>
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<td>Repayment of Loans</td>
</tr>
<tr>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
</tr>
<tr>
<td>Kyats</td>
<td>Kyats</td>
<td>Kyats</td>
<td>Kyats</td>
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<tr>
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57,667,210

Kyats
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<th>Subject</th>
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<th>Taxes</th>
<th>Receipts from States Economic Organization</th>
<th>Other Current Receipts</th>
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</thead>
<tbody>
<tr>
<td>1</td>
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<td>Kyats</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>Kyats</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
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## Departments

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<th>Receipts from Investment in Organizations</th>
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### Departments

**Expenditures**

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| 160,324,590         |       |                    |                             |         |              |

| 237,003,970         |       |                    |                             |         |              |
| 12,345,200          |       |                    |                             |         |              |
| 26,580,530          |       |                    |                             |         |              |

| 90,712,210          |       |                    |                             |         |              |
| 131,085,170         |       |                    |                             |         |              |
| 792,923,830         |       |                    |                             |         |              |
| 817,572,270         |       |                    |                             |         |              |
| 3,824,070           |       |                    |                             |         |              |
| 85,415,830          |       |                    |                             |         |              |
| 429,386,100         |       |                    |                             |         |              |
| 22,091,490          |       |                    |                             |         |              |

| 2,623,710           |       |                    |                             |         |              |
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<td>568,967,000</td>
<td>226,204,600</td>
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## Expenditures

<table>
<thead>
<tr>
<th>Capital Expenditure</th>
<th>Debts</th>
<th>Investment in Organizations</th>
<th>Savings</th>
<th>Reserve Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Disbursement of Loans</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Repayment of Loans</td>
<td></td>
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<td>7</td>
<td>8</td>
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<td>10</td>
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<tr>
<td>Kyats</td>
<td>Kyats</td>
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<tr>
<td>3,259,000</td>
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<tr>
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<td>1,980,000</td>
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<tr>
<td>2,912,000</td>
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<tr>
<td>7,115,590</td>
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<td>2,397,320</td>
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<tr>
<td>9,259,870</td>
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<tr>
<td>17,034,500</td>
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<tr>
<td>48,418,860</td>
<td>383,935,000</td>
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</table>

Note: All values are in Kyats.
### State Economic

<table>
<thead>
<tr>
<th>Serial Number</th>
<th>Subject</th>
<th>Responsible Person</th>
<th>Taxes</th>
<th>Receipts from State Economic Organizations</th>
<th>Other Current Receipts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>43,462,380,000</td>
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<td></td>
<td>1</td>
<td>State Economic Organizations</td>
<td>Prime Minister or a person delegated by the Prime Minister</td>
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<td>48,462,380,000</td>
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<tr>
<td></td>
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<td>Total ..........</td>
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**State Economic**

<table>
<thead>
<tr>
<th>Serial Number</th>
<th>Subject</th>
<th>Responsible Person</th>
<th>Current Expenditure</th>
<th>Payment of Interest</th>
</tr>
</thead>
<tbody>
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<td>3</td>
<td>4</td>
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**State Economic**
## Receipts

<table>
<thead>
<tr>
<th>Interest Receipts</th>
<th>Capital Receipts</th>
<th>Receipts from Foreign Aids</th>
<th>Debts</th>
<th>Receipts from Investment in Organizations</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>8</td>
<td>9</td>
<td>10</td>
<td>11</td>
</tr>
<tr>
<td>Kyats</td>
<td>Kyats</td>
<td>Kyats</td>
<td>Kyats</td>
<td>Kyats</td>
</tr>
<tr>
<td>290,931,000</td>
<td>37,734,000</td>
<td>89,327,000</td>
<td>316,896,000</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>290,931,000</td>
<td>37,734,000</td>
<td>89,327,000</td>
<td>316,896,090</td>
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## Expenditures

<table>
<thead>
<tr>
<th>Contribution</th>
<th>Capital Expenditure</th>
<th>Debts</th>
<th>Investment in Organizations</th>
<th>Savings</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
<td>10</td>
</tr>
<tr>
<td>Kyats</td>
<td>Kyats</td>
<td>Kyats</td>
<td>Kyats</td>
<td>Kyats</td>
</tr>
<tr>
<td>2,694,320,280</td>
<td>90,957,000</td>
<td>967,294,000</td>
<td>163,615,000</td>
<td>Kyats</td>
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<tr>
<td></td>
<td>2,694,320,280</td>
<td>90,957,000</td>
<td>967,294,000</td>
<td>163,615,000</td>
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</table>
## Development Committees

<table>
<thead>
<tr>
<th>Serial Number</th>
<th>Subject</th>
<th>Responsible Person</th>
<th>Taxes</th>
<th>Receipts from State Economic Organizations</th>
<th>Other Current Receipts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>City of Yangon Development Committee</td>
<td>Chairman of the State Law and Order Restoration Council or a Person delegated by the Chairman</td>
<td>304,460,000 Kyats</td>
<td>304,460,000 Kyats</td>
<td>426,573,000 Kyats</td>
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<tr>
<td>2</td>
<td>City of Mandalay Development Committee</td>
<td>Prime Minister or a Person delegated by the Prime Minister</td>
<td>29,065,000 Kyats</td>
<td>29,065,000 Kyats</td>
<td>170,954,600 Kyats</td>
</tr>
<tr>
<td>3</td>
<td>Municipalities under the Ministry of Home Affairs</td>
<td>- ditto -</td>
<td>150,012,760 Kyats</td>
<td>150,012,760 Kyats</td>
<td>454,935,860 Kyats</td>
</tr>
<tr>
<td>4</td>
<td>Cantonment Development Committees under the Ministry of Defence.</td>
<td>- ditto -</td>
<td>669,840 Kyats</td>
<td>669,840 Kyats</td>
<td>11,023,800 Kyats</td>
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<td>484,208,600 Kyats</td>
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</table>


and Municipalities

<table>
<thead>
<tr>
<th>Interest Receipts</th>
<th>Capital Receipts</th>
<th>Receipts from Foreign Aids</th>
<th>Receipts from Investment in Organizations</th>
<th>Savings</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>8</td>
<td>9</td>
<td>10</td>
<td>11</td>
</tr>
<tr>
<td>Kyats</td>
<td>Kyats 200,000,000</td>
<td>Kyats</td>
<td>Kyats</td>
<td>Kyats</td>
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<tr>
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<td></td>
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<tr>
<td>200,000,000</td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>
# Development Committees

<table>
<thead>
<tr>
<th>Serial Number</th>
<th>Subject</th>
<th>Responsible Person</th>
<th>Current Expenditure</th>
<th>Payment of Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>City of Yangon Development Committee</td>
<td>Chairman of the State Law and Order Restoration Council or a person delegated by the Chairman</td>
<td>Kyats</td>
<td>Kyats</td>
</tr>
<tr>
<td>2</td>
<td>City of Mandalay Development Committee</td>
<td>Prime Minister or a Person delegated by the Prime Minister</td>
<td>119,448,800</td>
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<tr>
<td>3</td>
<td>Municipalities under the Ministry of Home Affairs</td>
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<tr>
<td>4</td>
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<td>- ditto -</td>
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<td>Total</td>
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<td>1,054,190,300</td>
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</tr>
</tbody>
</table>
and Municipalities

### Schedule (8)

**Expenditures**

<table>
<thead>
<tr>
<th>Contribution</th>
<th>Capital Expenditure</th>
<th>Debts</th>
<th>Investment in Organizations</th>
<th>Savings</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Disbursement of Loans</td>
<td>Repayment of Loans</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
<td>10</td>
</tr>
<tr>
<td>Kyats</td>
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</tr>
<tr>
<td>437,800,000</td>
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</tr>
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<td>9,977,420</td>
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<td>11,000,000</td>
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<tr>
<td>43,410,130</td>
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<tr>
<td>2,609,900</td>
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<tr>
<td>543,797,450</td>
<td></td>
<td></td>
<td>11,946,000</td>
<td></td>
</tr>
</tbody>
</table>

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**Sd/ Than Shwe**  
**General**  
**Chairman**  
**The State Law and Order Restoration Council**
The State Law and Order Restoration Council

The Law for the (Second Time) Repeal of Laws

(The State Law and Order Restoration Council Law No. 4/93)

The 9th Waning Day of Hnaung Tagu, 1354 M.E.

(31st March, 1993)

Whereas it is expedient to provide for the repeal of certain laws from among existing laws, which on scrutinizing again, have been found to be no longer in conformity with the changing circumstances, laws which have not been in use for a long time and laws for which there are no reasons for use in future, the State Law and Order Restoration Council hereby enacts this Law.

1. This Law shall be called the Law for the (Second Time) Repeal of Laws.

2. The following laws are hereby repealed; -

(a) The Stage Carriages Act.
(b) The Pilots Act.
(c) The Provident Insurance Societies Act.
(d) The Life Assurance Companies Act.
(e) The Companies Foreign Interests Act.
(g) The Contributory Provident Funds Act.
(h) The Myanmar Patents and Designs Act, 1945
(i) The Liabilities (War-Time Adjustment) Act, 1945.
(k) The Compassionate Allowance for Aged Members of the Royal Family Act;
(m) The Money-Lenders Law of 1962;
(n) The Union of Myanmar Frontier Areas Administration Law of 1962.

Sd./ Than Shwe
General
Chairman
The State Law and Order Restoration Council
The State Law and Order Restoration Council
The Development Committees Law
(The State Law and Order Restoration Council Law No. 5/93)
The 10th Waning Day of Hnaung Tagu, 1354 M.E.
(1st April, 1993)

The State Law and Order Restoration Council hereby enacts the following Law:

Chapter I
Title and Definition

1. This Law shall be called the Development Committees Law.
2. The following expressions contained in this Law shall have the meanings given hereunder:
   (a) Development Committee means an organization formed to carry out the development works within the specified bound any limit. This expression includes committee and service organization;
   (b) Ministry means the Ministry of Home Affairs;
   (c) Minister means the Ministry for Home Affairs;
   (d) Department means the Department of General Administration;
   (e) Director General means the Director General of the Department of the General Administration;
   (f) Officer in charge of State/Division means the Officer of the State/Division Department of the General Administration;
(g) Committee means the Development Committee constituted under this Law;

(h) Service Organization means the service personnel of the Development Committee Office;

(i) Executive Officer means the Head of the service personnel of the Development Committee Office;

(j) Bye-laws means the bye-laws issued by the Ministry or the Department in respect of works prescribed under this Law;

(k) Dangerous Trade means any work which may cause danger to human life or its health, destruction or obstruction to property either due to the nature of the work or the manner it is carried out;

(l) Tax means any tax assessed under this Law. This expression also includes taxes, rates, duties and fines;

(m) Slow-moving Vehicle means any vehicle such as side-car, push-cart, peddled or pushed by a person or cart drawn by animals and used or hired for the purpose of transporting passengers and merchandise on payment of fare;

(n) The Driver of Slow-moving Vehicle means any person who peddles, pushes, pulls or drives a Slow-moving Vehicle;

(o) Ferry Service means any public undertaking whereby passengers, merchandise, animals and vehicles are transported across a river, a channel or a lake by boat, mechanically-powered river craft or ship etc. on payment of a fare or hire. The expression also includes ferry, jetty, ferry terminal, ferry terminal buildings.
Chapter II
Formation of Development Committees

3. The Ministry, except within the limits of the City of Yangon Development and the City of Mandalay Development areas may form Committees in the remaining areas in the following manner:

(a) development committees either for a township or for adjoining townships collectively forming for the purpose of carrying out development work;

(b) in forming under sub-section (a) specify the Town Development boundary limit for the purpose of carrying out development works, in the Township Development areas.

Chapter III
Formation of Committee

4. The Ministry shall form the Development Committee with suitable citizens in order to carry out the duties and functions of the Committee.

5. In forming the Committee, the Ministry shall at the same time, appoint, the Chairman of the Committee.

6. The Executive Officer is the Secretary of the Committee.

7. When the Ministry is unable to form the Committee or the Committee is unable to carry out its duties and powers, the Executive Officer or a suitable citizen may be assigned with responsibilities to carry out the duties and powers of the Committee.

8. The Committee shall be a body corporate, operate under its own name and have a common seal and perpetual succession and right to sue and be sued in its corporate name.
Chapter IV

Duties and Functions

9. The Committee shall, in respect of the following duties and functions, implement and supervise in accordance with the existing laws;

(a) drawing up plans and carrying out town planning;

(b) carrying out works for water supply;

(c) carrying out works for sanitation;

(d) carrying out works for disposal of sewage;

(e) carrying out works for lighting of roads;

(f) construction, supervision and maintenance of markets owned by the Committee;

(g) granting permission for the establishment of privately-owned markets and supervising them;

(h) establishing cattle markets and supervising them;

(i) stipulation of conditions in respect of roadside stalls;

(j) stipulation of conditions in respect of bakeries and restaurants;

(k) stipulation of conditions in respect of dangerous trade;

(l) carrying out precautionary measures against fire, flood, storm and natural disaster;

(m) establishing cattle slaughter houses, granting permission for slaughtering of cattle for public consumption and supervising sale of meat;

(n) administration of ferries;

(o) stipulation of conditions in respect of small loan business;
administration of Slow-moving Vehicles;

construction and maintenance of roads, bridges;

prescribing road bye-laws; and the use of road, name of road and number for the building;

construction and maintenance of buildings under the charge of the Committee;

granting permission for construction of private buildings within the Development Committee boundary limit and supervision thereof;

with the approval of the Ministry, granting permission for the construction and supervision of private buildings in rural area outside the Development Committee boundary limit specified by notification;

demolition of squatter buildings;

granting permission for opening lodging houses and supervision thereof;

supervising the keeping and breeding of animals within the Development area and disposal of carcasses;

arresting of wandering insane persons, lepers, beggars and handing over to the authority concerned;

rounding-up, keeping in custody of wandering animals and disposing them;

construction and maintenance of gardens, parks, play grounds, swimming pools, public baths and recreation centres;

alloting and supervising cemeteries, constructing and maintaining crematoriums;
(cc) with the approval of the Ministry, demolishing of cemeteries and using of land for other purposes;
(dd) executing other development works in the public interest;
(ee) carrying out other duties assigned by the Ministry from time to time.

Chapter V
Powers of the Committee

The Committee may, with the sanction of the Ministry, carry out the
ving : -

(a) prescribing, revising, assessing and collecting various duties and taxes and their rates relating to development works in accordance with the existing laws and rules;
(b) having the right to take loans and grants from the Government or from local or foreign organizations on its own responsibility;
(c) having the right to carry out works contributing to the development of the town area or township area by making contact with local and foreign organizations or with local and foreign individuals;
(d) having the right to use the foreign currency delivered from the lease of buildings or lands or by any other means for development works;
(e) inspecting and submitting reports in respect of construction and mainenance of State-owned buildings except those buildings relating to the defence of the State or those classified as secret.
11. The Committee may carry out the following:

(a) drawing up bye-laws in respect of development works in accordance with existing laws and rules;
(b) implementing works with funds owned by the Committee in accordance with existing laws and rules;
(c) carrying out works if necessary, by forming sub-committees;
(d) applying modern and advanced methods and technique in order to execute the development work more effectively;
(e) consulting and co-ordinating, if necessary, with government departments and organisations concerned in the execution of its duties and functions;
(f) exercising the powers conferred from time to time by the Ministry.

Chapter VI
Collection of Taxes

12. The Committee may, with the Ministry's sanction of the Ministry, levy the following taxes' either within the township development area or in town area:

(a) building and land tax;
(b) water tax, street lighting tax, garbage tax and public sewage tax;
(c) taxes collected on vehicles, beasts of burden and domesticated pets;
(d) tax on vehicles and beasts of burden parking or stopping within the town area;
(e) other taxes related to development permitted by this Law.
13. The Committee shall assess and collect taxes based on the following facts:

   (a) to as not more than 10% of the annual value of the rent in the case of buildings and lands;
   (b) to balance income and expenditure in assessing taxes on utility services;
   (c) to expand and improve development works;
   (d) to assess and collect taxes on buildings and lands from the owner and taxes on utility services from the occupants;
   (e) to assess not more than 5% of the total income derived from the privately owned land and building under Government management.

14. The Committee may prescribe or revise the annual rental value of the land and building from time to time for the purpose of assessing and collecting taxes on land, building and utility services.

15. The Committee may from time to time prescribe, revise and collect licence fees for trade connected with the development works, rent for stalls owned by the Committee, taxes on market and licence fees for grant of establishment of private markets.

16. The Committee in connection with abolishing any tax or exempting or remitting payment of any tax may carry out in the following manner:

   (a) temporarily suspending the abolishing or revising or collecting any tax assessed with the approval of the Ministry;
   (b) exempting, remitting or abolishing of tax payable by a tax payer on sufficient grounds.
17. The Executive Officer may, in respect of arrears of taxes, carry out in the following manner:

(a) recovery of arrears of taxes as if they were arrear of land revenue;

(b) exercising powers of the Collector under existing laws in order to execute the matter under sub-section (a).

Chapter VII
Administration of Development Works

18. The Committee may direct the owner of any building or land or the occupant thereof to comply with the following matters in respect of any building located within the town area in accordance with the relevant laws, rules and bye-laws:

(a) suspending or altering or demolishing the construction or renovation of any building which has been carried out without prior permission or without compliance with the specifications contained in the permission.

(b) removing any building or part of any building which encroaches upon any public road, drain, water supply pipe, sewage, etc;

(c) removing any building or part of any building which obstructs the construction or repair of public roads and bridges;

(d) repairing, demolishing or removing any dangerous building or building unfit for human habitation or any part thereof;

(e) white-washing or painting buildings and fences;

(f) erecting fences around unfenced land or repairing, of unrepaired fences;
(g) clearing and removing any noxious or untidy trees, bushes and undergrowth and filling up ravines, pitches.

19. If the present occupant is directed to comply with section 18 subsections (e), (f) and (g) the occupant shall comply as directed. If the occupant is the lawful tenant he has the right to request such expenses from the owner or set-off from the rent.

20. The Committee may direct the owner of the building or land or the occupant thereof comply with the following matters in respect of surface well, lake, drainage and sewage in accordance with the relevant laws, rules and bye-laws:

   (a) erecting enclosure or repairing any dangerous surface well, lake or pool of water;

   (b) cleaning, repairing, filling up or covering up any unhygienic surface well, lake, water storage tank or receptacle used for storing water;

   (c) constructing or repairing drains, drainage pipe or drains for proper flow of water discharged from factories, workshops, buildings and so as not to damage any street or public property;

   (d) repairing and improving the lay-out of the earth-work so as to drain off water properly from factories, workshops and buildings;

   (e) maintaining flushing-type toilet with flush tank water-closet, sewage pipe and septic tank in factories, workshops, buildings and compounds;

   (f) closing or demolishing or altering and repairing the toilet with flush tank, water-closet, sewage pipe and septic tanks which have been installed either without prior permission or without compliance with the specifications contained in the permission;
(g) constructing of sewage pipe or water pipe passing through adjacent land owned by some other person;

(h) compensating for damages if any, incurred to the owner in constructing sewage or water pipe passing through another persons land.

21. The Committee may direct the owner of the building or land or the occupier thereof within the town area to comply with the following matters in accordance with the provisions contained in the relevant laws, rules and bye-laws:

(a) keeping and maintaining suitable garbage bins for the collection of rubbish and offensive matters prior to their disposal;

(b) prohibiting the use of public or private water supply system found to be unhygienic;

(c) maintaining the rest house room or room rented in whole to be in a clean and sanitary condition;

(d) keeping and maintaining the buildings used for public entertainment in clean and sanitary condition as well as to ensure safety from fire hazards;

(e) prohibiting the use of or altering or maintaining the work premises dealing in dangerous enterprises if it becomes dangerous or nuisance to the neighbourhood.

22. The Committee may direct the owner or relevant organization of the unsuitable cemetery land to comply with the relevant law, rules and bye-laws regarding the following matters:

(a) not to permit to use as cemetery land and to close it;

(b) with the permission of the Ministry to transfer or demolish the burial place.
Chapter VII
Administration of Slow-moving Vehicles

23. The Committee may carry out the following in respect of Slow-moving Vehicles: -

(a) drawing up submitting bye-laws with regard to Slow-moving Vehicles classwise;
(b) prescribing licence fees for Slow-moving Vehicles and assessing and collecting thereof;
(c) prescribing the driving licence fees for Slow-moving Vehicles and assessing and collecting thereof;
(d) issuing, suspending and cancelling licence for Slow-moving Vehicles;
(e) issuing, suspending and cancelling driving licence for Slow-moving Vehicles;
(f) inspecting and controlling the Slow-moving Vehicles;
(g) inspecting and controlling the drivers of Slow-moving Vehicle.

24. Only a person who obtains a licence issued by the Committee has the right to operate the business of Slow-moving Vehicle.

25. Only a person who obtains a licence issued by the Committee has the right to drive a Slow-moving Vehicle.

26. The owner and the driver of Slow-moving Vehicle shall comply with the bye-laws as prescribed.
Chapter IX

Administrs of Ferries

27. The Committee may as controller of ferries within the township area, carry out in accordance with the bye-laws in respect of ferries as follows:

(a) granting permission to establish ferry business or cancelling thereof;
(b) demarcating and revising the ferry limit;
(c) controlling ferry business;
(d) regulating the route for ferry;
(e) cancelling ferry licence on sufficient grounds;
(f) deciding payment of compensation and assessing the amount of compensation for ferry licence the cancellation of which is not due to violation of bye-laws;
(g) prescribing fares for ferry service;
(h) exempting Government Service personnel travelling on duty, departmental vehicles, animals and goods from payment of ferry charges for their transportation;
(i) remitting ferry licence fees or exempting thereof on sufficient ground;

28. The Officer in charge of State/Division may, as the controller of ferry service and in respect of ferry service serving two or more adjoining Townships, carry out the following in accordance with the bye-laws:

(a) granting permission for establishment of ferry service or cancelling thereof;
(b) prescribing and revising the ferry limit;
(c) controlling the ferry service;
(d) regulating ferry route;
(e) allocating income from ferry service proportionately among the Committees which have adjoining ferry limits;
(f) cancelling ferry licence on sufficient grounds;
(g) appointing as the Controller of ferry service suitable Executive Officer of a Committee;
(h) deciding payment of compensation and assessing the amount of compensation for ferry licence cancellation of which is not due to violation of bye-laws;
(i) prescribing fares for ferry service;
(j) exempting Government Service personnel travelling on duty, departmental vehicles, animals and goods from payment of ferry charges for their transportation;
(k) remitting ferry licence fees or exempting thereof on sufficient grounds.

29. The Executive Officer shall be responsible as the administrator of the ferry service. The administrator of the ferry service may, in respect of ferry service, carry out as follows:

(a) administering the ferry service;
(b) selling the ferry service licences in the prescribed manner;
(c) requiring the ferry service licensee to make arrangements to ensure the safety and convenience for the general public;
(d) selling again the ferry service licences which are cancelled due to violation of the bye-laws.
30. Only a person who obtains the ferry service business licence has the right to operate within the ferry service limit.

31. The ferry service licensee shall comply with the instruction issued by the administrator of the ferry service regarding the proper maintenance and repair of either ferry boat or the equipments concerned thereof.

32. The ferry service licensee shall comply with the instruction of the administrator of the ferry service to discontinue the use of unsuitable boat or unsuitable equipments concerned thereof.

33. The Director General may decide disputes between one State/Division and another in respect of licence ferry service.

34. If the decision or order passed by the administrator of ferry service in respect of any provision contained in section 29 or section 31 or section 32 is not satisfied, appeal may be submitted to the Controller concerned of the ferry service within 30 days from the date of passing such decision or order.

35. (a) If the decision or order passed by the Controller of the ferry service under section 27 or section 28 is not satisfied, appeal may be submitted to the Director General within 60 days from the date of passing such decision or order;

(b) If the decision or order passed by the Controller of the ferry service under section 34 is not satisfied, appeal may be submitted to the Director General within 60 days from the date of passing such decision or order.

Chapter X

Administration of Animal Slaughter

36. The Committee may grant permission for the slaughter of buffalo, cow, horse, sheep, goat and pig in animal slaughter house owned by the Committee
for the purpose of consumption by the general public and sale of meat thereof at specified places in accordance with the regulations.

37. The Staff Officer of Township General Administration Department may, under the supervision of the Officer in charge of State/Division concerned, grant permission for the slaughter of cattle, at anywhere, for religious and other occasions other than for the purpose of public consumption under specified conditions.

38. The Committee and Staff Officer or Township General Administration Department shall in granting permission for cattle slaughter carry out, in accordance with the instruction, to prevent the wastage of cattle used in agriculture.

39. The Ministry may issue necessary instruction in respect of animal slaughter.

40. Only person with permission granted under section 36 or section 37
   (a) may slaughter, cattle, sell meat, or possess meat and skin;
   (b) may slaughter horse, sheep, goat, pig and sell meat.

Chapter XI
Supervision

41. The Minister may confirm, revise or cancel the decision or measure made by the Director General or Officer in charge of State/Division or the Committee in respect of development works.

42. The Director General shall after scrutinizing the execution of works by the Officer in charge of State/Division or the Committee, submit to the Minister.

43. The Director General shall supervise the development works.

44. The Officer in charge of State/Division shall carry out the following in respect of the development works:

-
(a) scrutinizing and submitting to the Director General annual budget estimates, short-term and long-term projects drawn up and submitted by the Committee.

(b) supervising the budget and for efficient development works in exercising powers conferred by the Director General.

(c) co-ordinating development functions so as to be in conformity with the law, rules, bye-laws and directives,

(d) inspecting works, buildings, proceedings, documents and accounts relating to the Committee and reporting to the Director General;

(e) suspending the Committee's decision, order, action or directive when it is found, to be illegal and reporting the finding to the Director General.

Chapter XII

Appeal

45. If any decision or order, made by the Committee under section 14, 18(c) (e) (f), 20 (c) (d) (g) (h), 21 (b) (e), is not satisfied an appeal may be submitted to the Officer in charge of State/Division concerned within 30 days from the date of such order or decision.

46. If any decision or order passed by the Officer in charge of State/Division concerned section 45 is not satisfied, appeal may be submitted to the Director General within 30 days from the date of such order or decision.

47. In respect of the appeal:

(a) no legal action to be taken against the person concerned pending appeal;

(b) the decision of the Director General is final
Chapter XIII

Finance

48. The Minister shall approve the budget of the Committee. Collection and expenditure may be mac ly in accordance with the budget approved by the Minister.

49. The Committee shall: -

(a) scrutinise and submit to the Director-General, the annual budget which has been submitted to him by the Executive Officer through the Officer in charge of State / Division;

(b) submit the annual financial and auditing situation to the Director General through the Officer in charge of State/ Division within 90 days of the expiry of the financial year.

50. The Committee shall open a separate bank account for its funds and may use the funds for development works. The funds which are not required for immediate use may be utilised as prescribed.

51. The Committee may open a separate Foreign Exchange Account and may utilise it in accordance with the existing laws and regulations with the permission of the Director General.

Chapter XIV

Organizational Set-up

52. The Ministry shall prepare and maintain as prescribed the necessary organizational set-up based on the duties and function of the development works and the amount of its income. In preparing the organizational set-up, if necessary, service personnel carrying out disciplinary measure may be included.
53. The Ministry has the power to appoint the service personnel within the organizational set-up in accordance with the existing regulations. The Executive Officer may be delegated with power to exercise over the matters related to affairs of certain level of service personnel.

54. The expenditure on service personnel shall not be incurred more than 30 per cent of the annual income accrued.

55. The Ministry may appoint by transfer service personnel who are capable of carrying out the development works effectively in coordination with other Ministries concerned.

Chapter XV

Maintenance of Fund and Auditing of Accounts

56. In order that the Executive Officer may maintain the accounts systematically and to enable auditing thereof, the Ministry shall prescribe the accounting procedure in consultation with the Auditor-General. Accounts shall be maintained in accordance with the accounting procedures so prescribed.

57. The accounts maintained by the Executive Officer shall be audited by the person assigned for this purpose by the Auditor-General.

