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Legal Document

THE STATE LAW AND ORDER RESTORATION COUNCIL

THE STATE-OWNED ECONOMIC ENTERPRISES LAW

(THE STATE LAW AND ORDER RESTORATION COUNCIL LAW NO.9/89)

THE 10 TH WANING DAY OF TABAUNG, 1350 M.E

(31 ST MARCH, 1989)THE STATE LAW AND ORDER RESTORATION COUNCIL

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Table of Contents

Chapter I: Title and Definition

Chapter II: Economic Enterprises to be carried out solely by the Government

Chapter III: Right of carrying out other Economic Enterprises

Chapter IV: Right to form Organizations

Chapter V: Offences and Penalties

Chapter VI: Miscellaneous

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

Chapter I: Title and Definition

1. This Law shall be called the State-owned Economic Enterprises Law.
2. The expression Government contained in this Law includes departments, corporations and other organizations under the Government.

Chapter II: Economic Enterprises to be carried out solely by the Government

3. The Government has the sole right to carry out the following economic enterprises as State-owned economic enterprises: -
 - (a) Extraction of teak and sale of the same in the country and abroad;
 - (b) Cultivation and conservation of forest plantation with the exception of village-owned firewood plantation cultivated by the villagers for their personal use;
 - (c) Exploration, extraction and sale of petroleum and natural gas and production of products of the same;
 - (d) Exploration and extraction of pearl, jade and precious stones and export of the same;
 - (e) Breeding and production of fish and prawn in fisheries which have been reserved for research by the Government ;
 - (f) Postal and Telecommunications Service;
 - (g) Air Transport Service and Railway Transport Service;
 - (h) Banking Service and Insurance Service;
 - (i) Broadcasting Service and Television Service;
 - (j) Exploration and extraction of metals and export of the same;
 - (k) Electricity Generating Services other than those permitted by law to private and cooperative electricity generating services;
 - (l) Manufacture of products relating to security and defence which the Government has, from time to time, prescribed by notification.
4. The Government may, by notification, permit in the interest of the Union of Myanmar any economic enterprise which is prescribed under Section 3 to be operated solely by the Government to be carried out by joint-venture between the Government and any other person or any other economic organization or under conditions by any person or any economic organization subject to conditions.
5. The Government may ,by notification , prohibit or prescribe conditions regarding the purchase , procurement ,improvement , storage , possession ,transport, sale and transfer of products derived from or produced by or used by economic enterprises which are prescribed under Section 3 to be carried out solely by the Government.

Chapter III: Right of carrying out other Economic Enterprises

6. Any person shall have the right to carry out any economic enterprise other than those prescribed under Section 3 to be carried out solely by the Government.
7. Without prejudice to the provision of Section 6, the Government may, in addition to those economic enterprises which are prescribed under Section 3 to be carried out solely by the Government, also carry out any other economic enterprise if it is considered necessary in the interest of the Union of Myanmar.

Chapter IV: Right to form Organizations

8. (a) In order to carry out the economic enterprises mentioned in Section 3 and Section 7, the Government may ,by notification : -
 - (i) Constitute organizations which are to undertake responsibility, and prescribe their duties and powers;
 - (ii) Re-constitute, if necessary, such organizations which are in existence at the time of the commencement of this Law, amend and prescribe their duties and powers;
 - (iii) Constitute one or more bodies to supervise the organizations mentioned in sub-sections (1) and (2), if necessary, and prescribe their duties and powers.

- (b) The respective organizations constituted under sub-section (a) shall be a body corporate having perpetual succession and a common seal, and shall have the right to sue and be sued in its corporate name.

Chapter V: Offences and Penalties

9. Whoever is convicted of an offence of carrying out, without the permission of the Government, any economic enterprise prescribed under Section 3 to be carried out solely by the Government shall be punished with imprisonment for a term which may extend to a period of 5 years and may also be liable to a fine. Furthermore, property both moveable and immoveable relating to the economic enterprise may be confiscated.
10. Whoever is convicted of an offence of violating an order or any condition notified under section 4 or section 5 shall be punished with imprisonment for a term which may extend to a period of 3 years and may also be liable to a fine.

Chapter VI: Miscellaneous

11. For the purpose of carrying out the provision of this Law, the Government may prescribe such procedures as may be necessary, and the respective Ministries may issue such orders and directives as may be necessary.
12. The Law conferring powers for Establishing the Socialist Economic System, 1965 is hereby repealed.