Chapter XVI

Prohibitions

58. No person shall, within the limit of the town area, without the permission or without being in conformity with the specifications contained in the permission of the Committee or without being in conformity with the terms and conditions issued:
(a) erect any building or part of a building encroaching on public street, drain, water pipe or sewage pipe;
(b) spread, hang any textile or mat or other thing on the public road, drain, water pipe or sewage pipe causing obstruction thereof.

59. No person shall, within the limit of the town area, without the permission of the Committee or without being in conformity with the specifications contained in the permission or without being in conformity with the terms and conditions issued;-

(a) play any kind of game on public road;
(b) sell any merchandise or other things kept on display on a table, bench, box or any receptacle by placing them either on the road or over the drain causing obstruction thereof;
(c) dispose garbage, offensive matters, etc. on the road or in any place not specified for such disposal;
(d) build private road;
(e) erect any building on land where there is no entrance or exit.

60. No person shall, within the limit of the town area, without the permission of the Committee or without being in conformity with the specifications, contained in the permission or without being in conformity with the terms and conditions issued;-

(a) erect, re-erect, renovate or extend a building;
(b) make use of water from public water supply system owned by the Committee;
(c) establish private water supply system for gain;
(d) establish camping ground or bathing places for the public
61. No person shall, within the limit of the town area, without the permission of the Committee or without being in conformity with the specifications contained in the permission or without being in conformity with the terms and conditions issued: -

(a) keep a corpse unburied or uncremated beyond the specified period;
(b) keep a corpse unburied or uncremated beyond 12 hours if the cause of death was due to contagious disease;
(c) bury or cremate a corpse at no other place than that specified as cemetery.

62. No person shall, within the limit of the town area, without the permission of the Committee or without being in conformity with the specifications, contained in the permission or without being in conformity with the terms and conditions issued: -

(a) establish a lodging house;
(b) open restaurant, tea shop and shop for selling milk;
(c) establish bakeries and manufacture candies and all kinds of preserved fruit.

63. No person shall in a building within the limit of the town area, without the permission of the Committee or without being in conformity with the specifications, contained in the permission or without being in conformity with the terms and conditions issued: -

(a) engage in enterprise which may involve danger;
(b) store and sell merchandise and related materials which may involve danger.
64. No person shall, within the limit of the town area, without the permission of the Committee or without being in conformity with the specifications, contained in the permission or without being in conformity with the terms and conditions issued; -

(a) keep or raise animals;
(b) dispose of carcasses in a manner not being specified.

65. No person shall, without the permission of the Committee or without being in conformity with the specifications, contained in the permission or without being in conformity with the terms and conditions issued; -

(a) establish private market or shift the market from one place to another or re-establish a market previously closed or expand the permitted area of the market;
(b) sell anything by using incorrect weights, scale and measures;
(c) sell anything in the market owned by the Committee in violation of the bye-laws;
(d) establish cattle market and effect sale thereof;
(e) establish ice factories and aerated water plants;
(f) establish small loans enterprise.

66. No person shall within the limit of the town area; -

(a) prohibit the Committee or a member of the Committee or any duly authorized service personnel from entering any land or building in the day time to carry out their duties under this Law or under the rules and bye laws made under this Law;
(b) hinder or obstruct a contractor who is under contract with the Committee from carrying out the development works or any other work connected therewith without legal authority.
Chapter XVII

Imposition of Administrative Penalty

67. The Committee ui me Chairman of the Committee or Executive Officer may impose administrative penalty on a person who fails to comply with or violates any provision contained in the Schedule under section 72 and the relevant rules and bye-laws.

68. Notwithstanding any provision contained in section 72, the Committee or the Chairman of the Committee of Executive Officer may impose an administrative penalty of a minimum sum of K 100 to a maximum sum of K1000 on the first Offender.

69. Any offence for which administrative punishment has already been imposed shall not be prosecuted again in a Court of Law.

70. On failure to pay fine ordered for an administrative punishment such fine shall be recovered as if it were an arrear of land revenue.

71. The Ministry may prescribe the procedures for imposing administrative penalty.

Chapter XVIII

Offences and Punishments

72. If any person fails to comply with or violates any of the provisions of the following sections or sub-sections or rules and bye-laws concerned, he shall be fined on conviction for a minimum sum of K 500 to a maximum sum of K 5000.
<table>
<thead>
<tr>
<th>Section, sub-section</th>
<th>Brief Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
</tr>
<tr>
<td>18(e)</td>
<td>Required to paint or whitewash the building, fence.</td>
</tr>
<tr>
<td>18(g)</td>
<td>Required to clear trees undergrowth and to fill up the uneven ground;</td>
</tr>
<tr>
<td>20 (a)</td>
<td>Required to erect or repair fences around dangerous surface wells, lakes or pools of water;</td>
</tr>
<tr>
<td>20 (b)</td>
<td>Required to clean up surface wells, lakes, reservoir, water tank and pools of water or to fill with water and cover up;</td>
</tr>
<tr>
<td>20 (c)</td>
<td>Required to construct or repair channel, drainage pipe or drains for water discharged from factories, workshops, buildings and high ground so not to damage any street or public property;</td>
</tr>
<tr>
<td>20 (f)</td>
<td>Required to close, demolish or repair flush type toilet, water-closet, sewage pipe or septic tanks;</td>
</tr>
<tr>
<td>20 (g)</td>
<td>Required the owner of the land to allow the construction of sewage pipe or water pipe owned by another person passing through his land if it necessary;</td>
</tr>
<tr>
<td>21 (a)</td>
<td>Required to keep and maintain garbage bins for the disposal of rubbish;</td>
</tr>
<tr>
<td>Section, sub-section</td>
<td>Brief Provision</td>
</tr>
<tr>
<td>----------------------</td>
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</tr>
<tr>
<td>21 (d)</td>
<td>Required to keep and maintain buildings used for entertainment in accordance with the prescribed regulations;</td>
</tr>
<tr>
<td>24</td>
<td>Prohibiting to operate the business of Slow-moving Vehicles without licence;</td>
</tr>
<tr>
<td>25</td>
<td>Prohibiting the driving of Slow-moving Vehicles without licence;</td>
</tr>
<tr>
<td>26</td>
<td>Requiring the owner and the driver of Slow-moving Vehicles to comply with prescribed bye-laws;</td>
</tr>
<tr>
<td>40 (b)</td>
<td>Prohibiting the slaughtering of horse, sheep, goat, pig and selling the meat without permission;</td>
</tr>
<tr>
<td>58 (b)</td>
<td>Prohibiting the spreading or hanging of anything obstructing the street, drains, water pipe or sewage pipe;</td>
</tr>
<tr>
<td>59 (a)</td>
<td>Prohibiting the playing of games or sports on public roads;</td>
</tr>
<tr>
<td>59 (b)</td>
<td>Prohibiting the display and sale of merchandise over the drains obstructing thereof;</td>
</tr>
<tr>
<td>59 (c)</td>
<td>Prohibiting disposal of garbage, offensive matters, etc. on the road or in any place not specified for such disposal;</td>
</tr>
<tr>
<td>60 (b)</td>
<td>Prohibiting the securing of water against the bye-laws from public water supply system owned by the Committee;</td>
</tr>
</tbody>
</table>
(1) Prohibiting the keeping or raising of animals:

65 (b) Prohibiting the sale of using incorrect weights, scales and measures;

65 (c) Prohibiting the sale of merchandise in the market owned by the Committee in violation of the bye-laws.

**Explanation.** The statements mentioned above the heading "Brief provision" in column (2) of the above Schedule are not the definitions of the offences but are mere reference to the subject matters contained in the section and sub-sections.

73. If any person fails to comply with or violates any of the provisions of the following sections or sub-sections or any directive contained in the rules and bye-laws concerned, he shall be fined on conviction for a minimum sum of K. 1000 to a maximum sum of K. 10000.

<table>
<thead>
<tr>
<th>Section, sub-section</th>
<th>Brief Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) 18(a)</td>
<td>Requiring to suspend, renovate or demolish the construction of buildings against the bye-laws;</td>
</tr>
</tbody>
</table>

18(b) Requiring to remove building which encroaches upon road, drain, water pipe and sewage pipe;

18(c) Requiring to remove building which obstructs the construction or repair of roads and bridges;
<table>
<thead>
<tr>
<th>Section, sub-section</th>
<th>Brief Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>18(d)</td>
<td>Requiring to repair or demolish dangerous building and to evacuate the occupants thereof;</td>
</tr>
<tr>
<td>20 (d)</td>
<td>Requiring to repair and improve the ground work for the efficient drainage of water discharged from factories, workshops and buildings;</td>
</tr>
<tr>
<td>20(e)</td>
<td>Requiring to maintain flush-type toilet, water closet sewage pipe and septic tank in factories and workshops;</td>
</tr>
<tr>
<td>20 (h)</td>
<td>Requiring to pay compensation for the injury due to construction of sewage pipe or water pipe passing through the land owned by another person;</td>
</tr>
<tr>
<td>21 (b)</td>
<td>Requiring to close the unhygienic water supply system;</td>
</tr>
<tr>
<td>21(c)</td>
<td>Requiring to carry out the maintenance of rest house or lodging house in accordance with the prescribed bye-laws;</td>
</tr>
<tr>
<td>22 (a)</td>
<td>Causing the closure of the cemetery land which is not proper for use;</td>
</tr>
<tr>
<td>58 (a)</td>
<td>Prohibiting the erection of building encroaching on street, drain, water pipe or sewage pipe.</td>
</tr>
<tr>
<td>59 (d)</td>
<td>Prohibiting the construction of private road;</td>
</tr>
<tr>
<td>Section, sub-section</td>
<td>Brief Provision</td>
</tr>
<tr>
<td>----------------------</td>
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</tr>
<tr>
<td>59 (e)</td>
<td>Prohibiting the erection of buildings on land where there is no entrance or exit therefrom;</td>
</tr>
<tr>
<td>60 (a)</td>
<td>Prohibiting the erection, renovation or extension of a building;</td>
</tr>
<tr>
<td>60 (c)</td>
<td>Prohibiting the establishment of private water supply system for gain;</td>
</tr>
<tr>
<td>60 (d)</td>
<td>Prohibiting the establishment of camping ground or bathing places for the public;</td>
</tr>
<tr>
<td>61 (a)</td>
<td>Prohibiting the keeping of a corpse for more than the specified period;</td>
</tr>
<tr>
<td>61 (b)</td>
<td>Prohibiting the keeping of a corpse for more than 12 hours if the cause of death is due to epidemic disease;</td>
</tr>
<tr>
<td>61 (c)</td>
<td>Prohibiting the burial or cremation of corpse at no other place than that specified as cemetery;</td>
</tr>
<tr>
<td>62 (a)</td>
<td>Prohibiting the establishment of lodging house;</td>
</tr>
<tr>
<td>62 (b)</td>
<td>Prohibiting the opening of restaurant;</td>
</tr>
<tr>
<td>62 (c)</td>
<td>Prohibiting the establishment of bakeries and manufacturing candies and all kinds of preserved fruit;</td>
</tr>
<tr>
<td>65 (a)</td>
<td>Prohibiting the establishment of private market or shifting the market or re-opening already closed market or the expansion of the permitted area of the market.</td>
</tr>
<tr>
<td>Section, sub-section</td>
<td>Brief Provision</td>
</tr>
<tr>
<td>----------------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>(1)</td>
<td>(2)</td>
</tr>
<tr>
<td>65 (d)</td>
<td>Prohibiting the establishment of cattle market and sale thereof;</td>
</tr>
<tr>
<td>65 (e)</td>
<td>Prohibiting the establishment of ice factories and aerated water plants;</td>
</tr>
<tr>
<td>65 (f)</td>
<td>Prohibiting the establishment of small loan enterprises.</td>
</tr>
</tbody>
</table>

**Explanation.** The statements mentioned under the heading "Brief provision" in column (2) of the above Schedule are not the definitions of the offences but are mere reference to the subject matters contained in the sections and sub-sections.

74. If any person fails to comply with or violates any of the provisions of the following sections or sub-sections or any directive contained in the rules and bye-laws concerned, he shall be fined for a minimum sum of K. 2000 to a maximum sum of K. 20000 or punishable with imprisonment for a term which may extend to one year or both.

<table>
<thead>
<tr>
<th>Section, sub-section</th>
<th>Brief Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
</tr>
<tr>
<td>21 (e)</td>
<td>Prohibiting the use of work-premises in respect of dealing in dangerous trade or requiring the necessary repair to the premises if it becomes dangerous;</td>
</tr>
<tr>
<td>22 (b)</td>
<td>Demolishing the cemetery land which is not proper for use;</td>
</tr>
<tr>
<td>63 (a)</td>
<td>Prohibiting the engagement in dangerous trade;</td>
</tr>
<tr>
<td>Section, sub-section</td>
<td>Brief Provision</td>
</tr>
<tr>
<td>----------------------</td>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>(1) 63 (b)</td>
<td>Prohibiting the storage and sale of merchandise related to dangerous trade;</td>
</tr>
<tr>
<td>(2) 64 (b)</td>
<td>Requiring to dispose of carcasses as prescribed.</td>
</tr>
</tbody>
</table>

Explanation. The statements mentioned under the heading "Brief provisions" in Column (2) of the above Schedule are not the definitions of the offences but are mere reference to the subject matters contained in the sections and sub-sections.

75. Whoever contravenes any of the provisions under sections 30, 31 and 32 or fails to comply with the rules and bye-laws concerned, shall be punished on conviction with fine which may extend from a minimum sum of K. 1000 to a maximum sum of K. 10000.

76. Whoever contravenes any of the provisions contained in the Schedule mentioned under section 72 or fails to comply with the rules and bye-laws concerned and after being convicted for commission of aforesaid offences, shall be punished for each day that he continues so to contravene or for non-compliance with a fine of K. 50.

77. Whoever contravenes any of the provisions contained in the Schedule mentioned under section 73 or fails to comply with the rules and bye-laws concerned and after being convicted for commission of aforesaid offences, shall be punished for each day that he continues so to contravene or for non-compliance with a fine of K. 100.

78. Whoever contravenes any of the provisions contained in the Schedule mentioned under section 74 or fails to comply with the rules and bye-laws
concerned and after being convicted for commission of aforesaid offences, shall be punished for each day that he continues so to contravene or for non-compliance with a fine of K. 200.

79. Whoever contravenes any of the provisions under section 66 shall be punishable on conviction with fine which may extend from a minimum sum of K. 2000 to a maximum sum of K. 20000.

80. (a) Whoever slaughters buffalo or cow or keeps in possession meat or skin of buffalo or cow shall be punished with imprisonment which may extend to one year and may also be fined.

(b) In prosecuting under this section the burden of proof is on the person to show that the meat is that of buffalo or cow slaughtered with the permission of the authority concerned or that the meat found in possession is that of buffalo or cow slaughtered lawfully or the meat is that of buffalo or cow that have died from any other cause.

81. (a) The Staff Officer of the Township General Administration Department concerned shall prosecute the cases for violation of section 37;

(b) The Committee concerned or the person delegated by the Committee shall prosecute the cases other than those mentioned in sub-section (a)

82. The Committee may, in carrying out its duties and powers under this Law, request for the assistance from the Police Department if it is necessary. The Police Department shall give the assistance on such request.
83. If any development work is connected with two or more than two Committees, the two or more than two Committees concerned may, in carrying out the operation, co-operate among them with the approval of the Ministry.

84. Notwithstanding anything contained under any existing law, the Ministry may co-ordinate with the other Ministry concerned for the allocation of suitable proportion of taxes for the Committee out of taxes levied by other Government Departments in respect of development works performed by other Government Departments.

85. Funds owned by the Municipality, formed under the laws which are repealed by this Law, moveable and immoveable property, works in the process of execution, work which has been completed, assets and liabilities shall devolve respectively on the Committee.

86. The department concerned shall give advance information to the Committee concerned regarding their work programme in respect of construction or demolition of State-owned buildings except buildings related to the security of the State or classified as secret.

87. The existing bye-laws, orders and directives in respect of development works shall remain in force so long as they are not repugnant to the provisions of this Law.

88. The City of Mandalay Development Committee may apply the provisions of this Law in so far as they are not contrary to the City of Mandalay Development Committee Law.
89. In order to be able to carry out the provisions of this Law; -

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

(b) the Ministry or the Department may issue the necessary bye-laws, orders and directives.

90. The following laws are repealed by this Law:-

(a) The Hackney Carriage Act, 1879.

(b) The Government Management of Private Estates Act, 1892.

(c) The Municipal Act, 1898.

(d) The Ferries Act, 1898.


(f) The Local Authorities Loans Act, 1914.

(g) The Myanmar Rural Self Government Act, 1921.

(h) The Local Authorities (Suspension) Act, 1946.

(i) The Buildings (Regulation of Construction and Repair) Act, 1946


Sd./ Than Shwe
General
Chairman
The State Law and Order Restoration Council
The State Law and Order Restoration Council

The Myanmar National Olympic Council Law

{ The State Law and Order Restoration Council Law No. 6/93 }

The 13th Waning Day of Oo Tagu, 1355 M.E.

( 19th April, 1993 )

The State Law and Order Restoration Council hereby enacts the following Law: -

Chapter I

Title and Definition

1. The Law shall be called the Myanmar National Olympic Council Law.
2. The following expressions contained in this Law shall have the meanings given hereunder; -
   (a) Council means the Myanmar National Olympic Council formed under this Law;
   (b) Federation means the respective Federations formed by the Council under this Law according to each type of sports and assigned responsibility thereto.

Chapter II

Objectives

3. The Myanmar National Olympic Council is formed with the following objectives
   (a) to carry out sports activities with the aims of keeping alive and promoting Union spirit and patriotism;
(b) to take measures in the form of a national movement for
Myanmar sports to attain international standard;
(c) to contribute to the defence of the State by promoting sports;
(d) to obtain the co-operation and encouragement of the public in
order to raise the standard of sports;
(e) to train and nurture for the emergence of outstanding athletes
by applying progressive and modern sports, methods and
techniques;
(f) to cause the emergence of new generations of outstanding
athletes and to recognize being outstanding in sports as a
qualification.

Chapter III

Formation of the Council

4. The Prime Minister: -

(a) shall form a Council consisting of suitable citizens;
(b) shall determine an appropriate number of Councillors consisting
of 3 to 5 persons who are well experienced in sports;
(c) shall determine the Chairman and Secretary of the Council and
may, if necessary determine the Vice-Chairman and Joint
Secretary.

5. The Council is the highest organization in respect of sports.

6. The Council is a non-governmental organization relating to sports,
without a profit-making motive.

7. The Council shall operate under its own name and a common seal,
and shall have perpetual succession and right to sue and be sued in its
corporate name.
Chapter IV
Duties and Functions of the Council

8. The duties and functions of the Council are as follows:

(a) laying down policy and giving guidance for the successful implementation of the objectives contained in this Law;

(b) laying down projects and plans relating to sports and physical education to cause Myanmar sports to attain international standard;

(c) laying down policy and giving guidance in respect of the establishing of sports institutes and sports universities and in respect of the conducting of training courses according to the type of sports;

(d) laying down policy and giving guidance in respect of the holding of national and regional sports competitions in order to enhance the standard of sports;

(e) selecting and sending athletes and sports contingents for participation and contesting in sports competitions held abroad in the manner prescribed;

(f) selecting and sending suitable persons to attend training courses and seminars relating to sports held abroad in the manner prescribed;

(g) sending abroad study and goodwill missions relating to sports in the manner prescribed;

(h) inviting persons from foreign sports associations, sports advisors, sports associations and persons rendering assistance in the manner prescribed;
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(i) inviting and hiring foreign coaches in the manner prescribed;

(j) accepting donations, grants and goods from Government departments and organizations, non-governmental organizations or persons;

(k) utilizing by transfer or utilizing on hire sports buildings, stadiums, gymnasiums and sports goods from Government departments and organizations, non-governmental organizations or persons in the manner prescribed;

(l) giving guidance for the purchase, sale and distribution of local and foreign sports goods in accordance with the regulations;

(m) co-ordinating with the relevant department to obtain relief or exemption from assessment of income tax and profit tax on income and donations received in respect of sports.

Chapter V

Myanmar Olympic Committee

9. In order to carry out effectively and successfully functions relating to Olympic Programmes and Olympic Games, the Council shall elect and form the Myanmar Olympic Committee in the manner prescribed.

10. The duties and functions of the Myanmar Olympic Committee are as follows:

   (a) implementation of sports activities in accordance with the policies and guidance laid down by the Council;

   (b) taking measures to make the public familiar with the objectives and programmes of the Olympic movement;
(c) taking measures to enable the participation of Myanmar Sports contingents in the Olympic Games, Asian Games, Southeast Asian Games and Regional Games;

(d) acting as an intermediary between the Federations formed under this Law and the International Olympic Committee;

(e) co-ordinating with the Federations and making arrangements for conducting training courses in the country and for sending trainees to training courses conducted abroad, with the assistance of the International Olympic Committee;

(f) communicating for holding the Olympic Games, Asian Games, Southeast Asian Games and Regional Games in Myanmar.

(g) carrying out duties assigned by the Council from time to time.

Chapter VI

Sports Federations

11. The Council shall elect and form sports Federations in the manner prescribed for each type of sport in order to communicate with the Myanmar Olympic Committee. In so forming, it shall determine the duties and functions of the Federations.

12. During the period prior to the election and formation of Federations by the Council under section 11, the existing sports Federations shall be deemed to be Federations elected and formed under this Law.
Chapter VII

Myanmar Sports and Physical Education Committee

13. In order to carry out effectively and successfully functions relating to the development of sports and physical education of the people, the Council shall form the Myanmar Sports and Physical Education Committee, in the manner prescribed,

14. The duties and functions of the Myanmar Sports and Physical Education Committee are as follows

(a) implementation of sports activities in accordance with the policies and guidance laid down by the Council;

(b) implementation by means of sports and physical education for the health and physical fitness of entire nation.

(c) implementation of sports of the mass from sports of a group;

(d) training and nurturing for the emergence of outstanding athletes;

(e) making arrangements for the establishing of modern Sports institute and Sports University;

(f) making arrangements for construction of stadiums and gymnasiums of the required standard;

(g) formation of Sports and Physical Education Committees at the State/Divisional, District, Township, Ward and Village Tract levels as required- and assigning duties thereto;

(h) carrying out duties assigned by the Council from time to time.
Chapter VIII
Reciprocal Communication

15. The Council shall determine the reciprocal communication between the following organizations:

(a) Myanmar Olympic Committee;
(b) Myanmar Sports and Physical Education Committee;
(c) Sports Federation;
(d) Sports and Physical Education Committees at the State/Divisional, District, Township, Ward and Village Tract levels.

Chapter IX
Funds of the Council

16. In order to seek funds, the Council may form the Finance Committee with suitable persons and assign duties thereto.

17. The Council shall subsist on its own funds. In addition, it shall also undertake responsibility for all its financial matters.

18. The Council has the power to utilize the income from sports in accordance with the regulations.

19. The Council has the right to obtain and utilize finances apportioned by the State.

20. The Council has the right to obtain and utilize loans from any Government department or organization or from any financial institution.

21. The Council shall open a separate bank account for its funds and has the power to utilize such funds for sports activities in the manner prescribed.
22. The Council shall open a separate bank account for foreign currency accrued to it and has the power to utilize such foreign currency for sports activities in accordance with the existing regulations.

23. The Council may invest funds not immediately required for use in the manner prescribed.

24. The Council may apportion its funds to the Committees, Federations and Sports and Physical Education Committees formed under this Law and permit utilization thereof as may be appropriate.

Chapter X
Auditing of Accounts

25. The Council shall prescribe procedures relating to maintenance of accounts in consultation with the Auditor General. Accounts shall be maintained in accordance with the accounting procedures so prescribed.

26. The accounts maintained by the Council shall be audited by a person assigned for this purpose by the Auditor General.

Chapter XI
Miscellaneous

27. The Council may, after consultation with the Ministry of Health, obtain the assistance of Sports and Physical Education Department, in order to carry out its office work and the office work of the Committees and Federations formed, under this Law.

28. In carrying out its duties and functions, the Council may, after consultation with the Ministry of Health, hire and use, if necessary, sports buildings, stadiums, gymnasiums and sports goods belonging to the Ministry of Health, in the manner prescribed.
29. The Council shall submit a report of the performance of its functions and the financial situation to the Minister within 60 days of the end of the financial year.

30. In order to be able to carry out the provisions of this Law—

   (a) the Council may issue procedures as may be necessary, with the approval of the Prime Minister;

   (b) the Council, the Myanmar Olympic Committee or the Myanmar Sports and Physical Education Committee may issue orders and directives as may be necessary.

Sd./ Than Shwe
General
Chairman
The State Law and Order Restoration Council
The State Law and Order Restoration Council

The University of Culture Law

(The State Law and Order Restoration Council Law No. 7/93)

The 14th Waning Day of Oo Tagu, 1355 M.E.

(20th April, 1993)

The State Law and Order Restoration Council hereby enacts the following Law: -

Chapter I

Title and Definition

1. This Law shall be called the University of Culture Law.

2. The following expressions contained and this Law shall have the meanings given hereunder: -

   (a) **University** means the University of Culture established under this Law;

   (b) **Council** means the University Council formed under this Law to supervise the duties and functions of the University;

   (c) School means the Schools of Music and Drama and Schools of Painting and Sculpture established by the Government.
Chapter II

Establishment of the University

3. The University of Culture is established with effect from the date on which this Law comes into force.

4. The University shall operate under its own name and a common seal and shall have perpetual succession and right to sue and be sued in its corporate name.

5. Schools existing at the time of the establishment of the University shall be deemed to be Schools affiliated to the University.

6. The Government may form the Institute of Culture and Schools affiliated to the University, as may be necessary.

Chapter III

Objectives of the University

7. The objectives of the University are as follows

   (a) to preserve and develop Myanmar cultural heritage;

   (b) to conduct research and training for the development of Myanmar Fine Arts and the emergence of outstanding artistes;

   (c) to provide for instruction in the culture, customs and traditions of the national races of the Union at the University, Institute of Culture and Schools;

   (d) to contribute towards keeping alive and keen the Union spirit and sense of patriotism;

   (e) to produce good artistes of sound moral character.
Chapter IV
Formation of the Council

8. The Government shall form the Council with the following persons, in order to implement the objectives of the University:

(a) Minister, Ministry of Culture
(b) persons from the relevant Government departments and organizations
(c) luminaries of the relevant subjects
(d) suitable citizens
(e) Director Genera, Department of Fine Arts

9. The Government may determine the Vice-Chairman and Joint Secretary when necessary.

10. Councillors who are non-Government servants are entitled to receive such remuneration as may be prescribed by the Ministry of Culture.

Chapter V
Duties and Powers of the Council

11. The duties and powers of the Council are as follows:

(a) laying down the policies relating to University education;
(b) determining to conduct works of research relating to University education;
(c) determining the degrees, diplomas and honorary degrees relating to University to be conferred by the University;

(d) determining the number of students to be admitted to the University;

(e) determining the qualifications for admission to the University;

(f) determining the qualifications of the teachers who are serving at the University.

(g) supervising the administrative functions of the University and giving decisions thereon;

(h) making decisions in respect of the holding of University examinations;

(i) preparing and maintaining the organizational set-up as may be necessary for the University, in the manner prescribed;

(j) obtaining technical assistance and other assistance as may be necessary from Government departments and organizations and local and for organizations;

(k) determining the duties and powers of the Rector of the University.

Chapter VI
Formation of the Academic Body and Administrative Body
12. The Council shall form the following Bodies with suitable persons in order to carry out effectively the academic functions and administrative functions of the University:

(a) University Academic Body;

(b) University Administrative Body.
13. The Council shall determine the tenure of the University Academic Body and the University Administrative Body.

14. The Council shall determine the duties and powers of the University Academic Body and the University Administrative Body.

15. Members of the University Academic Body and the University Administrative Body, who are non-Government servants are entitled to receive such remuneration as may be prescribed by the Ministry of Culture.

Chapter VII

Miscellaneous

16. Notwithstanding anything provided in any existing law, the University established under this Law shall have the right to confer degrees, diplomas and honorary degrees relating to University education.

17. For the purpose of carrying out the provisions of this Law:

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

(b) the Ministry of Culture, the Department of Fine Arts and the Council may issue orders and directives as may be necessary.

Sd./ Than Shwe
General
Chairman
The State Law and Order Restoration Council
The State Law and Order Restoration Council

The Plant Pest Quarantine Law

(The State Law and Order Restoration Council Law No. 8/93)

The 12th Waning Day of Nayon, 1355 M.E.

(16th June, 1993)

The State Law and Order Restoration Council hereby enacts the following Law: -

Chapter I

Title and Definition

1. This Law shall be called the Plant Pest Quarantine Law.
2. The following expressions contained in this Law shall have the meanings given hereunder:

(a) Plant means the cultivable plant and propagative parts thereof. Such expression also includes seed, tuber, corn, bulb, root or stem part of the plant;

(b) Plant Product means any unprocessed material of plant origin or even though processed which by the nature and that of the processing method may create a risk for the spread of pests. Such expression also includes tuber, corn, bulb, grain, fruit or vegetable for consumption;

(c) Non-plant Product means any material which is not a product of plant and which is contaminated with pest constituting risk of spread. This expression also includes imported materials which have been prescribed for the purpose of this Law by the Ministry for inspection;
Pest means insects, arachnids, rats, moles, snails, weeds that destroy crops, food or commodities or those interfering with human being or animal. Such expression also includes other pests that cause plant disease and living organisms prescribed by the Myanmar Agriculture Service; Quarantine Pest means pest dangerous to plant but not yet in existence in Myanmar and even those in existence but not widely spread yet needs to be controlled; Beneficial Organism means an organism which benefits the agriculture by causing disease to or parasitize its eggs or by predating the pest. Such expression also includes insects, arachnids, fungi, bacteria, viruses, nematodes and various kinds of edible mushrooms which in one way or another benefits agriculture and other organisms prescribed by the Myanmar Agriculture Service; Transit Camp means a camp being stationed for the purpose of temporary storage of plant, plant product, pest, beneficial organism or soil from the arriving carrier to Myanmar before being transferred to the outgoing carrier destined to any foreign country; Import Certificate means the certificate issued by the Myanmar Agriculture Service for the purpose of importing from abroad, plant, plant product, pest, beneficial organism or soil; Phytosanitary Certificate means an internationally recognized certificate issued by the Myanmar Agriculture Service after phytosanitary inspection in accordance with the model prescribed in the 1951 International Plant Protection Convention; Ministry means the Ministry of Agriculture; Minister means the Minister for the Ministry of Agriculture; Managing Director means the Managing Director of the Myanmar Agriculture Service.
Chapter II
Objectives

3. This Law shall be implemented in accordance with the objective given hereunder: -
   
   (a) to prevent quarantine pests from entering into Myanmar by any means;
   
   (b) to suppress effectively the spread of quarantine pests;
   
   (c) to carry out, if necessary, disinfestation, disinfection treatment of plant or plant product to be exported and the issuance of phytosanitary certificate.

Chapter III
Import and Export

4. Plant, plant product, pest, beneficial organism or soil: -
   
   (a) shall be imported by a person on application for import certificate from the Myanma Agriculture Service before obtaining licence or permit from the department or organization concerned;
   
   (b) When on arrival by importing or when brought personally shall be subject to inspection by the Myanma Agriculture Service;
   
   (c) shall be subject to payment of fees as prescribed for import certificate and to payment of inspection fees by the person who imports or brings along with him.

5. A person, who has been permitted to export plant or plant product, if desirous of obtaining phytosanitary certificate or disinfestation or disinfection treatment may apply to the Myanma Agriculture Service after payment of the prescribed fee.
6. In re-exporting plant, plant product, pest, beneficial organism or soil through transit camp to abroad:
   (a) the Myanma Agriculture Service has the right to inspect;
   (b) if quarantine pests are found while inspecting under sub-section (a), the Myanma Agriculture Service has the right to carry out disinestation or disinfection treatment. The person so concerned shall incur the costs;
   (c) if desirous of obtaining phytosanitary certificate, application may be made to the Myanma Agriculture Service after payment of the prescribed fee.

Chapter IV
 Inspection Camps

7. In order to carry out inspection works under this Law, the Myanma Agriculture Service shall establish inspection camps at the following places:
   (a) Yangon International Airport;
   (b) Yangon Port;
   (c) Myanmar Posts and Telecommunications, Foreign Mail Service;
   (d) Transit Camp.

8. The Ministry may extend the establishment of pest inspection camps.

Chapter V
 The Duties and Powers of the Managing Director

9. The duties and powers of the Managing Director are as follows:
   (a) prescribing methods of inspection in respect of plant, plant product, pest, beneficial organism, non-plant product or soil imported from abroad as to whether they are infested or infected with quarantine pest;
(b) prescribing conditions relating to the temporary custody in the transit camp, transferring from one vehicle to another of plant, plant product, beneficial organism or soil for re-export;

(c) prescribing necessary measures for inspection in accordance with the requirements of the receiving country in respect of plant, plant product, pest, beneficial organism or soil for re-export;

(d) prescribing necessary measures for the effective suppression of quarantine pest in case of outbreak of such pest in the country.

(e) permitting or refusing after scrutinizing the applications for import certificate made in respect of plant, plant product, pest, beneficial organism or soil;

(f) making arrangements for carrying out disinfection or disinfection treatment;

(g) permitting or refusing after scrutinizing the applications for phytosanitary certificate;

(h) issuing order preventing the transportation from one place to another within the country of plant, plant product, beneficial organism or soil that is infested or infected with quarantine pest;

(i) imposing administrative penalty;

0) carrying out duties as are assigned by the Minister.

The Managing Director: -

(a) shall assign the duty of inspector General and Inspectors to the suitable personnel from the Myanma Agriculture Service;
(b) shall prescribe the duties and powers of the inspector General and the Inspectors;

(c) may assign his powers to the Inspector General or any officer of the Myanma Agriculture Service;

(d) may assign on suitable officers of the Myanma Agriculture Service the power to impose administrative penalty.

Chapter VI
Prohibition and Penalty

11. No person shall, without obtaining the import certificate, import plant, plant product, pest, beneficial organism or soil.

12. No person, who imports plant, plant product, pest, beneficial organism or soil with import certificate or who brings along with him from abroad, shall fail to submit to inspection and control of the Myanma Agriculture Service.

13. An importer of non-plant product which has been prescribed by the Myanma Agriculture Service for inspection shall not fail to submit to inspection.

14. No person shall, knowingly transport from one place to another within the country, plant, plant product, beneficial organism or soil which has been declared to be infested or infected with quarantine pest by the Myanma Agriculture Service.

15. No person shall violate any provision of the rules, procedures, made under this Law.

16. A person shall violates any of the provisions contained in section 11 or section 12 shall be liable to the following administrative penealty: -
(a) in the case of a first offence, imposition of a fine which may extend from a minimum of kyats 1,000 to a maximum of kyats 5,000;

(b) in the case of a subsequent offence, imposition of a fine which may extend from a minimum of kyats 5,000 to a maximum of kyats 10,000.

17. A person who violates the provisions contained in section 13, section 14 or section 15 shall be liable to the following administrative penalty

(a) in the case of a first offence, imposition of a fine which may extend from a minimum of kyats 500 to a maximum of kyats 3,000;

(b) in the case of a subsequent offence, imposition of a fine may extend from a minimum of kyats 3,000 to a maximum of kyats 5,000.

18. In respect of the administrative penalty imposed under section 16 or section 17 may require the exhibits involved in the offence to be destroyed or after payment of the prescribed fee may require them to be disinfested or disinfected.

Chapter VII

Appeal

19. A person dissatisfied with the order or decision made by the Managing Director under this Law may appeal to the Minister within 60 days from the date such order or decision was made.

20. The decision of the Minister shall be final.
Chapter VIII
Miscellaneous

21. The respective government department or government organization shall, in respect of plant, plant product, pest, beneficial organism, soil or non-plant product on arrival from abroad:
   (a) promptly inform the Myanma Agriculture Service for inspection;
   (b) permit an importer to take delivery only when it has been found to be free from pests on inspection by the Myanma Agriculture Service.

22. The inspection work under this Law shall be done:
   (a) without affecting the smooth and steady flow of trade;
   (b) without delay in inspection.

23. Any organization recognized by the Pesticide Registration Board formed under the Pesticide Law may carry out the disinfestation or disinfection treatment under this Law.

24. The Ministry may exempt any government department or government organization from complying with any of the provisions of this Law apart from the inspection of plant, plant product, pest or soil.

25. The government department or the government organization that is authorized to issue import licence or permit in respect of plant, plant product, pest, beneficial organism or soil imported from abroad may issue the licence or permit only on submission of the import certificate granted by the Myanma Agriculture Service.
26. The Myanmar Agriculture Service may recover the fine payable under this Law as if it were arrears of land revenue.

27. For the purpose of carrying out the provisions of this Law: -

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

(b) the Ministry and the Myanmar Agriculture Service may issue orders and directives as may be necessary.

28. The Insects and Pests Act, 1914 is hereby repealed.

Sd./ Than Shwe
General
Chairman
The State Law and Order Restoration Council
The State Law and Order Restoration Council

The Child Law

( The State Law and Order Restoration Council Law No. 9/93 )

The 11th Waning Day of Oo Waso, 1355 M.E.

( 14th July, 1993 )

The State Law and Order Restoration Council hereby enacts the following Law: -

Chapter I
Title and Definition

1. This Law shall be called the Child Law.

2. The following expressions contained in this Law shall have the meanings given hereunder: -

   (a) **Child** means a person who has attained the age of 16 years;

   (b) **Youth** means a person who has attained the age of 16 years but has not attained the age of 18 years;

   (c) **Committee** means the National Committee on the Rights of the Child, formed under this Law;

   (d) **Child in need of Protection, and Care** means a child mentioned in section 32;

   (e) **Juvenile offence** means an offence under any existing law, for which a child is sent up for prosecution to a juvenile court;

   (f) Juvenile Court means a court where the sittings of a judge on whom power to try juvenile offences is conferred, are held;

   (g) Guardian means a person who takes custody of a child under a law or social obligation;

   (h) Custodian means a person undertaking responsibility for the custody and care of a child in need of protection and care in accordance with this Law;
Training School means a training school established by the Social Welfare Department, to which a child in need of protection and care or a child who has committed an offence is sent for custody and care under this Law. This expression also includes a home recognized as a training school by the Social Welfare Department;

Home means premises, school, centre or department established by a voluntary social worker or non-governmental organization with the objective of taking custody and care of a child in need of protection and care;

Temporary Care Station means a temporary care station established by the Social Welfare Department for temporary custody and care of a child accused of having committed a crime, during the trial of the case. This expression also includes a home recognized by the Social Welfare Department as a temporary care station;

Probation Officer means a person assigned responsibility under this Law as a Probation Officer;

Ministry means the Ministry of Social Welfare, Relief and Resettlement;

Minister means the Minister of the Ministry of Social Welfare, Relief and Re-settlement;

Director General means the Director General of the Social Welfare Department;

Social Welfare Officer means an officer of the Social Welfare Department who, has been assigned duties of a Social Welfare Officer under this Law or a person who has been assigned duties under section 60.
Chapter II

Aims

3. The aims of this Law are as follows

(a) to implement the rights of the child recognized in the United Nations Convention on the Rights of the Child;
(b) to protect the rights of the child;
(c) to protect in order that children may enjoy fully their rights in accordance with law;
(d) to carry out measures for the best interests of the child depending upon the financial resources of the State;
(e) to enable custody and care of children in need of protection and care by the State on voluntary social workers or non-governmental organizations;
(f) to enable a separate trial of a juvenile offence and to carry out measures with the objective of reforming the character of the child who has committed an offence.

Chapter III

Formation of the Committee

4. The Government-

(a) shall form the National Committee on the Rights of the Child consisting of the following persons, in order to implement effectively and successfully the provisions of this Law;

(i) Minister, the Ministry of Social Welfare, Chairman Relief and Resettlement
(ii) Heads of relevant Government departments Members
and organizations

(iii) representatives from non-governmental
organizations who are carrying out work Members
in the interests of children

(iv) voluntary social workers who are interested
in the affairs of children Members

(v) a person assigned responsibility by the
Chairman Secretary

(b) may determine the Deputy Chairman and Joint Secretary as
may be necessary in forming the Committee;

(c) may determine the tenure of the Committee.

Chapter IV
Duties and Powers of the Committee

5. The duties and powers of the Committee are as follows:-

(a) protecting and safeguarding the rights of the child;

(b) giving guidance as may be necessary in order that the relevant
Government departments and organizations may implement
effectively and successfully the provisions of this Law;

(c) co-operating and co-ordinating as may be necessary activities
of government departments and organizations, voluntary social
workers and non-governmental organizations relating to a child;
reviewing from time to time the progress made;
obtaining assistance and co-operation of the United Nations Organizations, international organizations, voluntary social workers or non-governmental organizations for the interests of the child;
giving guidance and supervision in obtaining donations and property from local and foreign voluntary donors and to enable effective utilization of such donations and property in the interests of children;
laying down and carrying out work programmes in order to take preventive measures against occurrence of juvenile crimes;
collecting from relevant government departments and organizations and compiling the required reports and statistics;
reporting to the Government from time to time on the activities of the Committee;
carrying out functions and duties in respect of the child, as are assigned by the Government.

Committee may:

from the State, Divisional, District or Township Committees on the Rights of the Child and determine the functions and duties thereof;
supervise, guide and assists in the activities of the Committees on the Rights of the Child formed under subsection (a).

The office work of the Committee shall be undertaken by the Social Welfare Department.
The expenditures of the Committee shall be borne out of the budget of the Social Welfare Department.
Chapter V
Rights of the Child

8. The State recognizes that every child has the right to survival, development, protection and care and to achieve active participation within the community.

9. (a) Every child has the inherent right to life;
    (b) The parents or guardian shall register the birth of the child in accordance with law.

10. Every child shall have the right to citizenship in accordance with the provisions of the existing law.

11. (a) Maintenance, custody and care of children, cultivating and promoting the all-round physical intellectual and moral development of the child shall be the primary responsibility of parents or guardian;
    (b) The child shall be entitled to a monthly allowance for maintenance from his parents who fail or refuse to maintain him.

12. Every child-
    (a) shall have the right to live with and be brought up by both parents or any one parent if they are alive;
    (b) shall not be separated forcibly from his or her parents, except in a case where in accordance with law, separation is necessary for the best interests of the child;
    (c) shall have the right to maintain contact on a regular basis with parents lawfully separated, if it is not prejudicial to the interests of the child;
(d) has the right to guardianship in accordance with law, in respect of his person or property.

13. (a) Every child who is capable of expressing his or her own views in accordance with his age and maturity has the right to express his own views in matters concerning children;
   (b) The views of the child shall be given due weight in accordance with his age and maturity, by those concerned;
   (c) The child shall be given the opportunity of making a complaint, being heard and defended in the relevant Government department, organization or court either personally or through a representative in accordance with law, in respect of his rights.

14. Every child shall, irrespective of race, religion, status, culture, birth or sex -
   (a) be equal before the law;
   (b) be given equal opportunities.

15. Every child -
   (a) has the right to freedom of speech and expression in accordance with law;
   (b) has the right to freedom of thought and conscience and to freely profess any religion;
   (c) has the right to participate in organizations relating to the child, social organizations or religious organizations permitted under the law.

16. (a) In order that every child shall not be subjected to arbitrary infringement of his honour, personal freedom and security, relevant Government departments and organizations shall provide protection and care in accordance with law;
Security of the property of every child shall be protected by law.

Every child shall have the right to be adopted in accordance with law;

The adoption shall be in the interests of the child;

The adoptive parents shall be responsible for the care and custody of the child to ensure that there is no abduction to a foreign country, sale or trafficking, unlawful exploitation, unlawful employment, maltreatment, pernicious deeds and illegal acts.

A mentally or physically disabled child -

(i) has the right to acquire basic education (primary level) or vocational education at the special schools established by the Social Welfare Department or by a voluntary social worker or by a non-governmental organization;

(ii) has the right to obtain special care and assistance from the State;

The Social Welfare Department shall lay down and carry out measures as may be necessary in order that mentally or physically disabled children may participate with dignity in the community, stand on their own feet and promote self-reliance.

Every child has the right to enjoy health facilities provided by the State;

The Ministry of Health shall -

(i) lay down and carry out measures for the survival of the child, immunization of child, breast-feeding of the child, family planning, adequate nutrition for the child, elimination of iodine deficiency disease, school health and family health;
(ii) lay down and carry out appropriate measures for the gradual abolition of traditional practices prejudicial to the health of the child;

(iii) carry out measures to minimize the child mortality rate and to maximize the population of healthy children.

20. (a) Every child shall -

(i) have opport of acquiring education;

(ii) have the right to acquire free basic education (primary level) at schools opened by the State;

(b) The Ministry of Education shall -

(i) have an objective of implementing the system of free and compulsory primary education;

(ii) lay down and carry out measures as may be necessary for regular attendance at schools and the reduction of untimely drojo-out rates;

(iii) make arrangements for literacy of children who are unable for various reasons to attend schools opened by the States.

21. Every child shall have the right to maintain his or her own cherished language, literature and culture, to profess his or her own religion and to follow his or her own traditions and customs.

22. (a) Every child shall have the right of access to literature contributory to his or her all-round development and to acquire knowledge;

(b) The Ministry of Information shall -

(i) produce and disseminate children's books which are of cultural benefit to children, which promote and keep alive patriotism which are aimed at the promotion of the children's
being; encourage the production and dissemination of t's books by non-governmental organizations and private publishers; collect and maintain by special arrangement children's books at the libraries established by the Information and Public Relations Department;

(ii) educate and disseminate by mass media to ensure that children and their parents or guardians are made familiar with the rights and ethics of the child and that children have access to national and international news and information concerning them.

23. Every child has the right to:

(a) rest and leisure and to engage in play;
(b) participate in sports activities appropriate to his age;
(c) participate in cultural and artistic activities.

24. (a) Every child has -

(i) the right to engage in work in accordance with law and of his own volition;
(ii) the right to hours of employment, rest and leisure and other reliefs prescribed by law;

(b) The Ministry of Labour shall protect and safeguard in accordance with law to ensure safety of children employees at the place of work and prevention of infringement and loss of their rights.

25. Every child has, in accordance with law-

(a) the right of inheritance;
(b) the right of possessing and holding property;
(c) the right to sue and be sued.
26. in order that every child may enjoy fully the rights mentioned in this Law—:

(a) the Government departments and organizations shall perform their respective functions as far as possible;

(b) voluntary social workers or non-governmental organizations also may carry out measures as far as possible, in accordance with law.

27. Persons having responsibility in respect of the affairs of child—:: oiiall have as their objective the best interests of children underche-principle "First Call for Children" regarding protection care of every child ;by the 

Chapter VI
Exemption from Penal Action

28. (a) Nothing is an offence which is done by a child under 7 years of age;

(b) Nothing is an offence which is done by a child above 7 years of age and under 12, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion.

29. No action shall be taken under any Criminal Law against any child who has escaped from a training school, temporary care station or a custodian.
Chapter VII
Ethics and Discipline of a Child

30. Every child shall abide by the following ethics and discipline, according to his age:

(a) upholding and abiding by the law;
(b) obeying the advice and instruction of parents or guardian;
(c) obeying the instruction of teachers and pursuing education peacefully;
(d) abiding by the school discipline, work discipline and community discipline;
(e) cherishing and preserving the race, language, religion, culture, customs and traditions concerned with him;
(f) abstaining from taking alcohol, smoking, using narcotic drugs or psychotropic substances, gambling and other acts which tend to affect the moral character.

31. Parents, teachers and guardians shall give guidance to ensure that the practice of abiding by the ethics and discipline mentioned in section 30 is infused into the children.

Chapter VIII
Child in need of Protection and Care

32. The following child is a child in need of protection and care:

(a) one who has no parents or guardian;
(b) one who earns his living by begging;
(c) one who is of so depraved a character that he is uncontrollable by his parents or guardian;
one who is in the custody of a cruel or wicked parents or guardian;

one who is of un: mind;

one who is afflicted with a contagious disease;

one who uses a narcotic drug or a psychotropic substance;

one who is determined as such from time to time by the Social Welfare Department.

Whoever is of the opinion that any child mentioned in section 32 should be protected and cared by the State may intimate the relevant Social Welfare Officer stating the facts of the case;

The Social Welfare Officer shall, on receipt of the intimation under sub-section (a) or if he has personally received information in any manner make investigations in the manner prescribed to determine whether or not the child needs the protection and care of the State and submit his findings together with his opinion to the Director General;

The Social Welfare Officer has the following powers in respect of the investigation under sub-section (b): -

(i) informing the parents, guardian or police officer and causing the child to be brought before him;

(ii) entrusting the child to the parents or guardian on execution of a bond or sending the child to a temporary care station,' before receiving the decision of the Director General.

(iii) calling and examining necessary witnesses;

(iv) hearing the explanation of the parents, guardian or the child, if necessary.
34. The Director General shall lay down and carry out any of the following arrangements if he finds, on scrutiny that the child needs the protection and care of the State according to the report submitted by the Social Welfare Officer: -

(a) in the case of a child whose character needs to be reformed, sending the child to any training school till he attains the age of 18 years as a maximum period;

(b) in the case of a child in need of custody and care, entrusting the child to a home or to a custodian till he attains the age of 18 years as a maximum period;

(c) in the case of a child needing supervision, causing the child to be supervised by a Probation Officer for a period not exceeding 3 years;

(d) in the case of a child of unsound mind, sending the child to the Mental Hospital and making arrangements for medical treatment;

(e) in the case of a child who is afflicted with a contagious disease, sending the child to the relevant hospital and making arrangements for medical treatment.

35. The Director General may direct the relevant Social Welfare Officer-

(a) to implement the arrangement laid down under section 34 in the manner prescribed;

(b) to entrust the child to the care of the parents or guardian on execution of a bond to the effect that they will take good care and control of the child, in the case of a child who has parents or guardian and who is found, on scrutiny to need only the custody and care of such parents or guardian;

(c) to entrust the child to the care of the parents or guardian, with or without execution of a bond, in the case of a child who is found, on scrutiny to have complied with the arrangement laid
down under section 34, sub-section (a), or sub-section (c) for at least one year and whose moral character has improved.

The Director General may -

(a) exercise the power mentioned in section 35 sub-section (c) at his discretion or on the submission of the Principal of the relevant training school or Probation Officer or the parents or guardian;

(b) alter as may be necessary any arrangement laid down under section 34 sub-section (b), sub-section (d) or sub-section (e), if there is sufficient reason to do so;

(c) transfer a child committed to one training school to another training school, if there is sufficient reason to do so;

(d) grant the following rights in the manner prescribed to a child committed to a training school: -
   (i) right to leave a training school as a temporary arrangement to be placed under the management and supervision of a home or a custodian;
   (ii) right to travel on an emergency parole licence for the period required to visit his parents, guardian or near relative who is seriously ill;
   (iii) right to live out on a parole licence;
   (iv) right to live outside the training school with any suitable person under the management and supervision of the training school;

(e) delegate the powers conferred on him under this section to a Social Welfare Officer or a Principal of a training school.
Chapter IX

Taking Action against a Child for an Offence

37. Police Officer or a person authorized to take cognizance shall abide by the following when arresting a child accused of having committed an offence;

(a) shall not handcuff the child or tie with a rope;
(b) shall not keep the child together with adult prisoners; if it is a girl, shall keep her with a woman guard;
(c) shall not maltreat or threaten the child;
(d) shall not send the child together with adult prisoners from one place to another; if it is a girl, shall send her with a woman guard;
(e) shall inform the parents or guardian concerned as soon as possible;
(f) shall send up the arrested child to the relevant juvenile court as soon as possible;
(g) shall release the child on execution of a bond, if the child cannot be sent up as soon as possible to the juvenile court under subsection(f);
(h) shall send the child to a temporary care station or to another appropriate place, if the child is not released on a bond under sub-section (g);

38. A Police Officer or a person authorized to take cognizance:

(a) shall send up the juvenile case for prosecution to the relevant juvenile court;
(b) in a case of joint commission of offence by a child and an adult, shall send up the child for prosecution to the relevant juvenile court and to the relevant court;

(c) in sending up a child for prosecution, supporting evidence in respect of his age shall be sent together.

39. A Police Officer or a person who is authorized to take cognizance, in respect of a child who has escaped from a training school, home, temporary care station or a custodian :

(a) may arrest him without a warrant;

(b) shall, after arrest, commit him back to the custody of the training school, home, temporary care station or custodian;

(c) may commit him to the custody of any other appropriate place, before being able to commit the child back to the custody of a training school, home, temporary care station or a custodian under sub-section (b).

Chapter X
Trial of Juvenile Cases

40. The Supreme Court may :-

(a) establish juvenile courts in appropriate local areas and appoint juvenile judges;

(b) in local areas where juvenile courts under sub-section (a) have not been established confer powers of a juvenile judge on a Township Judge.
41. The Juvenile Court shall-

(a) on receiving a juvenile ease, first and foremost scrutinize the supporting evidence in respect of the age of the child, contained in the proceedings, It shall determine whether the offender is a child or not from the birth certificate, citizenship scrutiny card, foreigner's registration certificate, true copy of an extract of school admission register, doctor's medical certificate or other valid supporting evidence contained in the proceedings;

(b) have jurisdiction only in respect of a child who has not attained the age of 16 years at the time of committing the offence. It shall place on record the decision that the offender is a child, before proceeding with the trial of a juvenile case;

(c) during trial release the child sent up for prosecution, on the execution of a bond, entrust to the care of parents or guardian subject to conditions, commit to the custody of a temporary care station or other appropriate place subject to conditions. Under no circumstances shall an order for detention be passed;

(d) notwithstanding that a child has attained the age of 16 years during trial, continue to try the case, as if the accused were a child and pass a sentence in accordance with this law;

(e) try juvenile offences punishable with death, transportation for life or imprisonment for a term exceeding 3 years, in the manner in which a warrant case is tried;

(f) try all juvenile offences other than the type of offences mentioned in sub section (e), in the manner in which a summons case is tried.
42. The juvenile court shall abide by the following in trying juvenile cases;

(a) shall try the case in a separate court or a separate building or if there is no separate court or building, in a building or room other than that in which the ordinary sittings of the court are held;

(b) no person other than the parents, guardians, staff of the court, Law Officers, members of the People's Police Force on duty and not in uniform, persons directly concerned with the case and persons who have been granted permission by the juvenile court shall be present at the place of trial;

(c) if the child or his parents or guardian cannot or do not wish to engage a lawyer and makes an application to be defended with the assistance of any appropriate person, shall grant permission to do so;

(d) shall arrange to make available an interpreter, if necessary;

(e) shall dispose of the case speedily.

43.- The Juvenile Court has the following powers in respect of the trial of juvenile cases ;-:

(a) may direct anyone who is present at the place of trial, including the child to leave the court at any time during the trial of the case, if it is considered to be necessary in the interests of the child. If necessary, it may cause force to be used in so directing to leave the court;

(b) may continue to try the case in the absence of the child, notwithstanding the stage of inquiry of trial of the case, if it is considered that the presence in the court of the accused child is not necessary;
(c) may direct the parents or guardian in whose custody and care the child is at present, to attend every day on which the sittings of the court are held.

(d) may allow inserting, and announcing of information revealing the identity of a child who is accused of having committed an offence or a child who is participating as a witness in any case, in the radio, television, newspapers, magazines, journals and publications and displaying and making use of the photograph of the child, if it is believed to be of benefit to the child;

(e) may direct the relevant Probation Officer to make inquiries and to submit a report of the personal history, character, conduct, behaviour and environmental circumstances of the child and his parents or guardian;

(f) may, if it is considered appropriate inform the child or his parents or guardian of a gist of the report submitted by the Probation Officer under sub-section (e) and allow the submission of evidence to the contrary.

44. The Juvenile Court shall, before passing an order on a child who is found guilty, take into consideration the following and pass an order which is reformative and which will be beneficial to the child:

(a) the age and character of the child;

(b) the environmental circumstance of the child;

(c) the cause of committing the offence;

(d) the report submitted by the Probation Officer;

(e) other circumstances which are required to be taken into consideration in the interests of the child.
45. Notwithstanding anything contained in any existing law, a death sentence, transportation for life or a sentence of whipping shall not be passed on any child.

46. A child shall not ordinarily be sentenced to imprisonment. Only if the Juvenile Court is satisfied that the child has committed an offence which is punishable with death or transportation for life under any existing law or that the child is of so unruly or depraved a character or absolutely uncontrollable, he shall not be sentenced to imprisonment. Such sentence of imprisonment shall not exceed a term of 7 years.

47. The Juvenile Court may pass any of the following orders in respect of a child who should not be sentenced to imprisonment: -

(a) if the offence committed is not serious and the character of the child is not yet perverted;
   (i) may release him after due admonition;
       may impose a fine, if he has attained the age of 14 years and has an income. If he is a child who has no income, a fine may be imposed on the parents or guardian;

(b) whether the offence committed is serious or not, if the character of the child is not yet perverted and in order to deter further commission of offence, such child shall be entrusted to the custody of his parents or guardian on execution of a bond for good behaviour according to the conditions of the bond for a period not exceeding 3 years;

(c) may cause the child to submit to the supervision and management of the Probation Officer during, a period not exceeding 3 years;
(d) whether the offence is serious or not if the child is of a perverted but has no parents or guardian or if the child has parents or guardian but cannot be admonished and is in no circumstances for custody and care, may commit such child to the custody of a training school for a minimum term of 2 years or till he attains the age of 18 years as a maximum term.

48. The Juvenile Court may -

(a) in addition to the sentence of imprisonment passed under section 46 or any order passed under section 47 also pass an order directing the parents or guardian to pay compensation for injury; loss or damage caused to any person by the act of the child;

(b) if in conformity with the following conditions, pass an amending order to entrust a child who has complied with the order passed under section 47 sub-section (c) or sub-section (d) for at least one year, to the custody of the parents or guardian concerned, with or without a bond

(i) improvement in the moral character of the child;
(ii) being a child who has parents or guardian;
(iii) not being an offence of violation of the Narcotic Drugs and Psychotropic Substances Law;

(c) exercise the powers mentioned in sub-section (b) on the application of the principal of the relevant training school, Probation Officer or parents or guardian.
49. (a) There shall be right of appeal or right of revision in accordance with the provisions of the Code of Criminal Procedure against the order or decision passed under this Law by the Juvenile Court;

(b) If a sentence of imprisonment is passed on the child by a juvenile Court, or Appellate Court or Court of Revision, a copy of the sentence shall be sent to the Ministry.

Chapter XI

Safeguarding Children Against Dangers

50. The Police Officer -

(a) shall, in order to safeguard a child who is likely to be exposed to danger send up such child as soon as possible to the relevant Juvenile Court;

(b) may commit the child to the custody of a temporary care station or other appropriate place before being able to send up the child under sub-section (a).

51. The Juvenile Court-

(a) may, if believes on information or on personal knowledge that a child is in danger or that if immediate action is not taken, there is likelihood of danger befalling the child direct the Police Officer to search for the child and send him up before it and to commit the child to the custody of a temporary care station before being able to send him up

(b) shall protect a child sent up under’ sub-section (a) or under section 50 sub-section (a) in any of the following manner; -
(i) committed to the custody of parents or guardian or custodian who agrees to accept and take custody and care of the child;

(ii) sending the child to a temporary care station to be taken care of until he is free from danger;

(c) may, if reliable information is received that child is abducted for any unlawful purpose or that the child is being unlawfully detained direct the relevant Police Officer to take necessary action for restoration of liberty to such child or for entrusting the child as soon as possible to the custody of his parents or guardian.

Chapter XII

Custody and Care of Children and Youths in Prisons

52. The Officer in charge of a prison shall, in respect of a child or youth who has been sentenced to imprisonment:

(a) not keep him together with adult prisoners until he attains the age of 18 years;

(b) keep him in a separate ward or room which adult prisoners cannot have access;

(c) grant him the right to meet parents, guardians, relatives and friends concerned and the right to be sent food and prescribed articles in accordance with the existing regulations and bye-laws;

(d) not employ him in rigorous labour;

(e) provide medical check-up regularly for him;
(f) train and give him education which will reform his character and vocational education;

(g) grant him the right to enjoy remission period in accordance with the existing regulations and bye-laws.

53. The Officer in charge of a prison; -

(a) shall allow the child of a female prisoner to stay together with his mother so in prison till he attains the age of 4 years if there no one outside to take custody and care of him or if his mother desires;

(b) may allow the child mentioned in sub-section (a) to continue to stay together with his mother in prison till he attains the age of 6 years if his mother so desires;

(c) shall be responsible for providing food, clothing and shelter and health care of the child who stays together with his mother in prison;

(d) shall inform the Director General of the Social Welfare Department as soon as possible, in order to make arrangements for the care and custody of any child left after a female prisoner dies in prison or if the child staying together with the female prisoner attains the age of 6 years.

54. The Director General of the Social Welfare Department may commit a child mentioned in section 53 sub-section (d) to the custody of relatives who will take custody and care of him or if there are no such relatives he may be entrusted to an appropriate training school or to a custodian.
Chapter XIII
Training School, Temporary Care Station, Home, Residential Nursery

55. The Director General shall establish the following with the approval of the Minister: -

(a) training schools required for the custody and care of a child in need of protection and care or a child who has committed an offence, who is entrusted under this Law;

(b) temporary care stations required for the temporary custody and care during the period of trial of a child who is accused of having committed an offence.

56. If the Director General believes that a home established by a voluntary social worker or a non-governmental organization with the intention of taking custody and care of a child in need of protection and care:

(a) is appropriate for the custody and care of children sent under this Law, such home may be recognized as being a training school for the purpose of this Law;

(b) is appropriate for the temporary custody and care during the trial of a child who is accused of having committed an offence, such home may be recognized as being a temporary care station for the purpose of this Law.

57. The Director General may establish local residential nurseries required for nursing and care of children who have not attained the age of 5 years.

58. The Director General may exercise the following powers:

(a) supervising, inspecting, giving guidance, rendering expertise and giving support as may be necessary to day nurseries and pre-primary schools established on self-help system;
(b) supervising, inspecting, giving guidance, rendering expertise and giving support as may be necessary to homes established by a voluntary social worker or by a non-governmental organization;

(c) supervising, inspecting, giving guidance and rendering expertise to private day nurseries and pre-primary schools established on payment of fees;

(d) inspecting or causing to be inspected by a* suitable person or any committee training schools and temporary care stations established or recognized, under this Law.

Chapter XIV
Powers of the Minister

59. The Minister: -

(a) may, at any time pass an order to release either absolutely or subject to conditions a child committed to the custody of a training school or custodian under this Law;

(b) may pass an order to transfer a child undergoing imprisonment to a training school or to a custodian till the day he attains the age of 18 years, if it is considered beneficial for the child;

(c) may pass an order so that the remainder of the term of imprisonment of a child who has been transferred under subsection (b) and who is behaving well shall not have effect;

(d) may cause to have effect the remainder of the term of imprisonment of a child who has been transferred under subsection (b) and who does not behave well. In so causing to have, effect, the period of stay of the child at the training school or, with the custodain shall be reckoned as the term of imprisonment undergone.
60 The Minister: -

(a) may assign responsibility to a Government employee or to a suitable citizen who is not a Government employee as a Social Welfare Officer, in order to carry out the functions and duties of the Social Welfare Officer under this Law in local areas where an office of the Social Welfare Department has not been opened as yet;

(b) shall make prior consultation with the relevant Government department or organization for assigning responsibility to a Government employee as a Social Welfare Officer.

Chapter XV
Probation Officer

61. The Director General may assign responsibility as Probation Officer to an employee of the Social Welfare Department or to a suitable citizen who is not a Government employee.

62. The duties and powers of a Probation Officer are as follows:-

(a) making necessary investigations and submitting a report, when assigned responsibility in respect of the child by the Juvenile Court;

(b) managing and supervising a child who is ordered to submit to his management and supervision, in the manner prescribed;

(c) reporting to the relevant Social Welfare Officer, if it is found that a child is in need of protection and care under this Law;

(d) informing the relevant police officer or the Juvenile Court, if it is found that there is likelihood of danger befalling any child or that a child is in danger;
arresting the child without a warrant and handing him over to a police officer, if a child who has escaped from a training school, home, temporary care station or a custodian is found;

(f) co-ordinating and co-operating with the parents or guardians concerned, local elders and persons, from social organizations for the benefit of children;

(g) carrying out duties relating to the child, which are assigned by the Social Welfare Department.

Chapter XVI
Homes Established by a Voluntary Social Worker or a Non-Governmental Organization

63. (a) A voluntary social worker or a non-governmental organization may establish homes for custody and care of children in need of protection and care, on their own arrangements;

(b) A Home established under sub-section (a) shall be registered with the Social Welfare Department, as may be prescribed;

(c) A Home which has been granted registration:
   (i) shall operate only in the interests of children;
   (ii) shall submit to the supervision, inspection and guidance of the Social Welfare Department;
   (iii) may obtain the support and expertise of the Social Welfare Department.

64. If a home established under section 63 is recognized by the Social Welfare Department as a training school under section 56 sub-section (a) or as a temporary care station under section 56 sub-section (b), such home shall also accept and take custody and care of children sent under this Law.
65. Whoever commits any of the following acts shall, on conviction be punished with imprisonment for a term which may extend to 6 months or with fine which may extend to kyat or with both : -

(a) employing a permitting a child to perform work which is hazardous to the life of the child or which may cause disease to the child or which is harmful to the child's moral character;

(b) taking a child to or allowing him to enter a place where only alcohol is sold, sending the child to buy alcohol, selling alcohol to the child, permitting the child to take alcohol, employing or permitting the child to work in the business of which trades in alcohol;

(c) urging, inducing or abetting the child to gamble;

(d) accepting as pledge any property from the child or abetting the child in any manner to pledge property;

(e) purchasing any property sold by a child, with the exception of purchasing property from a child who earns a livelihood by selling;

(f) inducing a child to escape from a training school, home, temporary care station or custodian; abetting the run away; harbouring, concealing or preventing the child from going back to the original place, knowing that the child has escaped.
66. Whoever commits any of the following acts shall, on conviction be punished with imprisonment for a term which may extend to 2 years or with fine which may extend to kyats 10,000 or with both:

(a) neglecting knowingly that a girl under his guardianship, who has not attained the age of 16 is earning a livelihood by prostitution;

(b) permitting a child under his guardianship to live together or to consort with a person who earns a livelihood by prostitution;

(c) employing a child to beg for his personal benefit; failing to prevent a child under his guardianship from begging; making use of the child in any manner in his livelihood of begging;

(d) wilfully maltreating a child, with the exception of the type of admonition by a parent, teacher or a person having the right to control the child, which is for the benefit of the child;

(e) inserting and announcing information revealing the identity of a child who is accused of having committed an offence or who is participating as a witness in any case, in the radio, cinema, television, newspapers, magazines, journals or publications and displaying or making use of the photograph of the child without the prior consent of the relevant juvenile court;

(f) using the child in pornographic pihema, video, television photography.
Chapter XVII
Youth who has committed an offence

67. A youth, who at the time of committing the offence has attained the age of 16 years, but has not attained the age of 18 years shall be sent up for prosecution to the Court which has jurisdiction, in respect of the offence. In sending up for prosecution such case of the youth, it shall be accompanied by supporting evidence in respect of the age of the youth.

68. The relevant Court shall, before commencement of the trial of the offence with which a youth is charged decide whether or not the accused is a youth from the birth certificate, Citizenship Scrutiny Card, Foreigner's Registration Certificate, true copy, of an extract of the admission register, Doctors' medical certificate or other valid supporting evidence included in the proceedings and record such decision.

69. Notwithstanding that the youth has attained the age of 18 years on the day of passing of the sentence, the Court shall deem as if such person were a youth and pass order accordingly.

70. The Court shall take into consideration the following before passing an order on the youth who is found guilty of the offence:

(a) the age and character of the youth;
(b) the environmental circumstance of the youth's residence;
(c) the physical and mental condition of the youth;
(d) the cause of committing the offence.

71. Notwithstanding anything contained in any existing Law:-

(a) a sentence of death or transportation for life shall not be passed on the youth;
(b) if a sentence of imprisonment is passed on youth, the maximum term of imprisonment shall not exceed ten years.
Chapter XIX
Miscellaneous

72. If there are no specific provisions in this Law, the provisions of the Code of Criminal Procedure shall be complied with.

73. Under the Children Act, 1955:
   (a) the Training Schools established by the Social Welfare Department shall be deemed to be training schools established by the Social Welfare Department under this Law;
   (b) the Homes recognized by the Social Welfare Department as, a Training School or a Remand Home shall apply for registration during the period and in the manner prescribed by the Social Welfare Department;
   (c) the notifications and directives issued may be applied in so far as they are not inconsistent with the provisions of this Law.

74. For the purpose of carrying out the provisions of this Law:
   (a) the Ministry may, with the approval of the Government issue such rules and procedures as may be necessary;
   (b) the National Committee relating to the Rights of the Child, the Supreme Court, relevant Ministry, Government department or Government organizations may issue such orders and directives as may be necessary.

75. The following laws are hereby repealed:
   (a) The Young Offenders Act, 1930;
   (b) The Children Act, 1955.

Sd./ Than Shwe
General
Chairman
The State Law and Order Restoration Council
The State Law and Order Restoration Council

The Myanma Insurance Law

(The State Law and Order Restoration Council Law No. 10/93)

The 5th Waxing Day of Second Waso, 1355 M.E.

(23rd July, 1993)

The State Law and Order Restoration Council hereby enacts the following Law:

Chapter I
Title and Definition

1. This Law shall be called the Myanma Insurance Law.

2. The following expressions contained in this Law shall have the meanings given hereunder:

(a) Myanma Insurance means the Myanma Insurance established under this Law;

(b) Insurance Business means the insurance business mentioned in section 11;

(c) Life Assurance means the undertaking of liability to pay a valid claim under a Life Assurance policy;

(d) General Insurance means the undertaking of liability to pay admissible claims under policies relating to all classes of insurance other than Life Assurance;

(e) Re-insurance means the cession by a Primary insurer of the whole or part of liabilities undertaken by it to another insurer;

(f) Ministry means the Ministry of Finance and Revenue;

(g) Board of Directors means the Board of Directors of the Myanma Insurance.
Chapter II
Establishment and Aim

3. The Myanma Insurance is established under this Law as a legal entity having perpetual succession, capable of suing and being sued in its own name.

4. The Myanma Insurance is established with the following aims:

   (a) to overcome financial difficulties by effecting mutual agreement of insurance against social and economic losses which the people may encounter, due to common perils;

   (b) to promote the habit of savings individually by effecting life assurance, thus contributing to the accumulation of resources of the State;

   (c) to win the trust and confidence of the people in the insurance system by providing effective insurance safeguards which may become necessary in view of the social and economic developments.

Chapter III
Formation of the Board of Directors and Management

5. The Government -

   (a) shall form the Board of Directors with the Departmental Heads of the government and suitable citizens;

   (b) shall, in forming the Board of Directors determine the Chairman and Secretary at the same time;
(c) may determine the tenure of the Board of Directors;
(d) may, during the tenure of the Board of Directors terminate the membership of any members or replenish any person as a member.

6. The Board of Directors shall undertake responsibility for the insurance business and exercise powers of the Myanma Insurance contained in this Law.

7. Members of the Board of Directors who are non-Government servants are entitled to receive remuneration prescribed by the Ministry.

8. In order to carry out the functions and duties of Myanma insurance, the Board of Directors may form committees comprising members of the Board of Directors, experts and service personnel. In forming such committees the duties and powers thereof shall be determined.

9. In respect of matters relating to meetings of the Board of Directors, convening of meetings and passing of resolutions may be carried out in the manner prescribed.

10. The Chairman of the Board of Directors-

   (a) shall have the power to enter into contracts and sign documents, exchange of notes and insurance policies on behalf of Myanma Insurance;

   (b) may, from among his powers delegate the power to sign insurance policies to the officers of Myanma Insurance.
Chapter IV
Insurance Business

The Myanmar Insurance shall undertake the following insurance business:

(a) Life Assurance;
(b) Third Party Liability Insurance;
(o) General Liability Insurance;
(d) Fire Insurance;
(e) Marine Cargo Insurance;
(f) Marine Hull Insurance;
(g) Aviation Insurance;
(h) Engineering insurance;
(i) Comprehensive Motor Insurance;
(j) Oil and Gas Insurance;
(k) Cash-in-transit insurance;
(l) Cash-in-safe Insurance;
(m) Fidelity Insurance;
(n) Travelling Insurance;
(o) Bodily Injury Insurance;
(P) Other classes of Insurance;
(q) Insurance determined by the Ministry.
Chapter V
Powers of Myanma Insurance

12. The powers of Myanma Insurance are as follows:

(a) effecting other suitable investments in and outside the State, with the approval of the Ministry;

(b) opening branches and appointing agents in and outside the State, with the approval of the Ministry;

(c) re-insuring in and outside the State, the whole or part of its liabilities under the insurance business undertaken by it;

(d) investing in securities, debentures, shares and savings certificates;

(e) co-ordinating with others insurance companies in respect of the premium rates and policy terms and conditions;

(f) accepting foreign exchange received as premium from insurance effected;

(g) paying compensation in foreign exchange for losses, as insurance is effected in foreign exchange;

(h) determining the premium rate, indemnity rate, compensation rate, extra premium rate for reason of perils, no claim bonus, py-gratia payment, penalty, commission rate, life assurance loan and interest rate, life assurance surrender value and paid-up rate;

(i) actuarial valuation of the life assurance business from time to time; hiring actuary required for such valuation, with the permission of the Ministry;
in an actuarial valuation of the life assurance business, if it is found that profits have accrued, allocating such profits to the assured entitled thereto;

(k) permitting other companies which have been granted the right to transact insurance business under section 4 of the State-owned Economic Enterprises Law to transact any other class of insurance business or more than one class of insurance business, with the exception of Third Party Liability Insurance and Re-insurance included in the insurance business which are to be transacted solely by it;

(l) utilizing foreign exchange in accordance with the existing laws, regulations and bye-laws for re-insurance premium, compensation to be paid, deposit, litigation costs, cost of stamps, lawyer's fees, survey fees and other expenses directly concerned with the business, which are required to be settled in foreign exchange;

(m) laying down measures required for the perpetual and up-to-date progress of insurance education.

Chapter VI

Effecting Insurance and Granting of Benefits

13. Government servants shall effect compulsory life assurance with the Myanmar Insurance in accordance with the prescribed age and scale of pay.

14. A person who has attained majority may effect life assurance for a minor.

16. An entrepreneur or an organization operating an enterprise which may cause loss to State-owned property or which may cause damage to the life and property of the public or which may cause pollution to the environment shall effect compulsory General Liability Insurance with the Myanma Insurance.

17. The Ministry may under section 16 determine form time to time the entrepreneurs or organizations which are to effect compulsory General Liability Insurance.

18. State Organizations and enterprises which have fifty percent and above of the capital investment subscribed by the State, shall effect insurance only with the Myanma Insurance, if the class of Insurance they desire to effect is of the class which is accepted by the Myanma Insurance.

19. Economic Organizations which have been formed under a permit under the Union of Myanmar Foreign Investment Law shall effect only with the Myanma Insurance the classes of insurance which the Myanma Insurance determines from time to time. However from amongst the classes of insurance which the said Economic Organizations are to effect the Ministry of Finance and Revenue may exempt from effecting insurance of any class, or more than one class, in the interest of the State.

20. Notwithstanding anything contained in any existing law, only the assignee of the assured shall be entitled to the benefits, in respect of every life assurance policy effected under this law.
Chapter VII

Capital and Profit Allocation

21. (a) The State shall be the sole shareholder of the Myanma Insurance. The authorized capital of the Myanma Insurance is Kyats 300 millions, of which kyats 150 millions shall be fully paid up by the State. The balance of the authorized capital may be subscribed by the State as and when necessary.

(b) The authorized capital and paid up capital of the Myanma Insurance may be increased with the permission of the Government.

22. The Myanma Insurance shall maintain the following funds; -

(a) General Reserve Fund;

(b) Life Assurance Fund;

(c) General Insurance Fund.

23. The following sums shall be paid to the General Reserve Fund:

(a) initial subscription by the State of kyats 50 millions;

(b) a sum equivalent to ten per cent of the profits allocated after actuarial valuation of the Life Assurance business;

(c) a sum equivalent to ten per cent of the balance after subscribing to the General Insurance Fund from the annual operating surplus of each class of General Liability Insurance.

24. The percentage of subscription to the General Reserve Fund may be increased with the permission of the Government. The total amount of the General Reserve Fund may exceed the paid up capital of Myanma Insurance.
25. The following sums shall be paid to the Life Assurance Fund:
   (a) initial subscription by the State of kyats 600 millions;
   (b) the surplus after deducting the expenditure from the annual income of the Life Assurance business.

26. A sum equivalent to forty percent of the annual premium income of each class of General Insurance from out of the surplus of the General Insurance business or if such operating surplus falls short of forty percent of the annual premium income the whole surplus shall be paid into the General Insurance Fund.

27. The Myanmar Insurance shall, after paying ten percent from the profits accrued after actuarial valuation of the Life Assurance business to the General Reserve Fund allocate the remaining ninety percent to the Life Assurance policy-holders.

28. The Myanmar Insurance shall, after subscribing to the Insurance Fund subscribe ten percent to the General Reserve Fund from the surplus of each General Insurance business and pay the remaining ninety percent to the Government.

29. In the event a deficit occurs in the operation of the insurance business in respect of a class of insurance business the Myanmar Insurance shall, in the first instance utilize the Insurance Fund of that class. If the Fund is insufficient, it shall draw upon the Reserve Fund and if the Reserve Fund is still insufficient, the State shall be responsible for settlement of the outstanding claims.

30. The Myanmar Insurance shall open an account and deposit the working capital required for its business with the Central Bank of Myanmar or with any State-owned financial institution.
31. The Myanmar Insurance
   (a) Shall open a foreign exchange account with the relevant bank in order that acceptance of insurance and settlement of claims may be made in foreign exchange;
   (b) after deposit in the foreign exchange account foreign exchange equivalent to kyats 5 millions as an initial deposit, may deposit the foreign exchange received for the business and disburse payments payable for the business.
   (c) when the balance of the account is insufficient to meet commitments in foreign exchange, it may be replenished with the permission of the Government.

Chapter VIH
Accounts and Audit

32. The financial year of the Myanmar Insurance shall be the same as the financial year of the State.

33. The Myanmar Insurance shall submit to the auditing by the Auditor General's Office in respect of its accounts.

34. (a) At the close of every financial year, the Myanmar Insurance shall prepare the annual accounts and balance sheet in the manner prescribed by the Ministry;
   (b) The annual accounts and balance sheet duly certified by the Auditor General's Office shall be submitted together with the annual report of the Myanmar insurance to the Government through the Ministry within 6 months after the close of each financial year;
(c) The Myanma insurance shall publish the annual report in the manner prescribed by the Ministry, for the information of the public.

Chapter IX

Miscellaneous

35. The Myanma Insurance has the right to dispose of buildings, property and vehicles taken over by it on payment of compensation for loss and damage, in accordance with the stipulation of the Ministry.

36. Except for debts owed by the policy holder to the State or to Myanma Insurance, other debts and liabilities, payable or dischargeable to the policy holder in these respects under this Law shall not be attached under any decree or order of any criminal or civil Court.

37. Movable and immovable property belonging to the Myanma Insurance Corporation established under the Insurance Business Law, operations in the process of operation, operations which have been completed, assets and liabilities and also the office staff shall devolve on the Myanma Insurance.

38. Contracts, exchange of notes and insurance policies entered into or executed under the Insurance Business Law in respect of the insurance business shall be deemed to be entered into or executed by the Myanma Insurance.

39. The Management Committee of the Myanma Insurance Corporation established under the Insurance Business Law shall have the right to carry on the business until the day the duties and responsibilities arehanded over to the Board of Directors formed under this Law.
40. Rules, procedures, orders and directives issued under the Insurance Business Law may continue to be applicable in so far as they are not inconsistent with the provisions of this Law.

41. For the purpose of carrying out the provisions of this Law: -
   (a) the Ministry may issue rules and procedures, with the approval of the Government;
   (b) the Ministry and Myanma Insurance may issue orders and directives.

42. The Insurance Business Law (Pyithu Hluttaw Law No. 10 of 1975) is hereby repealed.

Sd./ Than Shwe
Senior General
Chairman
The State Law and Order Restoration Council
The State Law and Order Restoration Council

The Development of Border Areas and National Races Law

(The State Law and Order Restoration Council Law No. 11/93)

The 11th Waning Day of Second Waso, 1355 ft/I.E.

(13th August, 1993)

The State Law and Order Restoration Council hereby enacts the following Law

Chapter I

Title and Definition

1. This Law shall be called the Development of Border Areas and National Races Law.

2. The following expressions contained in this Law shall have the meanings given hereunder:

   (a) **Development Area** means the border areas determined by the State Law and Order Restoration Council for the implementation of the development of border areas and national races;

   (b) **Central Committee** means the Central Committee for the Implementation of the Development of the Border Areas and National Races formed by the State Law and Order Restoration Council under this Law;

   (c) **Work Committee** means the Work Committee for the Implementation of the Development of the Border Areas and National Races formed by the Central Committee under this Law;

   (d) **Work Sub-Committee** means the respective Work Sub-committees formed for each work by the Work Committee under this Law;
(e) **Ministry** means the Ministry of the Development of Border Areas and National Races.

**Chapter II**

**Objectives**

3. The objectives of this Law are as follows:

(a) to develop the economic and social works and roads and communications of the national races at the border areas, in accordance with the aims which are non-disintegration of the Union, non-disintegration of the national solidarity and perpetuation of the sovereignty of the State;

(b) to cherish and preserve the culture, literature, and customs of the national races;

(c) to strengthen the amity among the national races;

(d) to eradicate totally the cultivation of poppy plants by establishing economic enterprises;

(e) to preserve and maintain the security, prevalence of law and order and regional peace and tranquillity of the border areas.

**Chapter 111**

**Formation of the Central Committee and Duties and Powers there of**

The State Law and Order Restoration Council -

(a) shall form the Central Committee for the Implementation of the Development of the Border Areas and National Races;

(b) shall determine the chairman and the Secretary, in forming the Central Committee, and may determine the Vice-Chairman and Joint-Secretary, if necessary.
5. The duties and powers of the Central Committee are as follows

(a) laying down the policy for implementation of the objectives mentioned in this Law;
(b) confirming, giving guidance and causing the implementation of long-term and short-term master plans drawn up by the Ministry and submitted through the Work Committee;
(c) laying down development works which should be carried out immediately at the border areas and causing implementation thereof;
(d) laying down and carrying out measures with a view to maintain the culture, literature and customs of the national races;
(e) laying down and carrying out measures for maintaining security, prevalence of law and order and regional peace and tranquility, in order to raise the perpetual momentum of the development works at the border areas;
(f) giving decision to enable determination of Development Areas which should be expanded.

Chapter IV
Formation of Work Committee and the Duties and Powers thereof

6. The Central Committee-
(a) shall form the Work Committee;
(b) shall determine the Chairman and Secretary in forming the Work Committee, and may determine the Vice-Chairman and Joint-Secretary, if necessary.

7. The duties and powers of the Work Committee are as follows:
(a) scrutinizing long-term and short-term master plans drawn up
and submitted by the Ministry and submitting and obtaining confirmation of the Central Committee;
giving guidance, for the implementation of long-term and short-term master plans, which have been confirmed by the Central Committee and supervising and inspecting the works;
giving guidance for the implementation of development works which have been prescribed for immediate performance, by the Central Committee and supervising and inspecting the works;
forming Work Sub-Committees at the Central, level and determining the duties thereof;
forming Regional Work Committees and determining the duties thereof;
causing the drawing up and submission of work schemes sectorwise by the Work Sub-Committees and Regional Work Committees and causing implementation thereof;
co-ordinating the activities of the Ministry, Work Sub-Committees and Regional Work Committees;
making arrangement for cooperation with the United Nations Organizations, international organizations, non-governmental organizations and persons;
making arrangement, as may be necessary for obtaining funds and allocation thereof;
determining privileges, for employees who are performing duties in the prescribed areas within the Development Area;
scrutinizing and submitting to the Central Committee for the determination of Development Areas submitted by the Ministry;
reporting to the Central Committee on its activities.
Chapter V  
Duties and Powers of the Ministry

8. The duties and powers of the Ministry in respect of the implementation of the development works of the border areas and national races are as follows:

(a) recommending for determination of Development Areas;
(b) drawing up and submitting long-term and short-term master plans, after co-ordinating with the Work Sub-Committees and Regional Work Committees in respect of the development of border areas and national races;
(c) supervising and co-ordinating to implement the confirmed long-term and short-term master plans within the prescribed period;
(d) implementing, supervising and co-ordinating the development works which have been prescribed by the Central committee or Work Committee for immediate performance.
(e) apportioning the sanctioned funds and other contributions in cash and kind to the Work Sub-Committees and Regional Work Committees in accordance with the guidance of the Work Committee;
(f) supervising and inspecting whether or not the utilization is in accordance with the financial regulations and procedures;
(g) laying down programmes for disseminating knowledge and exchanging culture for the national races in the Development Areas;
(h) establishing and opening schools for giving vocational education for the future of the youths of the national races in the Development Areas;
(i) making arrangements for the promotion and propagation of the sasana in the Development Areas;
(j) making arrangements for establishing crops cultivation, livestock breeding and cottage industries in substitution for poppy cultivation;

(k) imparting knowledge to prevent cultivating of poppy plants, use and trafficking of opium;

(l) laying down and carrying out special projects for medical treatment and rehabilitation of narcotic drug users in the Development Areas;

(m) co-operating with the relevant organizations in total eradication of cultivation of poppy plants in the border areas;

(n) assigning duties for preservation and protection of boundary pillars and markers in the Development Areas;

(o) recommending to the Work Committee for determination of the areas where privileges should be granted to employees performing duties in the Development Areas;

(p) reporting to the Work Committee on its activities;

9. The Ministry may obtain assistance form the United Nations Organizations, international organizations, non-governmental organizations and persons, in order to implement the development works of the border areas and national races.

Chapter Vi

Miscellaneous

10. Before re-constituting under this Law, the existing Central Committee for the Implementation of the Development of the National Races, Work Committee, Work Sub-Committees and Regional Work Committees shall be deemed to be committees formed under this Law.

11. (a) The office staff under the Ministry shall undertake responsibility for the office work of the Central Committee and Work Committee;
(b) The expenditures of the Central Committee and the Work Committee shall be incurred from the budget funds of the Ministry.

12. For the purpose of carrying out the provisions of this Law-

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

(b) the Central Committee Work Committee or the Ministry may issue such orders and directives as may be necessary.

Sd. 1 Than Shwe  
Senior General  
Chairman  
The State Law and Order Restoration Council
The State Law and Order Restoration Council
The Law Amending the Myanmar Maternal and Child Welfare Association Law
(The State Law and Order Restoration Council Law No. 12/93)
The 6th Waxing Day of Tawthalin, 1355 M.E.
(21st September, 1993)

The State Law and Order Restoration Council hereby enacts the following Law: -

1. This Law shall be called the Law Amending the Myanmar Maternal and Child Welfare Association Law.

2. In the Myanmar Maternal and Child Welfare Association Law-
   (a) sub-section (a) of section 3 shall be substituted by the following sub-section:
      (a) to form a voluntary organization in order to carry out effectively welfare work and assistance relating to the health and social affairs of mothers, children and families throughout Myanmar;
   (b) in sub-section (d) of section 3 the expression "public" shall be substituted by the expression "families";
   (c) the following shall be inserted as sub-section (f) of section 3:
      (f) to co-operate with the Government, non-governmental organizations and international organizations, in implementing maternal and child welfare work and family planning.
   (d) after section 7 the following section shall be inserted, as section 7A:

   7A. The respective Head of the State, Divisional Department of Health shall be ex-officio member of the Central Council.
(e) in section 21 before the expression "the following qualifications" the expression "without discrimination with regard to race, religion, status or sex" shall be inserted;

(f) the following shall be inserted as sub-section (c) of section 29: -

(c) shall form, at the respective State and Division, the State, Divisional Supervisory Committees consisting to the extent of 5 members, with the Head of the State, Divisional Department of Health, as Chairman, and shall determine the duties and powers thereof.

(g) sub-section (c) and (d) of section 29 shall be renumbered as sub-section (d).arid'(e);

(h) sub-section (a) of section 30 shall be substituted by the following sub-section: -

(a) shall operate as an organization without a profit-making motive and shall subsist on its own fund;

(i) the following shall be inserted as section 30 A, after section 30:-

30 A. The Central Council shall open a separate Bank Account for foreign currency received to it and has the power to utilize such foreign currency for the maternal, child and family welfare work in accordance with the existing regulations and bye-laws.

Sd./ Than Shwe
Senior General
Chairman
The State Law and Order Restoration Council
The State Law and Order Restoration Council

The Law Amending the Myanmar Wireless Telegraphy Act
(The State Law and Order Restoration Council Law No. 13/93)

The 7th Waxing Day of Thadinkyut, 1355 M.E.
(22nd October, 1993)

The State Law and Order Restoration Council hereby enacts the following Law: -

1. This Law shall be called the Law Amending the Myanmar Wireless Telegraphy Act.

2. Sub-section (1) of Section 6 of the Myanmar Wireless Telegraphy Act shall be substituted by the following sub-section:

   (1) Whoever possesses any wireless telegraphy apparatus in contravention of the provisions of Section 3 shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to Kyats 30,000 or with both.

3. In sub-section (3) of Section 10 of the Myanmar Wireless Telegraphy Act the expression "one hundred rupees" shall be substituted by the expression "five thousand kyats".

Sd.1 Than Shwe
Senior General
Chairman
The State Law and Order Restoration Council
The State Law and Order Restoration Council

The Myanmar Hotel and Tourism Law

(The State Law and Order Restoration Council Law No. 14/93)

The 8th Waxing Day of Thadinkyut, 1355 M.E.

(23rd October, 1993)

The State Law and Order Restoration Council hereby enacts the following Law: -

Chapter I

Title and Definition

1. This Law shall be called the Myanmar Hotel and Tourism Law.

2. The following expressions contained in this Law shall have the meanings given hereunder:

   (a) **Hotel Business** means an economic enterprise which has the number of rooms and is of the standard stipulated for accommodation of tourists and which provides food, beverage and other services. This expression includes motel business and inn business;

   (b) **Lodging-House** Business means an economic enterprise which provides only accommodation for foreign tourists or for both domestic and foreign tourists;

   (c) **Tourism Industry** includes a tour operator business, travel agency business, tourist transport business and tour guide business which are economic enterprises which provide for tourism of foreign tourists;

   (d) Foreign Tourist means international tourists and foreign visitors;

   (e) Hotel and **Tourism** Industry means hotel business, lodging-house business and tourism industry;
(f) **Licence** means a permit issued by the Directorate to operate any hotel and tourism industry;

(g) **Ministry** means the Ministry of Hotels and Tourism;

(h) **Minister** means the Minister of the Ministry of Hotels and Tourism;

(i) **Directorate** means the Directorate of Hotels and Tourism;

(j) **Inspectorate** means a body formed by the Directorate in order to inspect hotel and tourism industry.

**Chapter II**  
**Objectives**

3. The objectives of this Law are as follows:-

   (a) to cause a systematic development of the hotel and tourism industry;

   (b) to enable tourists to observe Myanmar cultural heritage and natural scenic beauty;

   (c) to prevent destruction and damage of Myanmar cultural heritage and natural scenic beauty, due to the hotel and tourism industry;

   (d) to contribute to international friendship and understanding through the hotel and tourism industry;

   (e) to develop technical knowledge relating to hotel and tourism industry and to open up more employment opportunities;

   (f) to provide security and satisfaction of tourists.
Chapter III

Formation of the Hotel and Tourism Board of Authority
and Functions and Duties thereof

4. The Government -
   (a) shall form the Hotel Tourism Board of Authority consisting of the following persons:

   (i) Minister Chairman

   (ii) representatives from the relevant Government Departments and Organizations

   (iii) a person assigned responsibility by the Secretary Chairman

   (b) may determine the Deputy Chairman and Joint Secretary of the Hotel and Tourism Board of Authority, if necessary;

   (c) may alter the formation of the Hotel and Tourism Board of Authority.

5. The functions and duties of the Hotel and Tourism Board of Authority are as follows:

   (a) laying down the policies relating to hotel and tourism industry in accordance with the objectives of this Law;

   (b) giving guidance in respect of the systematic development of the hotel and tourism industry;

   (c) giving guidance in respect of international relations relating to hotel and tourism industry;

   (d) giving guidance for improving the quality and raising the standard of hotel and tourism industry and for systematic dissemination of technical knowledge relating thereto.
Chapter IV
Functions and Duties of the Ministry

The functions and duties of the Ministry are as follows:

(a) supervising the performance of functions of the Directorate in accordance with the objectives of this Law;
(b) implementing the systematic development of hotel and tourism industry;
(c) communicating with foreign countries, international organizations, other organizations and persons in respect of the hotel and tourism industry;
(d) holding discussions, seminars and exhibitions for improving the quality and raising the standard of hotel and tourism industry and for the systematic dissemination of technical knowledge relating thereto;
(e) permitting, causing alterations to be made or refusing a project proposal applied for in order to obtain prior permission by a person desirous of operating a hotel business or a lodging-house business;
(f) determining the type, classification or business requirements for each hotel business or lodging house business;
(g) determining the type and business requirements of a tourism industry;
(h) laying down the required arrangements and measures for arousing keener interest of foreign tourists in facts about Myanmar and to enhance their desires to visit and observe Myanmar;
(i) determining hotel and tourism zones;
(j) co-ordinating with the relevant Government Departments and
Organizations to facilitate obtainment of entry visas and extension of tenure of the same for foreign tourists;

(k) co-ordinating with the relevant Government Departments and Organizations and forming Hotel and Tourism Industry Supervisory Bodies in the States, Divisions, Districts and Townships as may be necessary and determining the functions and duties thereof;

(l) determining the licence fee, licence renewal fee, licence fine and duties and taxes relating to hotel and tourism industry;

(m) submitting to the Government form time to time progress of the activities relating to hotel and tourism industry.

Chapter V

Functions and Duties of the Directorate

7. The functions and duties of the Directorate are as follows:

(a) carrying out in accordance with the policies and guidance laid down by the Hotel and Tourism Board of Authority and the Ministry;

(b) forming Licence Scrutiny Bodies in order to scrutinize cases of applications for licence and determining the functions and duties thereof;

(c) issuing licence, refusing to issue licence; revoking the licence subject to a time limit or cancelling the licence;

(d) stipulating conditions relating to the licence;

(e) providing training and conducting courses to improve the quality and to raise the standard of hotel and tourism industry and to disseminate systematically technical knowledge relating thereto;
(f) forming Inspectorates to enable inspection of the hotel and tourism industry and determining the functions and duties thereof;

(g) supervising all activities of the hotel and tourism industry;

(h) giving decision in a case submitted by a licence-holder who is dissatisfied with the activity in an official capacity of the Hotel and Tourism Industry Supervisory Body or an Inspectorate;

(i) recovering duties and taxes due under this Law from a defaulter in the manner prescribed.

Chapter VI
Application for Prior Permission

8. A Government Department, Government Organization, an organization in joint-venture with the Government, Municipality, Co-operative Society, other organization or person desirous of operating a hotel business or lodging-house business shall, before commencing implementation of the project-proposal apply for prior permission to the Ministry in the manner prescribed.

9. A Government Department, Government Organization/an organization in joint-venture with the Government, Municipality, Co-operative Society, other organization which, or person who, with the intention of operating a hotel business or lodging-house is in the process of constructing or renovating a building on the day this Law is enacted shall submit the project proposal within the stipulated period to the Ministry and apply for permission.

10. A Government Department, Government Organization, an organization in joint-venture with the Government, Municipality, Co-operative Society, other organization which, or person who had been operating a hotel business or lodging-house business before the enactment of this Law shall be exempted from applying to the Ministry for prior permission.

11. The Ministry-
(a) shall, in respect of an application by a person desirous of operating a hotel business or lodging-house business under section 8 or section 9 scrutinize, based on the following facts:

(i) whether or not it is in conformity with the objectives of this Law;

(ii) whether or not it is contributory to future projects;

(iii) whether or not it is proportionate to the capacity of service of the area where the business is to be operated.

(b) may permit, cause to be altered or refuse the project proposal after scrutiny under sub-section (a)

(c) cancellation of the licence;

(d) surrender of the licence by the licence-holder.

12. A person who has obtained the permission of the Ministry under section 11 shall apply to the Directorate in the manner prescribed for a licence in respect of the hotel business or lodging-house business which he desires to operate.

13. Notwithstanding anything contained in any existing law relating to a lodging-house business a person desirous of operating a lodging-house business for foreign tourists or for both domestic and foreign tourists shall apply for a licence only under this Law.

14. A Government Department, Government Organization, and organization in joint-venture with the Government, Municipality, Co-operative Society, other organization which, or person who had been operating a hotel business or lodging-house business before the enactment of this Law, and which had not obtained a licence under the Myanmar Tourism Law for such business shall apply to the Directorate for a licence in the manner prescribed.

15. A person desirous of operating any tourism industry shall apply to the
Directorate for a licence in the manner prescribed.

16. The Directorate shall, in respect of an application for a licence for any hotel and tourism industry scrutinize as to whether or not it is in conformity with the business requirements prescribed and

(a) issue a licence if it is in conformity;
(b) refuse to issue a licence if it is not in conformity.

Chapter VII!

Duties of a Licence-holder

17. A Licence-holder -

(a) shall operate only the business permitted in the licence;
(b) shall pay the licence fee and the duties and taxes relating to the hotel and tourism industry in Myanmar currency or in foreign currency in the manner prescribed;
(c) shall abide by the conditions of the licence;
(d) shall allow inspection by the Hotel and Tourism Industry Supervisory Body and the Inspectorate;
(e) shall send the accounts and records prescribed by the Directorate in the manner prescribed;
(f) shall, where the tenure of the licence has expired and if there is the desire to continue to operate the business apply for extension of the tenure of the licence in the manner prescribed;
(g) shall abide by the orders and directives issued from time to time by the Ministry or the Directorate;

18. (a) If there is a change of manager assigned responsibility by him, the licence holder shall inform the Directorate in writing of any such change;
(b) if there is a change of address of the place of business, the licence-holder or the manager assigned responsibility by him shall inform the Directorate in writing of any such change;

(c) If the licence-holder dies before the expiry of the tenure of the licence, his legal representative shall apply to the Directorate in the manner prescribed.

Chapter IX
Revocation, Cancellation and Invalidation of Licence

19. If the licence-holder or a manager who has been assigned responsibility by the licence-holder commits any of the following acts, the Directorate may revoke the licence, subject to a time limit or cancel the licence: -

(a) violation of any condition of the licence;
(b) transferring the business without the permission of the Directorate;
(c) sale of the licence.

20. The licence is invalidated when any of the following events occur: -

(a) expiry of the tenure of the licence;
(b) revocation of the licence, subject to a time limit;
(c) cancellation of the licence;
(d) surrender of the licence by the licence-holder.

Chapter X
Appeals

21. Any person who is dissatisfied with the order or decision passed by the Directorate in respect of the licence may file an appeal to the Minister within 60 days from the date of passing such order or decision.

22. The decision of the Minister shall be final.
Chapter XI
Prohibitions

23. No one shall operate any hotel and tourism industry without a licence issued under sub-section (a) of section 16.

24. A licence-holder shall not transfer the business without the permission of the Directorate, or sell the licence.

25. A licence-holder or a manager who has been assigned responsibility by the licence-holder-
   (a) shall not violate any condition of the licence;
   (b) shall not violate any duty contained in the provision of section 18;
   (c) shall not violate any prohibition contained in an order or directive issued by the Ministry or the Directorate.

Chapter XII
Offences and Penalties

26. (a) Whoever violates the provision of section 23 shall, on conviction be punished with imprisonment for a term which may extend to 3 years or with fine which may extend to kyats 50000 or with both;

   (b) If a person who has been convicted under sub-section (a) continues to violate the provision of section 23, he shall be punished with a fine of kyats 5000 for each day of the period during which the violation continues.

27. If a licence-holder violates any provision of section 24 he shall on conviction be punished with fine which may extend to kyats 50000.

28. If a licence-holder or a manager who has been assigned responsibility by the licence-holder violates any provision of section 25, he shall, on conviction be punished with fine which may extend to kyats 5000.
Chapter XIII
Miscellaneous

29. A licence which had been issued for any tourism industry under the Myanmar Tourism Law and the tenure of which has not expired shall be valid only till the date on which the tenure of such licence expires.

30. Procedures, orders and directives issued under the Myanmar Tourism Law which is repealed by this Law may continue to be applicable in so far as they are not inconsistent with this Law.

31. For the purpose of carrying out the provisions of this Law-
   (a) the Ministry may, with the approval of the Government issue such rules and procedures as may be necessary;
   (b) the Ministry or the Directorate may issue such orders, notifications and directives as may be necessary.

32. The Myanmar Tourism Law (Law No. 13/90) is hereby repealed.

Sd./ Than Shwe
Senior General
Chairman
The State Law and Order Restoration Council
The State Law and Order Restoration Council

The Law Amending the Law Relating to the Fishing Rights of Foreign Fishing Vessels

(The State Law and Order Restoration Council Law No. 15/93)

The 10th Waxing Day of Thadinkyut, 1355 M.E.

(25th October, 1993)

The State Law and Order Restoration Council hereby enacts the following Law: -

1. The Law shall be called the Law Amending the Law Relating to the Fishing Rights of Foreign Fishing Vessels.

2. The following section shall be inserted as section 35 A, under section 35 of the Law Relating to the Fishing Rights of Foreign Fishing Vessels:

   35 A. No public servant exercising any of the duties and powers conferred under this Law shall commit any of the following

   (a) replacing another person for the offender or concealing the offender without taking any action;

   (b) causing to disappear, altering by wrongful means, substituting or misusing an exhibit involved in an offence.

3. Section 38 to 44 of the Law Relating to the Fishing Rights of Foreign Fishing Vessels shall be substituted by the following sections: -

   38. (a) if the Master violates the provision of section 31, he shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 5 years to a maximum of 10 years and shall also be liable to fine which may extend from
a minimum of kyats 200,000 to a maximum of kyats 500,000.
in default of payment of the fine shall entail imprisonment for
a term which may extend from a minimum of 1 year to a
maximum of 3 years.

(b) If a member of the crew violates the provision of section 31,
he shall, on conviction be punished with imprisonment for a
term which may extend from a minimum of 3 years to a
maximum of 7 years and shall also be liable to a fine which
may extend from a minimum of kyats 20,000 to a maximum
of kyats 50,000. In default of payment of the fine shall entail
imprisonment for a term which may extend from a minimum
of 6 months to a maximum of 1 year.

39. (a) If the Master violates any provision of sub-section (a) or sub-
section (b) of section 32, he shall, on conviction be punished
with fine which may extend from a minimum of kyats 100,000
to a maximum of kyats 300,000. In default of payment of the
fine shall entail imprisonment for a term which may extend
from a minimum of 1 year to a maximum of 3 years.

(b) If the Master violates any provision of sub-section (c) of
section 32, he shall, on conviction be punished with
imprisonment for a term which may extend from a minimum
of 5 years to a maximum of 10 years and shall also be liable
to a fine which may extend from a minimum of kyats 200,000
to a maximum of kyats 500,000. In default of payment of the
fine shall entail imprisonment for a term which may extend
from a minimum of 1 year to a maximum of 3 years.

40. If the Master violates any provision of section 33, he shall, on
conviction be punished with imprisonment for a term which may
extend from a minimum of 2 years to a maximum of 5 years and shall also be liable to a fine which may extend from a minimum of kyats 50,000 to a maximum of kyats 200,000. In default of payment of the fine shall entail imprisonment for a term which may extend from a minimum of 1 year to a maximum of 2 years.

41. If the Master violates any provision of section 34, he shall, on conviction be punished with fine which may extend from a minimum of kyats 50,000 to maximum of kyats 100,000. In default of payment of the fine shall entail imprisonment for a term which may extend from a minimum of 1 year to a maximum of 2 years.

42. Whoever violates any provision of section 35 or section 36 shall, on conviction be punished with imprisonment for a term which may extend to 3 years and shall also be liable to a fine which may extend from a minimum of kyats 50,000 to a maximum of kyats 100,000. In default of payment of the fine shall entail imprisonment for a term which may extend from a minimum of 1 year to a maximum of 2 years.

43. If any public servant violates any provision of section 35 A, he shall, on conviction be punished with imprisonment for a term which may extend to 7 years and may also be liable to a fine. In addition, the exhibits involved in the offence shall be confiscated.

44. Whoever violates any provision of section 37 shall, on conviction be punished with imprisonment for a term which may extend to 3 years and shall also be liable to a fine which may extend from a minimum of kyats 30,000 to a maximum of kyats 50,000. In default of payment of the fine shall entail imprisonment for a term which may extend from a minimum of 6 months to a maximum of 1 year.
4. The following section shall be inserted as section 55 A, under section 55 of the Law Relating to the 'Fishing Rights of Foreign Fishing Vessels: -

55. A. If it is necessary to take action against any public servant under section 43, legal proceedings shall only be instituted with the prior sanction of the Ministry.

Sd/- Than Shwe

Senior General

Chairman

The State Law and Order Restoration Council
The State Law and Order Restoration Council

The Law Amending the Myanma Marine Fisheries Law
(The State Law and Order Restoration Council J_ aw No. 16/93)

The 13th Waxing Day of Thadinkyut, 1355 M.E.
(28th October, 1993)

The State Law and Order Restoration Council hereby enacts the following Law:-

1. This Law shall, be called the Law Amending the Myanma Marine Fisheries Law.

2. In the Myanma Marine Fisheries Law-
   (a) Section 42 shall be amended as sub-section (a) of Section 42;
   (b) the following sub-section shall be inserted as sub-section (b),
       under sub-section (a) of Section 42:-

       (b) While the Inspector is inspecting any fishery, no one shall conceal or without
           the permission of the Inspector dispose of fish, fishing implement, other material and money.

3. The following section shall be inserted as Section 42 A, under Section 42 of the Myanma Marine Fisheries Law :-

   42.A. No public servant exercising any of the duties and powers conferred under this Law shall commit any of the following:-
      (a) replacing another person for the offender or concealing the offender without taking any action;
      (b) causing to disappear, altering by wrongful means, substituting or misusing an exhibit involved in an offence.
4. Sections 44 to 49 of the Myanma Marine Fisheries Law shall be substituted by the following Sections:-

44. Whoever violates any provision of Section 33, Section 34 or Section 40 shall, on conviction be punished with imprisonment for a term which may extend to 10 years or with fine which may extend to kyats 300,000 or with both.

45. If a licence holder violates any provision of Section 35, Section 36 or Section 37, he shall, on conviction be punished with imprisonment for a term which may extend to 3 years or with fine which may extend to kyats 200,000 or with both.

46. Whoever violates any provision of Section 39, Section 41 or Section 42 shall, on conviction be punished with imprisonment for a term which may extend to 3 years or with fine which may extend to kyats 100,000 or with both.

47. Whoever violates any provision of Section 38 shall, on conviction be punished with imprisonment for a term which may extend to 10 years or with fine which may extend to kyats 500,000 or with both.

48. Whoever violates the provision of Section 43 shall, on conviction be punished with imprisonment for a term which may extend to 3 years or with fine which may extend to kyats 50,000 or with both.

49. If a public servant violates any provision of Section 42 A he shall, on conviction be punished with imprisonment for a term which may extend to 7 years and may also be liable to fine. In addition, the exhibits involved in the offence shall be confiscated.

5. The following Section shall be substituted for Section 58 of the Myanma Marine Fisheries Law:-
58. in imposing a punishment of fine by the Court for violation of any of the prohibitions contained in this Law, if the accused is a foreigner the fine shall be paid in foreign currency equivalent to the amount in Myanmar currency, as determined by the Government.

6. The following Section shall be inserted as Section 59 A, under Section 59 of the Myanma Marine Fisheries Law

59 A. If it is necessary to take action against any public Servant under Section 49, legal proceedings shall only be instituted with the prior sanction of the Ministry.

Sd/. Than Shwe
Senior General
Chairman
The State Law and Order Restoration Council
The Animal Health and Development Law

(The State Law and Order Restoration Council Law No. 17/93)

The 12th Waxing Day of Tazaungmon, 1355 M.E.

(25th November, 1993)

The State Law and Order Restoration Council hereby enacts the following Law:

Chapter I
Title and Definition

1. This Law shall be called the Animal Health and Development Law.

2. The following expressions contained, in this Law shall have the meanings given hereunder:

   (a) Animal means domestic animal bred by man or captured for a certain purpose. This expression also includes the semen, ovum or embryo of the animal;

   (b) Animal Product means milk, egg or any part of an animal;

   (c) Animal Feed means feed sold on a commercial scale for the purpose of feeding animals and which is scientifically prepared or conventionally mixed or without preparation or mixing;

   (d) Infectious Disease means any animal disease notified as a contagious disease by the Ministry;

   (e) Recommendation Certificate means a certificate issued under section 8 subjection (b) of this Law;
(f) **Ministry** means the Ministry of Livestock Breeding and Fisheries;

(g) **Minister** means the Minister for Livestock Breeding and Fisheries;

(h) **Department** means the Livestock Breeding and Veterinary Department;

(i) **Director General** means the Director General of Livestock Breeding and Veterinary Department.

### Chapter II

**Objectives**

3. The objectives of this Law are as follows

   (a) to carry out animal health and development work;
   
   (b) to promote livestock development;
   
   (c) to prevent outbreak of contagious disease in animals and to control the outbreak systematically when occurs;
   
   (d) to inspect imported animal, animal product and animal feed;
   
   (e) to issue recommendation certificate concerning animal, animal product and animal feed for export;
   
   (f) to protect animals by law from being ill-treated.

### Chapter III

**Animal Health and Development**

4. The Department shall for the purpose of animal health and development carry out the following functions: -

   (a) disseminating technical knowhow to those desiring to raise animal under modern technology;
(b) carrying out works for obtaining improved breed animals suitable for Myanmar;

c) supervising importation of improved breed animals.

d) carrying out research on vaccines that protect animals from contagious diseases and producing the vaccines

e) carrying out research on utilizing natural vegetation, crops in the country for animal feeds;

(f) inspecting of imported animal product and animal feed for standard quality; the presence of harmful pathogens or toxins.

Chapter IV

Inspection of Animal Feed for Domestic Sale

5. The Director General may-

(a) inspect animal feed for domestic sale in the prescribed manner;

(b) prohibit further sale of animal feed if it is found that the animal feed for sale is harmful to animals;

(c) make a list of animal feed sellers.

6. A person who sells animal feed shall, in respect of the animal feed he sells -

(a) submit for inspection by the Department;

(b) abide by the prohibition made by the Department in accordance with the Law.
Chapter V

Inspection of Animal, Animal Product and Animal Feed for Exportation

7. A person exporting animal, animal product or animal feed may, on desiring a recommendation certificate, apply to the Department in the prescribed manner.

8. The Director General shall, in respect of the application for recommendation certificate
   (a) inspect in the prescribed manners, an animal if it is free from contagious disease, animal product or animal feed if it is of standard quality and free from harmful pathogens or toxins;
   (b) issue recommendation certificate if it is found , to be in conformity with the prescribed stipulations.

9. (a) The applicant for the recommendation certificate shall pay the prescribed fees;
   (b) Examination fee, recommendation certificate fee and other expenses shall be as determined by the Director General.

Chapter VI

Inspection of imported Animal, Animal Product and Animal Feed

10. A person importing animal, animal product or animal feed shall submit to inspection by the Department.

11. The Department shall, with the approval of the Ministry establish Inspection Stations in required regions for inspection of imported animal, animal product or animal feed.

12. The Director General, in respect of the imported animal, animal product or animal feed -
(a) shall inspect in the prescribed manner an animal if it is free from contagious disease, animal product or animal feed if it is of standard quality and free from harmful pathogens or toxins;

(b) may prohibit the animal from being transported into the country, may temporarily detain the animal, may allow retransportation or destruction if found to be infected with contagious disease;

(c) may prohibit the animal product or animal feed being transported into the country, may temporarily detain it, may allow retransportation or destruction, if on inspection, it is found that it is not of the standard quality and if it contains harmful pathogens or toxins.

13. (a) A person importing animal, animal product or animal feed shall pay the prescribed fees;

(b) Inspection fee, recommendation certificate fee and other expenses shall be as determined by the Director General.

Chapter VII

Prevention and Control of Contagious Disease

14. The Ministry shall notify the contagious diseases of animals from time to time.

15. The Department -

(а) shall lay down necessary preventive measures to the effect that no contagious disease occur in animals;

(b) shall make arrangement to eradicate the disease in the contagious disease affected areas and to prevent spreading of disease to other regions;
(c) shall notify the Disease Free Zone in accordance with the prescribed manners;
(d) may issue necessary order or directive for prevention or control of contagious disease.

16. The owner of an animal or a person who has in his possession an animal shall report promptly to the employee in charge of the Department of either a village tract or a township or a person designate for this purpose by the Ministry, if he knows the occurrence of contagious disease in the animal or finds symptoms' of contagious disease in the dead animal.

17. A veterinarian shall report promptly to the nearest employee of the Department if he finds that the animal he treats is suffering from contagious disease.

Chapter VIII
Prevention of Cruelty to Animal

18. The Director General
(a) shall carry out educative measures to prevent man from wilfully ill-treating the animal;
(b) may prescribe the maximum weight of load to be carried by or load to be drawn by a certain species of animal;
(c) shall carry out educative measures regarding the methods to be observed by the public in respect of transporting, binding or keeping of animals;
(d) shall take measures for treatment of ill-treated animals at the Veterinary Centre established by the Department;
(e) shall prescribe the expenses payable by the owner of an animal or a person who has an animal in his possession for treatment, feeding and taking care of the animals at the Veterinary Centre.
Chapter IX

Appeals

19. A person dissatisfied with the decision or order made under this Law by any officer of the Department may appeal to the Director General within 60 days of the receipt of such decision or order.

20. A person dissatisfied with the decision or order made by the Director General may appeal to the Minister within 30 days of the receipt of such decision or order.

21. The decision of the Minister shall be final.

Chapter X

Offences and Penalties

22. If a person who sells animal feed commits any of the following acts, he shall on conviction be punishable with fine which may extend to kyats 5,000 or with imprisonment for a term which may extend to 6 months or with both: -

(a) refusing to submit for inspection by the Department of the animal feed for sale;

(b) selling animal feed prohibited by the Department from further sale.

23. If a person who imports animal, animal product or animal feed commits any of the following acts, he shall on conviction be punishable with fine which may extend to kyats 5,000 or with imprisonment for a term which may extend to 6 months or with both:

(a) refusing to submit for inspection by the Department of imported animal, animal product or animal feed;

(b) transporting into the country, distributing, selling of imported animal, animal product or animal feed without obtaining a recommendation certificate issued by the Department.
24. If the owner of an animal or a person who has an animal in his possession fails to comply with any of the following acts, in respect of the animal, he shall, on conviction, be punishable with fine which may extend to kyats 5,000 or with imprisonment for a term up to 6 months or with both:

(a) failing to comply with the order or directive issued by the Department regarding control of contagious disease;
(b) failing to report to the concerned knowingly of the outbreak of contagious disease;
(c) failing to report to the concerned knowingly of the contagious disease symptom in the dead animal.

25. Whoever commits any of the following acts in respect of the animal shall on conviction be punishable with fine which may extend to kyats 1,000:

(a) causing to work cruelly or causing to carry or draw more than the prescribed weight;
(b) wilfully ill-treating;
(c) unnecessarily manning;
(d) wilfully keeping it without food and water;
(e) neglecting to give proper treatment and care though being sick or wounded;
(f) letting to stray in public place though being suffering from contagious disease or wounded.

26. The Court, shall on conviction under section 22 or section 23, impose punishment as prescribed for the relevant offence and in addition pass orders for confiscation or destruction of exhibits in respect of which the offence has been committed.
Chapter XI

Miscellaneous

27. The Ministry may delegate the authority to inspect animal product or animal feed for exportation or importation and to issue recommendation certificate, which is to be performed under this Law, to any appropriate Government department or organization.

28. The Ministry may exempt Government department or any organization from payment of inspection fee, recommendation certificate fee and other expenses payable under this Law.

29. A Government department which has the authority to issue import licence or permit for importation of animal, animal product, or animal feed shall obtain the opinion of the Department prior to the issuance of such licence or permit.

30. The Director General may delegate the powers conferred on him under this Law to any officer, of the Department.

31. Inspection work on animal, animal product or animal feed under this Law shall be done -

(a) without affecting the smooth and steady flow of trade;

(b) without delay in inspection.

32. The People's Police Force shall render necessary assistance when the personnel of the Department are taking action against offences under this Law.

33. For the purpose of carrying out the provisions of this Law -

(a) the Ministry may, with the approval of the Government, issue such rules and procedures as may be necessary;
(b) the Ministry or Department may issue such orders and directives as may be necessary.

The following Acts are hereby repealed: -

(a) The Live-stock Importation Act, 1898;
(b) The Glanders and Farcy Act, 1899,
(c) The Dourine Act, 1910;
(d) The Prevention of Cruelty to Animals Act, 1930;
(e) The Animal Pests Act, 1939.

Sd/. Than Shwe
Senior Genera!
Chairman
The State Law and Order Restoration Council
MYANMAR LAWS
(1994)
The State Law and Order Restoration Council
The Myanmar Accountancy Council Law
(The State Law and Order Restoration Council Law No. 1/94)
The 11th Waning Day of Tabodwe, 1355 M.E.
(8th March, 1994)

The State Law and Order Restoration Council hereby enacts the following Law:-

Chapter I
Title and Definition

1. This Law shall be called the Myanmar Accountancy Council Law.
2. The following, expressions contained in this Law shall have the meanings given hereunder:-
   (a) **Council** means the Myanmar Accountancy Council constituted under this Law;
   (b) **Accountancy** means functions pertaining to book-keeping, accounting, auditing, settling of accounts, financial management and management information systems. This expression also includes such accounting functions as are prescribed by the Council;
   (c) **Apprentice Accountant** means a person registered as an apprentice with the permission of the Council to qualify as a Certified Public Accountant;
   (d) **Apprentice Service** means the period of service prescribed by the Council for practical training in Accountancy;
   (e) **Certified Public Accountant** means a person who, having passed the Certified Public Accountant Examination and having satisfactorily completed the prescribed practical training during the period of apprentice service, is registered as a Certified Public Accountant;
   (f) **Practising Accountant** means a person who, having been enrolled as a Certified Public Accountant, is registered to practise Accountancy as a main profession.
Chapter II
Objectives

3. The objectives of this Law are as follows:-
   (a) augmenting the work force of qualified accountants, who will contribute towards the economic development of the State;
   (b) working for the advancement of Accountancy;
   (c) contributing towards the development of accounting principles and practices in government departments and organizations;
   (d) ensuring that Apprentice Accountants, Certified Public Accountants and Practising Accountants observe their respective codes of ethics.

Chapter III
Formation of the Myanmar Accountancy Council

4. The Government:-
   (a) shall constitute the Myanmar Accountancy Council with the following persons:-
      (1) The Auditor General Chairman
      (2) Citizen members of the accountancy profession not exceeding 10 in number Members
      (3) suitable citizens not exceeding 4 in number Members
      (4) a person assigned by the Chairman Secretary
   (b) may determine the Vice-Chairman and the Joint-Secretary, if necessary;
   (c) may determine the tenure of the Council;
   (d) may reconstitute the Council as may be necessary.

5. The Council may grant honorarium to its members who are not government servants.

6. The Council shall have perpetual succession and a common seal with the power to sue and be sued.
Chapter IV
Duties and Powers of the Council

The duties and powers of the Council are as follows:-

(a) giving advice to government departments and organizations on matters concerning Accountancy, if such advice is sought;

(b) conducting, managing and supervising training courses in Accountancy conferring diplomas and certificates therefor;

(c) arranging for practical training pertaining to Accountancy, prescribing the period of apprentice service and recognizing the accountants who can provide training;

(d) scrutinizing and recognizing certificates and degrees in Accountancy from foreign countries, and stipulating requirements for citizens who hold such certificates or degrees to be registered;

(e) appointing a suitable person as the Registrar and prescribing his duties and responsibilities;

(f) communicating and cooperating with international accounting institutions with a view to promoting development of Accountancy;

(g) forming the Apprenticeship and Training Supervisory Committee with Council members and other suitable Citizens;

(h) prescribing and/or altering the list of government departments and organizations, which can provide training in Accountancy, and delegating such powers to the Apprenticeship and Training Supervisory Committee;

(i) reviewing as may be necessary whether the training provided at the Accountancy courses conducted under this Law is up to specified standards;

(j) forming necessary committees and boards and prescribing the duties thereof;

(k) scrutinizing and allowing the establishment of professional institutions for development of Accountancy profession and providing guidance and supervision thereon;

(l) taking action against the Practising Accountants, who are negligent of their duties, or who violate their code of professional ethics;

(m) carrying out measures for the successful fulfilment of the objectives of this Law.
Chapter V
Registration of the Apprentice Accountant

8. A citizen desirous of registration as an Apprentice Accountant may apply to the Council in accordance with the stipulations of the Council.

9. If after scrutiny the Council finds that the application is in conformity with the stipulations it shall:
   (a) select and allow registration as an Apprentice Accountant;
   (b) cause the prescribed registration fees, tuition fees, examination fees, to be paid;
   (c) enrol as Apprentice Accountant in the Register.

10. The Apprentice Accountant shall pursue his studies during the period of apprentice service in accordance with the procedures.

11. The Council shall issue the Certified Public Accountant certificate to any person who, after having passed the Certified Public Accountant examination, has satisfactorily completed the practical training during the period of apprentice service.

Chapter VI
Registration of the Certified Public Accountant

12. A citizen desirous of registration as a Certified Public Accountant may apply to the Council for such registration, if he possesses any of the following qualifications:
   (a) a person who holds the Certified Public Accountant certificate;
   (b) a person who, having passed the Registered Accountant examination, has satisfactorily completed the practical training within the period of articleship;
   (c) a person who holds an Accountancy certificate or degree conferred by any foreign country and recognized by the Council;
   (d) a person who has been registered as a Registered Accountant under the Myanmar Accountancy Law, 1972 or a person who is entitled to
13. If after scrutiny the Council finds that the applications is in conformity with the stipulations it shall:-
   (a) allow registration;
   (b) cause the prescribed registration fees to be paid;
   (c) issue a certificate of registration as a Certified Public Accountant, after entering the name in the register.

14. (a) On expiry of the tenure of the certificate of registrations as a Certified Public Accountant a person desirous of extending such tenure may apply to the Council in the manner prescribed.
   (b) The Council may extend the tenure after causing payment of the prescribed fees to be made.

Chapter VII
Registration of the Practising Accountant

15. If the Certified Public Accountant who is registered under section 13 is desirous of practising Accountancy as a main profession, he may apply to the Council to be so registered in the manner prescribed.

16. If after scrutiny the Council finds that the application is in conformity with the stipulations it shall:-
   (a) allow registration;
   (b) cause the prescribed registration fees to be paid;
   (c) issue a Certificate of Practice as a practising Accountant, after entering his name in the register.

17. (a) On expiry of the tenure of the Certificate of Practice as a practising Accountant a person desirous of extending such tenure may apply to the Council in the manner prescribed.
   (b) The Council may extend the tenure after causing payment of the prescribed fees to be made.
Chapter VHI
The Duties, Ethics and Rights of the Practising Accountant

18. A Practising Accountant has the following duties:-
   (a) performing as accurately as possible any work pertaining to Accountancy that he has undertaken;
   (b) complying with the rules, procedures, orders and directives issued under this Law;
   (c) carrying out efficiently the accounting duties assigned to him by the Council.

19. In undertaking any work pertaining to Accountancy a Practising Accountant shall not commit any one of the following acts which are contrary to the code of professional ethics that he must observe:-
   (a) advertising directly or indirectly; soliciting Accountancy work, and acting to get oneself appointed in any manner;
   (b) demanding fees based on a percentage of profits;
   (c) failing to furnish particulars in connection with the accounts which the Council may call for when necessary;
   (d) disclosing any confidential information to which he alone has access, without the approval of the client, or without being required by any existing law;
   (e) carrying out the Accountancy work with which he is entrusted without exercising due professional care;
   (f) entering into partnership for auditing work with persons other than a Certified Public Accountant;
   (g) accepting a post as auditor previously held by another auditor without communicating with him;
   (h) failing to comply with the provisions of the Myanmar Companies Act in respect of the appointment of auditors;
   (i) giving estimates of and certifying future profits for publication in a prospectus or in any other manner, or certifying for publication statements of average profits over a period of more than one year without specifying the profits or losses for each year respectively;
(j) failing to maintain necessary accounting records and separate bank accounts for moneys entrusted by his clients, in order to show that such moneys are managed in a systematic manner.

20. A Practising Accountant has the right to:-
   (a) practise Accountancy as a profession;
   (b) claim reasonable professional fees;
   (c) advise the Council;
   (d) submit any grievances to the Council.

Chapter IX
Taking of action against Practising Accountants

21. (a) The Council may form and assign a three-member Inquiry Committee, consisting of at least one Council member to investigate the Practising Accountant who is alleged to have failed in any one of the duties prescribed in section 18, or to have violated any one of the professional ethics prescribed in section 19.

   (b) The Inquiry Committee shall submit a report of its findings to the Disciplinary Committee, consisting of 5 Council members, formed for this purpose by the Council.

   (c) The Disciplinary Committee may mete out any of the following administrative penalties:
      (1) giving a warning;
      (2) withdrawing the right to practise as an Accountant for a fixed period of time;
      (3) cancelling the Certificate of Practice as a Practising Accountant.

22. The Disciplinary Committee may mete out any of the following administrative penalties on the Practising Accountant who has been convicted of an offence amounting to misconduct: -

   (a) withdrawing the Certificate of Practice as a Practising Accountant for a fixed period of time;

   (b) cancelling the Certificate of Practice as a Practising Accountant.

F.14.A
23. (a) A person whose Certificate of Practice as a Practising Accountant has been withdrawn for a fixed period of time may, at the end of such period, apply to the Council for re-registration as a Practising Accountant.

(b) The Council may issue the Certificate of Practice as a Practising Accountant to the applicant after causing payment of the prescribed fees to be made.

Chapter X

Appeal

24. Any person who is not satisfied with an order or decision made by the Disciplinary Committee under section 21 or section 22, may file an appeal to the Council within 60 days from the date on which such an order or decision was made.

25. The Council has the following powers in respect of appeals submitted under section 24:-
   (a) confirming;
   (b) setting aside;
   (c) altering;
   (d) causing a reinquiry to be made.

26. The decision of the Council shall be final and conclusive.

Chapter XI

Prohibitions

27. No person shall act as an auditor of any company established under the Myanmar Companies Act or the Special Company Act, 1950, without holding a Certificate of Practice as a Practising Accountant.

28. A person whose Certificate of Practice as a Practising Accountant has been withdrawn for a fixed period of time or whose Certificate of Practice has been cancelled shall not fail to surrender the Certificate of Practice within 30 days of the date on which the Disciplinary Committee has made the order or the decision.
29. A Practising Accountant shall not mention any information which he knows to be incorrect in any account, notice, statement, report, cash book, certificate or form.

30. Practising Accountant shall not certify or allow anyone else to sign on his behalf a balance sheet, profit and loss account, any statement or schedule whatsoever, which has not been completely verified under his own supervision or that of a partner of his firm, or a member of his staff.

**Chapter XII**

**Penalties**

31. Whoever violates the provision of section 27 shall, on conviction be punished with a fine which may extend to kyats 30,000 or with imprisonment for a term which may extend to 3 years or with both.

32. Whoever violates the provision of section 28 shall, on conviction be punished with a fine which may extend to kyats 5,000.

33. Whoever violates any provision of section 29 or section 30 shall, on conviction be punished with a fine which may extend to kyats 50,000 or with imprisonment for a term which may extend to 7 years or with both.

**Chapter XIII**

**Miscellaneous**

34. (a) The expenditures of the Council shall be borne by the Office of the Auditor General.

(b) The office of the Auditor General shall establish the required staff to perform the office work of the Council.

35. If any reference is made to a Registered Accountant either in any existing law or in any document or in any record, such reference shall be deemed to refer to a Certified Public Accountant as defined in this Law.

7.14.B
3CT. The Myanmar Accountancy Council, which was formed under the
Myanmar Accountancy Council Law. 1972. shall, before the Myanmar
Accountancy Council under this Law, can be constituted be deemed to have
been constituted under this Law.

37. The rules, procedures, notifications, orders and directives issued under the
Myanmar Accountancy Council Law, 1972 may continue to be applicable in
so far as they are not inconsistent with the provisions of this Law.

38. In order to carry out the provisions of this Law:-
   (a) the Auditor General may, with the approval of Government issue such
       rules, and procedures as may be necessary;
   (b) the Council may issue orders and directives as may be. necessary.

39. The Myanmar Accountancy Council Law, 1972 is hereby repealed.

Sd./Than Shwe
Senior General
Chairman
The State Law and Order Restoration Council
The State Law and Order Restoration Council  
The State Supplementary Appropriation Law, 1994  
(The State Law and Order Restoration Council Law No.2/94)  
The 13th Waxing Day of Tabuung, 1355 M.E.  
(24th March, 1994)

The State Law and Order Restoration Council hereby enacts the following

Chapter I  
Title and Period of Effectiveness

(a) This Law shall be called the State Supplementary Appropriation Law, 1994.  
(b) This Law shall have effect for the 1993-94 financial year.

Chapter II  
Sanctioned Allotment and Administration of Supplementary Expenditures

(a) The respective persons who have been assigned responsibility for expenditures sanctioned in Schedules (1), (2) and (3) in respect of the State Law and Order Restoration Council, Multi-party Democracy General Election Commission, Government, Chief Justice, Attorney General, Auditor General, Ministries, Departments, State Economic Organizations may incur the relevant expenditures. Shown against them.

(b) Appropriation sanctioned under sub-section (a) shall be deemed to be supplementary expenditure in addition to the appropriation sanctioned under the State Budget Law, 1993.

(a) The respective persons who have been assigned responsibility under section 2 may delegate the respective officials subordinate to them to administer the expenditure for which they are responsible;

(b) In administering the expenditure, it shall be in conformity with the provisions of this Law, provisions of the State Budget Law 1993, relevant Law, rules, regulations, bye-laws, orders, directives and
<table>
<thead>
<tr>
<th>Serial Number Contained in the State Budget Law, 1993</th>
<th>Subject</th>
<th>Responsible Person</th>
<th>Ordinary Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>1</td>
<td>1</td>
<td>The State Law and Order Restoration Council</td>
<td>Chairman of the State Law and Order Restoration Council or a person delegated by the Chairman</td>
</tr>
<tr>
<td>2</td>
<td>3</td>
<td>Government</td>
<td>Prime Minister or a person delegated by the Prime Minister</td>
</tr>
<tr>
<td>3</td>
<td>4</td>
<td>Chief Justice</td>
<td>Chief Justice or a person delegated by the Chief Justice</td>
</tr>
<tr>
<td>4</td>
<td>5</td>
<td>Attorney General</td>
<td>Attorney General or a person delegated by the Attorney General</td>
</tr>
<tr>
<td>5</td>
<td>6</td>
<td>Auditor General</td>
<td>Auditor General or a person delegated by the Auditor General</td>
</tr>
<tr>
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### Supplementary Expenditure * Sanctioned

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<thead>
<tr>
<th>Payment of Interest</th>
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<th>Capital Expenditure</th>
<th>Debts</th>
<th>Investment in Organizations</th>
<th>Savings</th>
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</thead>
<tbody>
<tr>
<td></td>
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2,750,000 22,437,500.
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<td>Livestock Breeding and Fisheries</td>
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and Departments

Supplementary Expenditure Sanctioned

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Schedule (2)
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Schedule (2)

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<td></td>
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<tr>
<td>6</td>
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<tr>
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</table>
## Organizations

### Schedule (3)

<table>
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<tr>
<th>Payment of Interest</th>
<th>Contribution</th>
<th>Capital Expenditure</th>
<th>Debts</th>
<th>Investment in Organizations</th>
<th>Savings</th>
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<td></td>
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<td></td>
<td>Disbursement of Loans</td>
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<td>Repayment of Loans</td>
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<td>11</td>
</tr>
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<td></td>
<td></td>
<td>977,753,500</td>
<td></td>
<td>60,575,000</td>
<td></td>
</tr>
</tbody>
</table>

**S6J Than Shwe**  
**Senior General**  
**Chairman**  
**The State Law and Order Restoration Council**
The State Law and Order Restoration Council
The State Budget Law, 1994
(The State Law and Order Restoration Council Law No. 3/94)
The 2nd Waning Day of Tabaung, 1355 M.E.
(28th March, 1994)

The State Law and Order Restoration Council hereby enacts the following Law:-

PART I
Title and Date of Enforcement

1. (a) This Law shall be called the State Budget Law, 1994;
(b) This Law shall come into force with effect from the 1st of April, 1994 for the 1994-95 financial year.

PART II

The State Law and Order Restoration Council, Multi-Party Democracy General Election Commission, Government, Chief Justice, Attorney General, Auditor General, Ministries and Departments

Chapter I
Receipts and Expenditures

2. The State Law and Order Restoration Council, Multi-Party Democracy General Election Commission, Government, Chief Justice, Attorney General, Auditor General, Ministries and Departments shall carry out their functions in accordance with the State Budget Programme. In carrying out such functions, all receipts shall be credited to the State Budget and all expenditures payable shall be debited to the State Budget.

3. (a) The respective persons who have been given the responsibility for the receipts and expenditures of the State Law and Order Restoration Council, Multi-Party Democracy General Election Commission,
Government, Chief Justice, Attorney General, Auditor General, Ministries and Departments shall supervise and collect those receipts and administer those expenditures as are shown against them in Schedules (1), (2), (3) and (4);

(b) The respective persons who have undertaken the responsibility under sub-section (a) may delegate their powers to the respective person serving under them;

(c) Supervision and collection of the receipts and administration of the expenditures shall be in accordance with the provisions of this Law, relevant laws, rules, regulations, bye-laws, orders, directives and procedures.

4. (a) Out of the estimated receipts shown in Schedules (1) and (3), if foreign aids and loans received under Chapter IЕ exceed the estimated amount, and if expenditures of those works which are to be incurred out of such excess amount received as foreign aids and loans are in excess of the sanctioned expenditures shown in Schedules (2) and (4), the Government may approve after scrutiny. Provided that, if expenditures to be incurred out of the State Budget in kyats converted from the aforesaid foreign aids and loans are not covered by the sum shown in Schedules (2) and (4), then it may be incurred out of the reserve fund in accordance with the provisions of section 6;

(b) The Government shall submit matters relating to expenditures in excess permitted under sub-section (a) to the State Law and Order Restoration Council together with objects and reasons casewise.

5. In respect of any alteration of sums shown in Schedules (1), (2), (3) and (4) under requirement of work, it shall be shown in the revised estimate budget for the 1994-95 financial year submitted to the State Law and Order Restoration Council.

**Chapter II**

**Reserve Fund**

6. (a) Expenditures incurred by the State Law and Order Restoration Council, Multi-Party Democracy General Election Commission, Government, Chief Justice, Attorney General, Auditor General,
Ministries and Departments out of the reserve fund shown in Schedule (4), column 12 shall be effected only in accordance with the following conditions:

(i) being expenditure which cannot be anticipated;

(ii) being a case in which expenditure must be incurred within the financial year;

(iii) where transfer of budget heads cannot be effected or where there is no allotment for transfer of budget heads under the existing laws, rules, regulations and bye-laws;

(b) any expenditure from the reserve fund shall be made only by the decision of the Government;

(c) The Government shall submit matters relating to expenditure to be incurred out of the reserve fund to the State Law and Order Restoration Council together with objects and reasons casewise.

7. The State Law and Order Restoration Council, Multi-Party Democracy General Election Commission, Government, Chief Justice, Attorney General, Auditor General, Ministries and Departments shall not be allowed to submit supplementary budget of the State in respect of receipt of amounts in excess of or less than the estimated amount under this Law or appropriation of allotment by transferring budget heads within the sanctioned expenditure or expenditure incurred from the reserve fund or expenditure incurred with the sanction of the Government under section 4. Provided that if expenditures in conformity with the conditions contained in sections are not covered by the reserve fund allowed under this Law, then such expenditures may be submitted to the State Law and Order Restoration Council together with objects and reasons casewise.

**Chapter III**

**Taking of Loans**

8. For the purpose of projects or for expenditures shown in the State Budget, the Government may take loans by issuing security bonds guaranteed by Government of debentures or by other means, within the country or from abroad. Reasonable rates of interest may be prescribed for such loans. Conditions for repayment, redemption or provision otherwise may also be stipulated.
9. Regarding loans obtained by issuing security bonds for covering the deficit in the budget of the previous financial year, new security bonds may be issued when repayment of the loan becomes due.

10. The State Economic Organizations and Cantonment Municipalities may take loans from abroad, for their projects with the approval of the Government.

11. (a) The Government may empower the Minister of the Ministry of Finance and Revenue for carrying out wholly or partly the duties contained in this Chapter III;
(b) The Minister of the Ministry of Finance and Revenue may, on behalf of the State Furnish ‘guarantees for the taking of loans under this Chapter III.

12. During the financial year commencing 1st April 1994 and ending on 31st March 1995, the amount of loans actually received by the execution of loan agreements under this Chapter III shall not exceed kyats fifteen thousand million.

PART III
State Economic Organizations

13. The State Economic Organizations shall carry out their functions in accordance with the State Budget Programme. In carrying out such functions, all receipts shall be credited to the State Budget and all expenditures payable shall be debited to the State Budget.

14. (a) The respective persons who have been given the responsibility for the receipt and expenditure of the State Economic Organizations shall supervise and collect these receipts and administer these expenditures as are shown against them in Schedules (5) and (6).
(b) The respective persons who have undertaken the responsibility under sub-section (a) may delegate their powers to the respective persons serving under them;
Supervision and collection of the receipts and administration of the expenditures shall be in accordance with the provisions of this Law, relevant laws, rules, regulations, bye-laws, orders, directives and procedures.

15. (a) The Government may alter the amounts shown in Schedules (5) and (6), if it becomes necessary for the functions of the State Economic Organizations. Such alterations shall be shown in the revised estimate budget for the 1994-95 financial year submitted to the State Law and Order Restoration Council together with objects and reasons therefor;
(b) The Government may determine the amount of money to be contributed by the State Economic Organizations towards the State.

PART IV
Cantonment Municipalities

16.. The Cantonment Municipalities shall subsist on their own funds and shall carry out their functions in accordance with their Budget Programmes.

17. (a) The respective persons who have been given the responsibility for the receipt and expenditure of Cantonment Municipalities shall supervise and collect these receipts and administer those expenditures as are shown against them in Schedules (7) and (8);
(b) The respective persons who have undertaken the responsibility under sub-section (a) may delegate their powers to the respective persons serving under them;
(c) Supervision and collection of the receipts and administration of the expenditures shall be in accordance with the provisions of this Law, relevant laws, rules, regulations, bye-laws, orders, directives and procedures.

18. (a) The Government may alter the amounts shown in Schedules (7) and (8), if it becomes necessary for the functions of Cantonment Municipalities. Such alterations shall be shown in the revised estimate budget for the 1994-95 financial year submitted to the State Law and Order Restoration Council together with objects and reasons therefor.
(b) The Government may permit Cantonment Municipalities to obtain money required for carrying out their functions or for investment from grants or loans;

19. The Cantonment Municipalities may collect only such rates and taxes permitted by the existing laws, rules, regulations, bye-laws, orders, directives as are relevant to them.

**Chapter V**

**Development Committees and Municipalities**

20. The Government may grant loans and contributions to the Development Committees and Municipalities.
<table>
<thead>
<tr>
<th>Serial Number</th>
<th>Subject</th>
<th>Responsible Person</th>
<th>Taxes</th>
<th>Receipts from State's Economic Organizations</th>
<th>Other Current Receipts</th>
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<tr>
<td>3</td>
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The State Law and Order Restoration Council, Commission, Government, Chief Justice,
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<th>Interest Receipts</th>
<th>Capital Receipts from Foreign Aids</th>
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<th>Receipts from Investment in Organizations</th>
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The State Law and Order Restoration Council, Commission, Government, Chief Justice,

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## Council The State Budget Law, 1994

### Multi-Party Democracy General Election

**Attorney General and Auditor General Departments**

**Schedule (3)end**

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<td>Responsible person who is authorized to administer the allotment from this fund, as shown in Schedules 1, 2&amp;3 or a person delegated by such responsible person</td>
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<td>1,504,342,800</td>
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Total: 19,848,530,000 1,504,342,800
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<thead>
<tr>
<th>Contribution</th>
<th>Capital Expenditure</th>
<th>Debts</th>
<th>Investment in Organizations</th>
<th>Savings</th>
<th>Reserve Fund</th>
</tr>
</thead>
<tbody>
<tr>
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**Notes:**
- Expenditure
- Capital Expenditure
- Debts
- Payment of loans
- Investment in Organizations
- Savings
- Reserve Fund

**Units:** Kyats
### The State Law and Order Restoration Council

**Commission, Government, Chief Justice, State Economic**

<table>
<thead>
<tr>
<th>Serial Number</th>
<th>Subject</th>
<th>Responsible Person</th>
<th>Taxes</th>
<th>Receipts from State’s Economic Organizations</th>
<th>Other Current Receipts</th>
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<tbody>
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<td>1</td>
<td>State Economic Organizations</td>
<td>Prime Minister or a person delegated by the Prime Minister</td>
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<td>Kyats</td>
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<td>Total: 57,374,001,000</td>
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## Council The State Budget Law, 1994

### Multi-Party Democracy General Election

#### General and Auditor General

Organizations

<table>
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<tr>
<th>Schedule (5)</th>
<th>Receipts from Investment in Organizations</th>
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<table>
<thead>
<tr>
<th>Receipts</th>
<th>Capital</th>
<th>Receipts from Foreign Aids</th>
<th>Debts</th>
<th>Receipts from Investment in Organizations</th>
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<td>Receipts</td>
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<td>348,805,000</td>
<td>58,043,000</td>
<td>16,055,000</td>
<td>350,561,000</td>
<td>220,000,000</td>
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</table>

<p>| 348,805,000 | 58,043,000 | 16,055,000 | 350,561,000 | 220,000,000 |</p>
<table>
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<th>Serial Number</th>
<th>Subject</th>
<th>Responsible Person</th>
<th>Current Expenditure</th>
<th>Payment of Interest</th>
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<tbody>
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<td>Kyats 65,428,730,000</td>
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## Organizations

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<th>Contribution</th>
<th>Expenditure</th>
<th>Debts</th>
<th>Investment in Organizations</th>
<th>Savings</th>
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<tr>
<td></td>
<td>Capital</td>
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<tr>
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<td>Expenditure</td>
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<td>Serial Number</td>
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<td>Responsible Person</td>
<td>Taxes</td>
<td>Receipts from State's Economic Organizations</td>
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<td>Capital Receipts</td>
<td>Receipts from Foreign Aids</td>
<td>Debts</td>
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<td>Kyats</td>
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<td>Kyats</td>
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<td>Serial Number</td>
<td>Subject</td>
<td>Responsible Person</td>
<td>Current Expenditure</td>
<td>Payment of Interest</td>
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### Municipalities

#### Schedule (8)

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<th>Contribution</th>
<th>Capital Expenditure</th>
<th>Debts Disbursement of Loans</th>
<th>Debts Repayment of Loans</th>
<th>Investment in Organizations</th>
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</table>

*SdJ Than Shwe*
Senior General
Chairman
The State Law and Order Restoration Council.
The State Law and Order Restoration Council
The Myanmar Citizens Investment Law
(The State Law and Order Restoration Council Law No. 4/94)
The 5th Waning Day of Tabaung, 1355 M.E.
(31st March, 1994)

The State Law and Order Restoration Council hereby enacts the following Law:-

Chapter I
Title and Definition

1. This Law shall be called the Myanmar Citizens Investment Law.

2. The following expressions contained in this Law shall have the meanings given hereunder:-
   (a) **Commission** means the Myanmar Citizens Investment Commission formed under this Law;
   (b) Citizens includes an associate citizen or a naturalized citizen;
   (c) **Proposal** means an application and prescribed documents submitted to the Commission in accordance with the stipulation for investment in an economic enterprise;
   (d) Permit means the order of approval by the Commission in respect of a proposal;
   (e) **Economic Enterprise** means an economic enterprise which has obtained a permit under this Law;
   (f) Investor means a citizen making an investment and operating an economic enterprise under a permit or a citizen legally authorized by such citizen. This expression also includes a co-operative society formed under the Co-operative Society Law, a company, partnership, joint-venture, an organization operating an economic enterprise, formed under any existing law and consisting only of citizens or citizens legally authorized by such company, partnership, joint-venture and organization;
(g) **Investment** includes the following:

(i) domestic currency, foreign currency, re-investment out of the profits of the economic enterprise;
(ii) machinery, spare parts, equipment and machinery component;
(iii) land, building;
(iv) raw material;
(v) technology, trade mark, licence, patent rights which can be evaluated,

(h) **Bank.** means any bank which is established under the Financial Institutions of Myanmar Law or any corresponding bank of the Central Bank of Myanmar.

**Chapter II**

**Objectives**

3. The objectives of this Law are as follows:

(a) to cause investments of Myanmar citizens to be beneficial to the State;
(b) to promote development of production and services;
(c) to cause production of goods by utilizing the natural resources of the country;
(d) to establish enterprises for import substitution;
(e) to promote and expand export;
(f) to promote development of technology;
(g) to open up more employment opportunities;
(h) to promote development of private and co-operative sectors;
(i) to contribute towards regional development;
(j) to enable extensive participation in the money market.

**Chapter III**

**Applicable Economic Enterprises**

4. This Law applies only to economic enterprises or types of economic activities which the Commission prescribes by notification from time to time with the approval of the Government.
Chapter IV  
Formation of the Commission and Duties and Powers Thereof

5. In order to implement successfully the objectives of this Law, the Government shall form the Myanmar Citizens Investment Commission.

6. The duties and powers of the Commission are as follows:-

(a) prescribing by notification the economic enterprises or types of economic activities applicable to this Law, with the approval of the Government;

(b) scrutinizing the proposal submitted to the Commission by a person desirous of making an investment, and deciding as to whether the proposal should be accepted or not;

(c) issuing a permit to the investor if the proposal is accepted;

(d) giving a decision as may be necessary when the investor applies for extension or reduction of the tenure of the permit, suspension for the time specified, termination or alteration of the approval;

(e) reviewing and altering the order or decision when any investor submits for review and alteration of any order or decision;

(f) being able, at any time to call for supporting evidence, facts, annual report or statement of accounts which are considered necessary by the Commission from the investor;

(g) scrutinizing as may be necessary and permitting the appointment subject to a time limit when the investor applies for permission to appoint foreign experts under requirement of work;

(h) informing the relevant Government department and Government organization for grant of rights and appropriate assistance in respect of rights entitled in accordance with law by any investor;

(i) taking action as may be necessary when a submission is made by an investor that he has not been granted in full the rights to which he is entitled under this Law;

(j) passing an administrative penalty, if an investor violates the provision of this Law, rules, procedures, orders, directives issued under this Law or any condition of the permit;

(k) being able to form committees and bodies as may be necessary in carrying out the purposes contained in this Law.
7. The decision of the Commission shall be final and conclusive except in the case of review and alteration of its order or decision under section 6 sub-section (e).

Chapter V
Submission of Proposal and Issuance of Permit

8. A person desirous of making an investment to operate an economic enterprise under this Law shall apply to the Commission with the proposal in order to obtain a permit.

9. On receipt of a proposal, the Commission shall scrutinize based on the following facts, in order to determine whether the economic enterprise mentioned in the proposal should be permitted or not:
   (a) whether it is in conformity with the policies of the State or not;
   (b) whether it is in contravention of any existing law or not;
   (c) whether it contributes to the economic development of the State or not;
   (d) whether there is financial credibility or not;
   (e) whether there is economic justification or not;
   (f) whether there is appropriateness of technology or not;
   (g) whether there is prospect of successful implementation of the enterprise or not;

10. If the proposal is accepted the Commission shall issue a permit to the investor, in accordance with the stipulation.

Chapter VI
Duties and Rights of an Investor

11. The duties and rights of an investor are as follows:
   (a) being responsible to abide by the provision of this Law, rules, procedures, orders, directives issued under this Law and conditions of the permit;
   (b) being responsible for effecting insurance with the Myanmar Insurance in accordance with the Myanmar Insurance Law;
(c) having the right to appoint foreign experts for the time specified, when necessary, after obtaining the approval of the Commission;

(d) having the right to obtain assistance from the relevant Government department and Government organization to acquire land, building, water, telecommunication, and energy which are basic requirements in an economic enterprise;

(e) having the right to acquire and utilize in accordance with the law, technical assistance and technology from the relevant Government department and Government organization, in operating an economic enterprise;

(f) having the right to submit to the Commission when it is considered necessary to review and alter any order or decision of the Commission, in order that an economic enterprise may be operated successfully in accordance with the proposal or in order that the right to which he is entitled in accordance with the law may be obtained in full;

(g) having the right to submit to the Commission and the relevant Government department and Government organization for acquiring his benefits in accordance with the law and for causing action to be taken in respect of his grievances;

(h) having the right to form and operate in accordance with the Foreign Investment Law, if desirous of establishing a joint venture with a foreigner or with any foreign company.

Chapter VII
Exemptions and Reliefs from Taxes

12. In order to promote investment by citizens, the Commission shall grant the investor exemption from income-tax for a period extending to 3 consecutive years, inclusive of the commencement of the economic enterprise.

13. The Commission may, by notification grant the investor any or more than one of the following exemptions or reliefs from taxes, in addition to the right mentioned in section 12:-

(a) if foreign currency is included in the investment of any economic enterprise, relief from income-tax in accordance with the stipulation, depending upon the amount of such foreign currency;
(b) if the prescribed foreign currency is accrued from the export of goods or services by any economic enterprise, relief from income-tax up to 50 per cent on such profits accrued, for the time specified;

(c) in the case of an economic enterprise which is beneficial to the State, if there is an increase of domestic and foreign income to the extent of the prescribed rate, due to production of goods or service enterprise, relief from income-tax in accordance with the stipulation;

(d) if the economic enterprise is an import substitute enterprise or production of goods or service enterprise which is determined to be mainly necessary for the State and where it is operated with little profits, relief from income-tax in accordance with the stipulation for a reasonable period;

(e) if it is an economic enterprise which utilizes technology and operates for the development of high technology, relief from income-tax in accordance with the stipulation, for a reasonable period;

(f) exemption or relief from income-tax on profits accrued from the economic enterprise, if they are maintained in a reserve fund and re-invested therein within 1 year after the reserve is made;

(g) the right to accelerate depreciation in respect of machinery, equipment, building or other capital assets used in the enterprise at the rate fixed and to the extent of the original value, within a short term, for the purpose of income-tax assessment;

(h) exemption or relief from customs duty or other internal taxes or both on machinery, spare parts, equipment, machinery components and materials used in the enterprise, which are not available locally and are imported as they are actually required for use during the prescribed period of initial investment;

(i) exemption or relief from customs duty or other internal taxes or both on imports of raw materials and materials used in the enterprise and permitted by the Commission to be imported for the first 3 years' commercial production following the completion of the prescribed period of initial investment;

(j) exemption or relief from commercial tax on goods produced for export;

(k) if it is an economic enterprise which contributes mainly towards development of remote areas determined by the Commission, relief from income-tax in accordance with the stipulation for a reasonable period.
Chapter VIII
Guarantee

14. It is guaranteed that an economic enterprise which has obtained a permit shall not be nationalized during the tenure of the permit.

Chapter IX
Administrative Penalties

15. The Commission may pass any or all of the following administrative penalties on an investor who violated the provision of this Law, rules, procedures, orders and directives issued under this Law or any condition of the permit:

(a) warning;
(b) causing the fine to be paid and permitting the enterprise to be continued;
(c) revoking the permit;
(d) temporarily suspending the exemptions and reliefs from taxes;
(e) entering the name of the enterprise on the black list of economic enterprises on which no permit will be issued in future.

16. Failure to pay the fine ordered under section-15. sub-section (b) shall entail the recovery of such fine as if it were an arrear of land revenue.
Chapter X
Miscellaneous

17. The Ministry of National Planning and Economic Development shall:
(a) undertake the responsibility of the office work;
(b) bear the expenses of the Commission.

18. For the purpose of carrying out the provisions of this Law the Commission may:
(a) issue such rules and procedures as may be necessary, with the approval of the Government;
(b) issue such orders and directives as may be necessary.

Sd./ Than Shwe
Senior General
Chairman
The State Law and Order Restoration Council
Chapter 1
Title and Definition

1. This Law shall be called the Science and Technology Development Law:

2. The following expressions contained in this Law shall have the meanings given hereunder: -

(a) Science means basic science and applied science;
(b) Technology means expertise and service which are beneficial to production processes and which are a combination of skill and know-how;
(c) Science and Technology Development means work carried out to ensure the development of skill, know-how and expertise which, in practice are being applied in the field of science;
(d) Research and Development means work which brings out development of technology which can implement in practice the results of scientific experiments;
(e) Technology Transfer means the transfer of Technology in accordance with this Law. This expression shall not include the sale, purchase and hiring of goods;
(f) Council means the National Council for Science and Technology ‘Development formed under this Law;
(g) Ministry means the Ministry responsible for the Myanmar Scientific and Technology Research Department;
(h) Department means the Myanmar Scientific and Technological Research Department formed under this Law.
Chapter U
Objectives

3. The objectives of this Law are as follows:-
   (a) to carry out development of Science and Technology for promotion of industrial production contributory towards the National Economic Development Plans;
   (b) to carry out Research and Development for the increased extraction and utilization of domestic raw materials and the promotion of industrial production enterprises based on modern Science and Technology;
   (c) to effect Technology Transfer for the promotion of production processes and the improvement of the quality of goods;
   (d) to nurture luminaries required for the development of Science and Technology and for Research and Development and to improve their qualifications;
   (e) to communicate and co-operate with domestic and foreign research institutes and organizations for the development of Science and Technology and Research and Development;
   (f) to honour and grant appropriate benefits to outstanding luminaries and inventors in the field of Science and Technology.

Chapter HI
Establishment of the National Council for Science and Technology Development

4. The Government:-
   (a) shall form the National Council for Science and Technology Development consisting of the following persons:-

   (1) a person assigned by the Government Chairman
   (2) Ministers or Deputy Ministers of Ministries Members
       conducting Science and Technology Development activities

F.17.B
(3) heads of government departments and Members
government organizations conducting Science
and Technology Development activities
(4) appropriate luminaries Members
(5) Director General. Myanmar Scientific and Secretary
Technological Research Department
(b) may determine the Vice-Chairman and Joint Secretary if necessary,
in forming the Council.

5. Non-governmental members of the Council are entitled to receive such
remuneration as may be prescribed by the Ministry

Chapter IV
Duties and Powers of the Council

6. The duties and powers of the Council are as follows:—
   (a) laying down policies for the successful implementation of the
       objectives of this Law;
   (b) providing guidance and supervising the Science and Technology
       Development works and Research and Development activities
       conducted by government departments and government organizations;
   (c) promoting and assisting the Science and Technology Development
       works and Research and Development activities conducted by non-
       governmental organizations, Co-operative Societies,' private luminar-
       ies;
   (d) coordinating the Science and Technology Development works and
       Research and Development activities conducted by government
       departments and government organizations, non-governmental organi-
       zations, Co-operative Societies and private luminaries;
   (e) nurturing luminaries for the successful implementation of the
       development of Science and Technology and Research and
       Development and making provisions for the improvement of their
       qualifications;
   (f) making arrangements to enable communication and co-operation with
       foreign research departments relating to Science and Technology;
(g) providing guidance for the formation of Science and Technology related associations;
(h) forming scientific organizations and work committees as may be necessary and determining the functions and duties thereof;
(i) providing guidance for the convening of, and participation in conferences, seminars and meetings on domestic and foreign Science and Technology;
(j) submitting advice to the Government from time to time on matters relating to domestic and foreign Technology Transfer;
(k) recommending the presentation of Awards and Titles by the State to outstanding luminaries and inventors in the field of Science and Technology;
(l) awarding gratuity, in accordance with the stipulation, to outstanding luminaries and inventors in the field of Science and Technology;
(m) submitting reports to the Government from time to time on the activities of the Council.

Chapter V
Formation of the Myanmar Scientific and Technological Research Department

7. The Central Research Organization established under the Union of Myanmar Applied Research Institute Act, 1954 is hereby reorganized as the Myanmar Scientific and Technological Research Department.

8. Movable and immovable properties, assets and liabilities of the Central Research Organization shall devolve respectively on the Department.

Chapter VI
Functions and Duties of the Department

9. The functions and duties, of the Department are as follows:-
(a) conducting works of research and applied research based on Science and Technology;
(b) carrying out research aimed at solving technological problems and difficulties faced by the domestic industries;
(c) conducting developmental research for the extension of successful
laboratory scale processes to production scale;
(d) identifying potential usefulness of natural resources for commercial
exploitation;
(e) designing and fabricating machinery and equipment; establishing pilot
plants;
(f) convening of and participating in domestic and foreign conferences
and seminars on Science and Technology; exchange of luminaries and
co-operation;
(g) conducting standardizations and specifications of weights and
measures, equipment and machinery, raw materials and finished goods;
(h) submitting advice to the Council from time to time on matters relating
to domestic and foreign Technology Transfer;
(i) conducting Research and Development on environmental conservation;
(j) conducting Research and Development on the usage of atomic energy
and protection from atomic radiation;
(k) establishing and maintaining the Central Science Library, collecting
and exchanging scientific and technological literature;
(l) providing advice and service relating to Science and Technology;
disseminating technical information; compiling, publishing and
distributing scientific and technological publications;
(m) conducting Research and Development projects and scientific and
technological activities assigned by the Council or the Ministry.

Chapter VII
Technology Transfer

10. Any person or organization may transfer Technology which they have
developed successfully in the following manner:—
   (a) allowing the right to use the Technology to any person free of charge;
   (b) selling or allowing the right to use the Technology, upon payment
       of a fee, for a contracted period of time within the country under a
       contract.

11. The manner and conditions relating to domestic and foreign Technology
Transfer, shall be as determined by the Government.
12. In transferring Technology which any government department or government organization has developed successfully, under section 10 sub-section (b):

(a) monetary benefits may be granted in the prescribed manner to the relevant inventor or to persons who are mainly instrumental in the development of the Technology;

(b) if the person who has obtained the right to use the Technology so desires, he may assign the duties to the inventor or to persons who are mainly instrumental in the development of the Technology in accordance with the existing regulations and bye-laws for government servants.

13. Contracts for Technology Transfer under section 10 sub-section (b) shall contain the following facts:

(a) statement of the nature and applicability of the Technology transferred;

(b) statement of the type of Technology, the nature and amount of the financial payment;

(c) statement of the period for which the transferred Technology may be used;

(d) statement of the rights and responsibilities of the transferor and transferee of the transferred technology;

(e) other agreements.

14. The Department shall establish a registration office for the registration of Technology Transfer contracts.

15. A contract for Technology Transfer:

(a) shall be registered in the prescribed manner;

(b) unless registered, there shall be no right of instituting a suit based thereon.

16. The provisions of this Chapter shall not apply to the transfer of patented inventions or registered designs.
Chapter VIII
Miscellaneous

17. The orders and directives issued under the Union of Myanmar Applied Research Institute Act, 1954 may, in so far as they are not inconsistent with this Law, continue to be applicable.

18. (a) The expenses of the Council shall be borne by the Department.
(b) The office work of the Council shall be carried out by the Department.

19. For the purpose of carrying out the provisions of this Law:-
(a) the Ministry may, with the approval of the Government, issue such rules and procedures as may be necessary;
(b) the Council, Ministry or the Department may issue such orders and directives as may be necessary.

20. The Union of Myanmar Applied Research Institute Act, 1954 is hereby repealed.

Sd./ Than Shwe
Senior General
Chairman
The State Law and Order Restoration Council
The State Law and Order Restoration Council
The Protection of Wildlife and Conservation of Natural Areas Law
(The State Law and Order Restoration Council Law No. 6/94)
The 15th Waning Day of Kason, 1356 M.E.
(8th June, 1994)

The State Law and Order Restoration Council hereby enacts the following
Law >

Chapter I
Title and Definition

1. This Law shall be called the Protection of Wildlife and Conservation of Natural Areas Law.

2. The following expression contained in this Law shall have the meanings given hereunder

(a) Wildlife means the wild animals and wild plants in their natural habitats;

(b) Wild Animal means naturally bred animals, birds, insects, aquatic animals and their spawns, larvae, frys and seeds in their natural habitats;

(c) Wild Plant means trees, shrubs, clingingers, bamboos, canes, orchids, fungus, aquatic plants and their seeds growing in their natural habitats;

(d) Natural Area means the area determined under this Law for the purpose of Protection and Conservation of wildlife, ecosystem * or significant landscape for their sustainment;

(e) Ecosystem means the evolving ecosystem constituting the living and non-living organisms and plants living in symbiosis and the natural environment evolved from such system;
(f) Habitat means the area in which wildlife species naturally occurs;

(g) Zoological Garden means a garden where animals are kept in captivity for making research and where the public may visit for recreation, on payment of a fee;

(h) Botanical Garden means a garden where wild plants and cultivated plants are conserved for making research and where the public may visit for recreation on payment of a fee;

(i) Forest Land means reserved forest formed under the Forest Law and protected public forest notified under this Law;

(j) Committee means the Committee for the protection of Wildlife and Conservation of Natural Areas formed under this Law;

(k) Supervisory Body means the Body for the Supervision of the Zoological Garden or Botanical Garden formed under this Law;

(l) Minister means the Minister for the Ministry of Forestry;

(m) Director General means the Director General of the Forest Department;

(n) Forest Officer means the officers at different levels from the Head of Township Forest Department to the Director of the Forest Department who have been assigned to carry out the functions and duties under this Law;

(o) Forest Staff means the staff at different levels from a Forest Guard to the Director General of the Forest Department who has been assigned to carry out the functions and duties under this Law.
Chapter II
Objectives

3. The objectives of this Law are as follows

(a) to implement the Government policy for wildlife protection;
(b) to implement the Government policy for natural areas conservation;
(c) to carry out in accordance with the International Conventions acceded by the State in respect of the protection and conservation of wildlife, ecosystems and migratory birds;
(d) to protect endangered species of wildlife and their natural habitats;
(e) to contribute for the development of research in natural science;
(f) to protect wildlife by the establishment of zoological gardens and botanical gardens.

Chapter III
Formation of the Committee and Functions and Duties Thereof

4. The Government

(a) shall form the Committee for Protection of Wildlife and Conservation of Natural Areas consisting of the following persons

(i) Minister, ....Chairman
Ministry of Forestry

(ii) representatives from the relevant ....Members
Government departments and
Government organizations
(iii) relevant luminaries and experts .... Members
(iv) a person assigned responsibility by .... Secretary the Chairman
(b) the Government may determine the Vice-Chairman and Joint Secretary when necessary.

5. A Committee member who is a non-Government servant is entitled to receive such remuneration as may be prescribed by the Minister.

6. The duties and functions of the Committee are as follows:-
   (a) giving guidance to enable implementation of the objectives of this Law;
   (b) submitting suggestions to enable the Government to lay down policies relating to protection of wildlife;
   (c) submitting suggestions to enable the Government to lay down policies relating to the conservation of natural areas;
   (d) co-ordinating with the relevant Government departments and Government organizations for determination of natural areas and establishment of the Zoological garden and Botanical garden;
   (e) supervising the performance of functions relating to protection of wildlife and conservation of natural areas;
   (f) giving guidance for the protection of endangered species of both flora and fauna;
   (g) giving guidance in respect of conducting research on natural science;
   (h) communicating and co-operating with foreign countries, international organizations and regional organizations.
Chapter IV
Determination of Natural Areas and Establishment of Zoological Garden and Botanical Gardens

7. The categories of natural areas are as follows:-
   (a) Scientific Reserve;
   (b) National Park;
   (c) Marine National Park;
   (d) Nature Reserve;
   (e) Wildlife Sanctuary;
   (f) Geo - physically Significant Reserve ;
   (g) other Nature Reserve determined by the Minister.

8. The Minister: - ■
   (a) may in any region, with the approval of the Government and for purpose of the objective of this Law, by notification if necessary
      (i) determine the natural areas according to the categories;
      (ii) establish the zoological gardens and botanical gardens;
   (b) if desirous of determining and establishing under sub-section (a) in any land under the administration of a Government department or Government organization with the exception of forest land shall do so after prior co-ordination with the relevant Government department or Government organization;
   (c) if desirous of determining and establishing under sub-section (a) in any land in which an individual or a private organization has the right of cultivation, right of possession, right of use and occupancy, beneficial enjoyment, heritable right or transferable right shall do so after prior
co-ordination with the relevant Ministry for acquiring land in accordance with the existing land acquisition laws;

(d) shall notify in advance in the manner prescribed the land on which and the boundary within which it is proposed to determine and establish under sub-section (a);

(e) shall form and assign duties to a Preliminary Scrutiny Body to inquire into and determine in the manner prescribed the affected rights of the public in the relevant area within which it is proposed to determine and establish under sub-section (a) and to carry out the work of demarcation.

9. The Minister may, with the approval of the Government:

(a) revise, alter the category or cancel the whole or a portion of the area of a natural area determined under section 8;

(b) revise or cancel the whole or a portion of the area of the zoological garden or botanical garden established under section 8.

10. The Minister:

(a) shall form a Supervisory Body to supervise each zoological garden or botanical garden established under section 8 and determine the functions and duties thereof;

(b) may alter the formation of or abolish the Supervisory Body, as may be necessary

11. The Director General shall, with the approval of the Minister make provisions for reasonable rights and privileges in respect of the affected rights of the people in the region in which it is proposed to establish under section 8.
12. The Director General may, with the approval of the Minister: - 

(a) allow, after stipulating conditions scientific research, environmental study and recreation in the natural area, with the exception of the totally prohibited area; 

(b) provide and carry out necessary measures to prevent external environmental dangers and disturbances within the natural areas; 

(c) exchange Wildlife species with foreign countries. 

13. The Director General:- 

(a) may carry out culling measures for sustainment of wild animal in the natural areas; 

(b) shall determine condition and notify it for public information to be abided by people visiting the zoological garden and botanical garden established under section 8 for recreation. 

14. The Forest Department shall carry out the following functions and duties according to the category of natural area in conformity with the guidance laid down by the Committee or the Minister:- 

(a) preservation to enable conducting research on natural evolutionary system within the Scientific Reserve; 

(b) preservation of varied ecosystems and permitting research to be conducted and the public to visit for recreation within the National Park without causing damage to its natural state; 

(c) preservation of naturally bred creatures, their habitats of coral reefs, planktons, moss and algae and wildlife breeding and inhabiting along the coast, in deltaic areas and their habitats within the Marine National park, in order that they may exist in their natural state;
(d) preservation of species of significant and rare wild plants and the natural evolution of ecosystem for their sustainment within the Nature Reserve;

(e) communicating and co-operating with international organizations for the preservation of wild animal within the sanctuary and for conserving wetland where migratory birds dwell;

(f) conservation of regions which are distinguished for their picturesque landscape and traditional customs within the geo-physically significant Reserve.

Chapter V
Protected Wildlife

15. The Director General shall, with the approval of the Minister: -

(a) determine and declare endangered species of wild animal which are to be protected according to the following categories: -

   (i) completely protected species of wild animals;

   (ii) normally protected species of wild animals;

   (iii) seasonally protected species of wild animals;

(b) determine and declare the endangered species of wild plants and their nature habitats thereof;

(c) lay down and carry out measures for the preservation of protected wildlife species;

(d) co-ordinate with the relevant department or organization if the wildlife which are to be determined for protection, are under the administration of another Government department or Government organization.
16. The Director General may, with the approval of the Minister:-

(a) permit for capture and possession of completely protected wild animal by stipulating conditions to Government departments, Government organizations or non-governmental organizations which have been permitted to conduct research on them to enable scientific research;

(b) permit for extraction, transportation and possession of protected wild plants, from the protected natural area to enable experiment and reproduction to a person who has been permitted to conduct research on them to enable scientific research.

17. The Director General may :-

(a) declare the species of wild animal which can be raised on commercial basis from among the normally protected wild animal and seasonally protected wild animal;

(b) permit for capture, farming or transfer by stipulating conditions of wild animal which can be raised on commercial basis and, have been declared under sub-section (a);

(c) allow by stipulating conditions raising normally protected wild animal and seasonally protected wild animal as a hobby and as a traditional custom;

(d) lay down appropriate measures or issue directives to prevent contagious diseases and cross-breeding within the natural area to persons raising any kind of animal, if necessary within the vicinity of the natural area.

18. (a) The Director General may, with the approval of the Minister makes recommendations for the export of wild animal permitted to be raised on commercial basis or any part thereof.
(b) The Forest Officer assigned by the Director General may permit removal or transportation from one township to another of wild animal which is permitted to be hunted or to be raised on commercial basis or any part thereof.

Chapter VI
Hunting

19. The Director General may grant a hunting licence, by stipulating terms and conditions to a hunter to hunt wild animals other than wild animals inhabiting within a natural area and protected wild animals.

20. A person who has been granted a hunting licence shall: -
(a) pay the hunting licence fees as prescribed;
(b) abide by the terms and conditions of the hunting licence;
(c) accept the inspection of the Forest Department.

Chapter VII
Right to Establish Zoological Garden and Botanical Garden

21. The Minister may, with the approval of the Government: -
(a) permit by stipulating terms and conditions the application in the manner prescribed to operate the zoological garden or botanical garden established under section 8 in joint venture between the Government and any individual or any economic organization, or by any individual or any economic organization in the interest of the State;
(b) permit by stipulating terms and conditions the application in the manner prescribed to establish a private zoological garden or botanical garden.
22. The Minister: -
   (a) shall form a Supervisory Body and prescribe the functions thereof to supervise each of the zoological garden or botanical garden permitted to be established under section 21 sub-section (a), if necessary;
   (b) may re-constitute or abolish the Supervisory Body as may be necessary.

23. A person who has obtained permission to establish a zoological garden or botanical garden under section 21 shall apply to the Director General in the prescribed manner for a licence to operate.

24. The Director General: -
   (a) may, in respect of the application for a licence to operate a zoological garden or botanical garden scrutinize as to whether it is in conformity with the prescribed requirement of work and grant or refuse the licence;
   (b) shall determine the conditions of the licence to operate the zoological garden or botanical garden;
   (c) may with the approval of the Minister, revoke the licence, subject to a time limit or cancel the licence in case of violation of the conditions to be abided by person who has obtained a licence to operate.

25. A person who has obtained a licence to operate a zoological garden or botanical garden : -
   (a) shall abide by the conditions of the licence to operate, prescribed by the Director General;
   (b) shall pay in Myanmar kyats or in foreign currency taxes relating to the licence to operate, in the prescribed manner;
(c) shall, if he dies before the expiry of the tenure of the licence to operate be represented by his legal representative, who shall apply to the Director General in the manner prescribed.

Chapter VIII
Registration

26. (a) A person who possesses as a souvenir or wearing as a traditional custom any part of a completely protected animal, before this Law comes into force shall register at the relevant Township Forest Department in the manner prescribed by the Ministry of Forestry.

(b) With the exception of a person who has inherited under a traditional custom from a person registered under sub-section (a), a person who has received in any other manner shall register at the relevant Township Forest Department in the manner prescribed by the Ministry of Forestry.

(c) For the purpose of research of a completely protected animal after this Law comes into force, a Government department, a Government organization or a non-governmental organization which has been permitted to capture or possess such animal under section 16 sub-section (a) and which is desirous of possessing any part thereof to conduct research or as a souvenir shall register in the manner prescribed by the Ministry of Forestry.

27. A Forest Officer who has been assigned to perform the functions of registration by the Director General: -

(a) may scrutinize the application for registration under section 26 in the manner prescribed and register or refuse registration;
(b) if registration is effected under sub-section (a) shall issue a certificates of registration to the applicant.

Chapter IX
Taking Administrative Action

28. In order to take administrative action, the Forest Staff shall, in respect of search, seizure and disposal of exhibits carry out in the manner prescribed.

29. A Forest Officer may pass an administrative order causing a fine which may extend to kyats 1000 to be paid, on a person who commits any of the following acts within a natural area or within the zoological garden or botanical garden which is administered by the Government or towards which the Government has subscribed share capital: -

(a) entering a place where the public is permitted to visit for recreation, without conforming to the conditions stipulated;
(b) trespassing a prohibited place other than a place where the public is permitted to visit for recreation, without permission;
(c) grazing or free grazing or causing domestic animals to trespass;
(d) frightening or wilfully disturbing protected wild animals;
(e) plucking or breaking without permission any kind of wild plants and cultivated plants.

30. A Forest Officer may pass an administrative order causing a fine which may extend to kyats 5,000 to be paid, on a person who commits any of the following acts within a natural area or within the zoological garden or botanical garden which is administered by the Government or towards which the Government has subscribed share capital: -

(a) entering a totally prohibited area without permission;
(b) filming or video recording without permission;
(c) digging on the land, cultivating or carrying out any work;
(d) extracting, collecting or injuring in any manner any kind of cultivated plants

31. A Forest Officer may pass an administrative order causing a fine which may extend to kyats 10,000 to be paid, on a person who kills, hunts, wounds or raises a seasonally protected wild animal without permission during the close season.

32. A Forest Officer shall: -
(a) when passing an administrative order, confiscate the products of a natural area or of the zoological garden or botanical garden which is administered by the Government or towards which the Government has subscribed share capital;
(b) dispose the confiscated products in the manner prescribed.

Chapter X
Appeal

33. A person dissatisfied with an administrative order passed by a Forest Officer may file an appeal to the Director General within 30 days from the date of such order.

34. The decision of the Director General shall be final and conclusive.
Chapter XI
Offences and Penalties

35. Whoever commits any of the following acts shall, on conviction be punished with imprisonment for a term which may extend to 3 years or with fine which may extend to kyats 10,000 or with both:

(a) hunting without a licence;
(b) violation of any condition of the hunting licence;
(c) raising without permission, for commercial purpose normally protected wild animals and seasonally protected wild animals;
(d) causing water and air pollution, causing damage to a water-course or putting poison in the water in a natural area;
(e) possessing or disposing of pollutants or mineral pollutants in a natural area;
(f) establishing and operating a zoological garden or a botanical garden without a licence.

36. Whoever commits any of the following acts shall, on conviction be punished with imprisonment for a term which may extend to 5 years or with fine which may extend to kyats 30,000 or with both:

(a) killing, hunting or wounding a normally protected wild animal or seasonally protected wild animal without permission, possessing, selling, transporting or transferring such wild animal or any part thereof without permission;
(b) extracting, collecting or destroying in any manner any kind of protected wild plants within the prescribed area without permission;
(c) destroying ecosystem or any natural state in the natural area;
(d) altering, removing, destroying or obliterating without permission, any boundary mark of a natural area or any boundary mark of a zoological garden or botanical garden, administered by the Government or in which the Government has subscribed share capital.

37. Whoever commits any of the following acts shall, on conviction be punished with imprisonment for a term which may extend to 7 years or with fine which may extend to kyats 50,000 or with both:

(a) killing, hunting or wounding a completely protected wild animal without permission, possessing, selling, transporting or transferring such wild animal or any part thereof without permission;

(b) exporting without the recommendation of the Director General a completely protected wild animal or a protected wild plant or any part thereof.

38. The provisions of section 36 sub-section (a) or section 37 sub-section (a) shall not apply to

(a) the preserving as a souvenir or wearing as a traditional custom of any part of normally protected wild animal or a seasonally protected wild animal;

(b) the possessing or wearing with a certificate, of registration issued under section 27 sub-section (b) of any part of a completely protected wild animal;

(c) the possessing, use, sale, transport or transfer of a drug prepared from a part, of a protected wild animal;

39. The Convicting Court shall, in respect of any legal proceeding instituted under this Law award punishment for the relevant offence and— in addition:

(a) may pass order for the value of the loss and damage to the Forest
Department caused by the offender, to be paid by way of compensation to the Forest Department;

(b) shall confiscate the wild animal, wild plants and parts thereof involved in the commission of the offence and hand over the same to the Forest Department.

(c) may pass an order for confiscation of vehicles/ vessels, animals and other machinery and implements involved in the commission of the offence.

Chapter XII
Miscellaneous

40. Wildlife sanctuaries which have been declared under the Wild Life Protection Act, 1936 shall be deemed to be wildlife sanctuaries determined as a natural area under this Law.

41. If an exhibit relating to any legal proceeding instituted under this Law is not easily produceable before the Court, such exhibit need not be produced before the Court. However, a report or other relevant documentary evidence as to the manner of custody of the same may be submitted. Such submission shall be deemed as if it were a submission of the exhibit before the Court and the relevant Court may dispose of the same in accordance with law.

42. In instituting legal proceedings under this Law prior sanction of the Ministry of Forestry shall be obtained.

43. In a case where administrative action is taken or where a legal proceeding is instituted under this Lavy, the burden of proving lawful ownership or lawful right of possession in respect of the exhibit seized shall lie on the person against whom action is taken.
44. When a request is made by the Forest Staff for assistance in the performance of their duties, the Myanmar Police Force shall render necessary assistance.

45. All money payable to the Forest Department under this Law shall be recovered as if it were an arrear of land revenue. A Forest Officer who has been assigned responsibility by the Ministry of Forestry for this purpose shall exercise the powers of a Collector under the existing laws.

46. Before the issuance of rules, procedures, notifications, orders and directives under this Law, rules, notifications, orders, directives and circulars issued under the Wild Life Protection Act, 1936 may continue to be applicable in so far as they are not inconsistent with this Law.

47. For the purpose of carrying out the provisions of this Law:

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

   (b) the Ministry of Forestry or the Forest Department may issue such notifications, orders and directives as may be necessary.

48. The Wild Life Protection Act, 1936 is hereby repealed.

Sd./ Than Shwe
Senior General
Chairman
The State Law and Order Restoration Council
The State Law and Order Restoration Council
The Law Amending the Financial Institutions of Myanmar Law
(The State Law and Order Restoration Council Law No. 7/94)
The 13th Waxing Day of Nayon, 1356 M.E.
(21st June, 1994)

The State Law and Order Restoration Council hereby enacts the following Law:-

1. This Law shall be called the Law Amending the Financial Institutions of Myanmar Law.

2. Section 32 of the Financial Institutions of Myanmar Law shall be substituted by the following section:-
   32. Financial institutions shall not lend more than 20 per cent of their capital plus reserves to a single individual, an enterprise, or an economic group.

Sd./ Than Shwe
Senior General
Chairman
The State Law and Order Restoration Council
The State Law and Order Restoration Council

The Myanmar Mines Law

(The State Law and Order Restoration Council Law No 8/94)

The 2nd Waxing Day of Tawthalin, 13S6 M.E.
(6th September, 1994)

The State Law and Order Restoration Council hereby enacts the following Law

Chapter 1
Title and Definition

1. This Law shall be called the Myanmar Mines Law.

2. The following expressions contained in this Law shall have the meanings given hereunder:
   (a) Mine means place, excavation or worksite where mining is carried on or various operations, building, land, machinery and equipment connected with mining or mineral processing at any place contiguous to such place of mining, excavation or worksite. The said expression also includes quarries where industrial mineral and stone are mined;
   (b) Mineral means gemstone, metallic mineral, industrial mineral and stone obtained from the earth by mining or by other operation;
   (c) Gemstone means ruby, sapphire, jade, diamond, spinel, peridot, chrysoberyl, tourmaline, danburite, aquamarine, zircon, topaz, phenakite, garnet, moonstone, iolite, apatite, epidote, lapis-lazuli, diopside, amber, fluor spar, nephrite, or stones of gem quality of the quariz group, which has not been processed. The said expression also includes substances which may be declared by the Ministry by notification with the approval of the Government from time to time to be gemstone:
   (d) Metallic Mineral means gold, silver, platinum, iridium, osmium, palladium, ruthenium, rhodium, tantalum, columbium, uranium, thorium, iron, zinc, copper, lead, tin, tungsten, nickel, antimony, aluminium, arsenic, bismuth, cadmium, chromium, cobalt, or manganese. The said expression also includes substances which may be declared by the Ministry by notification with the approval of the Government from time to time to be metallic mineral;
(e) **Industrial Mineral** means coal, limestone, gypsum, baryte, graphite, manganese dioxide, dolomite, fluorite, fire clay, ball clay, industrial clay, feldspar, magnesite, red ochre, yellow ochre, soap stone, bentonite, asbestos, zinc carbonate, muscovite, or biotite. The said expression also includes substances which may be declared by the Ministry by notification with the approval of the Government from time to time to be an industrial mineral;

(f) **Stone** means limestone, quartz, granite, marble, pegmatite, or gneiss that are of the quality to produce decorative stone. The said expression also includes substances which may be declared by the Ministry by notification with the approval of the Government from time to time to be stone of decorative stone quality, but does not include stones which are not of the decorative stone quality and are usually used for road making;

(g) **Permit** means a permit issued under this Law for the purpose of mineral prospecting, exploration or production issued separately or as an integrated permit;

(h) **Mineral Prospecting** means searching for minerals deposits. The said expression also includes the process of testing mineral bearing qualities of the land;

(i) **Mineral Exploration** means, defining and gaining knowledge of the size, shape, location, quality and quantity of a mineral deposit;

(j) **Mineral Production** means all stages of operation for obtaining minerals. The said expression also includes any or all stages of mining and mineral processing activity.

(k) **Large Scale Production** means commercial production of mineral which requires substantial investment and expenditure or special technical know-how and methods;

(l) **Small Scale Production** means commercial production of mineral which does not require substantial investment and expenditure or special technical know-how and methods;

(m) **Subsistence Production** means production of mineral using ordinary handtools;

(n) **Mineral Processing** means the beneficiation of ore or mineral to improve their grade or their value. The said expression includes operation of mineral dressing, concentration, smelting, refining to
obtain mineral concentrates and refined metals and cutting, polishing of raw gemstones to obtain finished products, but does not include cutting, polishing of raw gemstones on a small scale prescribed by the Ministry by notification with the approval of the Government from time to time;

(o) Ministry means the Ministry of Mines;

(p) Department means the Planning and Work Inspection Department of the Ministry of Mines;

(q) Director General means the Director General of the Planning and Work Inspection Department of the Ministry of Mines.

Chapter II
Objectives

3. The objectives of this Law are as follows:-
   (a) to implement the Mineral Resources Policy of the Government;
   (b) to fulfill the domestic requirements and to increase export by producing more mineral products;
   (c) to promote development of local and foreign investment in respect of mineral resources;
   (d) to supervise, scrutinize and approve applications submitted by person or organization desirous of conducting mineral prospecting, exploration or production;
   (e) to carry out for the development of, conservation, utilization and research works of mineral resources;
   (f) to protect the environmental conservation works that may have detrimental effects due to mining operation.

Chapter III
Application and Granting of Permit

4. A person or organization, desirous of carrying out any of the following operations, shall apply to the Ministry in accordance with the stipulations for obtaining permit:-
   (a) prospecting, exploration, large scale production or small scale production of gemstone;
(b) prospecting, exploration, large scale production or small scale production metallic mineral;
(c) large scale production of industrial minerals;
(d) large scale production of stones.

5. A person or organization, desirous of carrying out any of the following operations, shall apply to the Department in accordance with the stipulation for a permit:-
   (a) prospecting, exploration or small scale production of industrial mineral
   (b) prospecting, exploration or small scale production of stone.

6. A person or organization, desirous of carrying out subsistence production of gemstone, metallic mineral, industrial mineral or stone, prescribed in the notification by the Ministry shall apply to the respective Mining Enterprise or to the officer authorized by the Ministry in accordance with the stipulations for obtaining a permit.

7. The Ministry may with the approval of the Government, grant permit for any of the following operations:
   (a) prospecting, exploration, large scale production or small scale production of gemstone, metallic mineral, industrial mineral or stone involving foreign investment;
   (b) prospecting, exploration, large scale production or small scale production of gemstone with local investment;
   (c) prospecting, exploration, large scale production or small scale production of metallic mineral with local investment.

8. The Ministry may grant permit for the following operations:-
   (a) large scale production of industrial mineral or stone with local investment;
   (b) integrated prospecting, exploration, large scale production or small scale production of industrial mineral or stone with local investment.
9. The Department may, with the approval of the Ministry, grant permit for any of the following operations:-
   (a) prospecting, exploration or small scale production of industrial mineral with local investment;
   (b) prospecting, exploration or small scale production of stone with local investment.

10. The respective Mining Enterprise or the officer authorized by the Ministry may issue permit in respect of subsistence production of gemstone, metallic mineral industrial or stone, specified in the notification by the Ministry.

11. The Ministry shall determine the classification of large scale production, small scale production or subsistence production as defined in sub-section (k), (l), (m) of section 2.

Chapter IV
Duties of the Holder of Permit

12. The holder of permit shall :-
   (a) abide by the provisions of this Law, rules, orders and directives made thereunder;
   (b) abide by the conditions contained in the permit;
   (c) pay rent for the land related to the permit calculated in accordance with the rates prescribed by the rules made under this Law;
   (d) pay rent for the land for each permit separately;
   (e) pay security deposit or advance payment or both security deposit and advance payment;
   (f) pay prescribed royalty and other fees payable under this Law either in Myanmar currency or foreign currency, or both Myanmar and foreign currencies.

13. The holder of permit shall comply with the rules prescribed under this Law in respect of the following matters:-
   (a) appointment of mine personnel and workers, assignment of work, prescribing of age, wages, salaries and other fees;
(b) fixing of working days and working hours for the above and underground workers in a mine:
(c) making provisions for safety and the prevention of accidents in a mine and their implementation;
(d) making and implementation of plans relating to the welfare, health, sanitation and discipline of personnel and workers in a mine;
(e) making provisions for the environmental conservation works that may have detrimental effects due to mining operation;
(f) reporting of accidents, loss of life and bodily injury received due to such accidents in the mine;
(g) submission to the inspection of the Chief Inspector and inspectors.

Chapter V
Right of Utilization of Land and Water for Mineral Production

14. The holder of permit for mineral production within an area under the Ministry's administrative control or which does not lie within the Mineral Reserve Area or Gemstone Tract, shall carry out such production only after co-ordinating and receiving agreement from the individual or organization having the right of cultivation, right of possession, right of use and occupancy, beneficial enjoyment, right of succession or transfer of the said land.

15. If, in the interest of the State, it is necessary to acquire the land where mineral production could be undertaken on commercial scale, the Ministry shall co-ordinate with the relevant Ministry for the acquisition of such land in accordance with the existing law.

16. If the holder of mineral production permit requires the use of public water for mineral production he shall first and foremost inform the Department of such requirement in accordance with the prescribed manner.

17. If the Department, after scrutinizing the requirement submitted under section 16 finds that the use of public water is really necessary for the holder of mineral production permit, it shall co-ordinate with the relevant government department and organization for obtaining permission to use water in accordance with the existing law.
18. The holder of mineral production permit shall pay royalty on the value of the mineral sold when the sale is affected on the mineral produced by him within the rates mentioned below as determined by the Ministry:-

(a) for gemstone at the rate of 5% to 7.5%;
(b) for gold, silver, platinum, iridium, palladium, ruthenium, rhodium, tantalum, columbium, niobium, uranium, thorium and other precious metallic minerals that the Ministry may, with the approval of the Government prescribe and publish by notification from time to time at the rate of 4% to 5%;
(c) for iron, zinc, copper, lead, tin, tungsten, nickel, antimony, aluminium, arsenic, bismuth, cadmium, chromium, cobalt, manganese and other metallic mineral that the Ministry may, with the approval of the Government prescribe and publish by notification from time to time - at the rate of 3% to 4%;
(d) for industrial mineral or stone at the rate of 1% to 3%.

19. When calculating the value of mineral sold under section 18, the Department shall calculate in the prescribed manner based upon the prevailing international price of that mineral at the time of the sale.

20. The Ministry may:-

(a) prescribe by notification from time to time, royalty to be paid for the mineral obtained from mineral prospecting or mineral exploration;
(b) exempt in whole or in part, any royalty payable or any mineral by the holder of a permit for such period as may be determined with a view of promoting production of mineral;
(c) exempt payment of royalty, on mineral samples obtained by the government department concerned or government organization for the purpose of assay analysis or other examinations;
(d) defer payment of royalty due for such period it may determine;
(e) assess provisional royalty during the period where for any reason it is impracticable to assess the exact amount of the royalty due.
Chapter VII
Designation of Mineral Reserve Area and Gemstone Tract

21. The Ministry:
(a) may designate an area where mineral can be produced on commercial scale as Mineral Reserve Area by notification with the approval of the Government;
(b) shall, before designation any area as Mineral Reserve Area, declare in the manner prescribed, which area is intended to be declared as such;
(c) shall, in designating the Mineral Reserve Area, form and assign duties to a committee consisting of skilled personnel with the Director General as the head of the Committee to inquire into the affected rights of the public in the relevant area and to enable them to receive reasonable rights and benefits and to carry out the demarcation of the Mineral Reserve Area;
(d) if desirous of designating land under the administration of any government department or any organization as the Mineral Reserve Area under sub-section (a), shall do so after co-ordination with the relevant government department or organization;
(e) if desirous of designating area under sub-section (a) any land in which an individual or an organization had the right of cultivation, right or possession, right of use and occupancy, beneficial enjoyment, right of succession or transfer as the Mineral Reserve shall do so after co-ordination with the relevant Ministry for acquiring land in accordance with the existing law.

22. The Ministry:
(a) may, when information is received of the existence of gemstone for production on a commercial scale or the area where such gemstone is discovered designate such area as Gemstone Tract by notification with the approval of the Government;
(b). shall form and assign duties to a committee consisting of skilled personnel with the Director General as the head of the committee to inquire into the affected rights of the public in the area already
designated as Gemstone Tract and to enable them to receive reasonable rights and benefits and to carry out the demarcation of the Gemstone Tract.

23. The Ministry may, with the approval of the Government, cause the whole or a portion of the Mineral Reserve Area or Gemstone Tract, for the revision of the demarcation or cessation thereof.

24. All naturally occurring minerals found either on or under the soil of any land, in which an individual or an organization had the right of cultivation, right of possession, right of use and occupancy, beneficial enjoyment, right of succession or transfer or all naturally occurring minerals found in the Continental Shelf shall under the existing law be deemed to be owned by the State.

Chapter VIII
Duties of the Chief Inspector

25. The Director General shall be the Chief Inspector for the purpose of this Law.

26. The duties of the Chief Inspector are as follows:-
(a) inspecting in order to ascertain as to whether or not the provisions of this Law and the rules, orders and directives made thereunder are observed and conditions contained in the licence are complied with by the holders of licence;
(b) inspecting the health, sanitation, safety, prevention of accident, welfare, disciplinary measures of the personnel and workers in the mine;
(c) determining the duties of the inspectors and supervising the same;
(d) carrying out the duties as may be assigned from time to time by the Ministry.

27. The Chief Inspector may:-
(a) assign any suitable officer from the Department as an inspector for the purpose of this Law;
(b) delegate the powers to the inspectors.
Chapter IX
Taking of Action by Administrative Means

28. If the holder of permit or a person managing on his behalf or any of the worker fails to comply with any of the orders or directives made under this Law, or contravenes any of the terms of the permit, the person issuing the permit may pass any of the following administrative orders:—

(a) suspending all or portion of the operations carried out under the permit;
(b) allowing continuation of the operation, after causing the payment of fine;
(c) cancelling the permit;
(d) cancelling the permit and confiscating the security deposit and the advance, payment and also causing the payment of fine in addition, if deemed necessary.

Chapter X
Issue of Prohibition

29. The Ministry may with the approval of the Government issue prohibitions in respect purchasing • obtaining, storing, possessing, transporting, selling, transferring of any mineral obtained from mineral production.

Chapter XI
Offences and Penalties

30. Whoever carries out any of the following operations without the permit issued under this Law shall, on conviction be punished with imprisonment for a term which may extend to 7 years or with fine which may extend to kyats 50,000 or with bo.th:-

(a) prospecting exploration or production of gemstone;
(b) prospecting exploration or production of metallic mineral;
(c) prospecting exploration or production on industrial mineral;
(d) prospecting exploration or production of stone.
31.- Whoever violates any of the prohibitions prescribed under section 29 shall, on conviction be punished with imprisonment for a term which may extend to 3 years or with fine which may extend to kyats 20,000 or with both.

32. The holder of a permit who violates any of the rules relating to section 13 shall, on conviction be punished with imprisonment for a term which may extend to 1- year or with fine which may extend to kyats 10,000 or with both.

33. Whoever trespasses the Mineral Reserve Area or Gemstone Tract demarcated under this Law without permission shall on conviction be punished with imprisonment for a term which may extend to 6 months or with fine which may extend to kyats 5,000 or with both.

34. The Court shall in respect of any legal proceeding instituted under section 30 or section 31, if found guilty, enforce punishment for the relevant offence, and in addition-
   (a) shall pass an order for confiscation of the mineral involved in the offence;
   (b) may pass an order for confiscation of the vehicle, animal and, other machinery, tools and implements used in commission of the offence.

Chapter XII
Miscellaneous

35. The licence or permit granted under any of the existing laws before the enactment of this Law, for prospecting, exploration or production of minerals shall be valid until the date of expiry.

36. The existing Gemstone Tracts designated by notification before the promulgation of this Law shall be deemed to be Gemstone Tract designated by this Law.

37. If exhibit relating to any legal proceeding instituted under this Law cannot be produced easily before the court, such exhibit need not be produced before the court, but the report or other relevant documentary evidence as to the manner
of custody of the same may be submitted. Such submission shall be deemed as if it were a submission of the exhibit before the court and the relevant court may dispose of the same in accordance with the law.

38. The rules, regulation, orders and directives issued under the laws repealed by this Law may continue to be complied so far as they are not inconsistent with the provisions of this Law.

39. For the purpose of carrying out the provisions of this Law:-
   (a) the Ministry may with the approval of the Government issue smh rules and procedures as may be necessary;
   (b) the Ministry or the Department may issue such orders and directives as may be necessary.

40. The following laws are hereby repealed:-
   (a) The Upper Myanmar Ruby Regulation, 1887;
   (b) The Mines Act, 1923;

Sd./ Than Shwe
Senior General
Chairman
The State Law and Order Restoration Council
The State Law and Order Restoration Council
The Law Amending the Political Pension Law
( The State Law and Order Restoration Council Law No. 9/94)
The 12th Waning Day of Nadaw, 1356 M.E.
(29th December, 1994)

In order to contribute to the food, clothing and shelter needs of the families of deceased personnel, family pensions of deceased personnel were increased from one-half of the pension received by the deceased personnel to three-quarters of the same. In conformity with this increase and as it is necessary to also increase in a similar manner, the political pension allowed to the wife or husband of the personnel who was allowed to enjoy political pension, the State Law and Order Restoration Council hereby enacts the following Law:-

1. Thfs-Law shall be called the Law Amending the Political Pension Law.

2. The expression "one-half of the monthly political pension" contained in Section 16 of the Political Pension Law shall be substituted by the expression "three-quarters of the monthly political pension".

Sd./ Than Shwe
Senior General
Chairman
The State Law and Order Restoration Council