

The State Law and Order Restoration Council

The Computer Science Development Law

The State Law and Order Restoration Council Law No. 10/96

The 8th Waxing Day of Tawthalin, 1358 M.E.

(20th September, 1996)

[Amendment: 23.02.1998]

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

Chapter I

Title and Definition

1. This Law shall be called **the Computer Science Development Law**.
2. The following expression contained in this Law shall have the meanings given hereunder:-
 - (a) **Computer** means individually-used small-size machines, commonly-used medium-size and large-size electronic machinery which can produce the required answers and diagrams by comparative scrutiny of collected data. This expression also includes electronic machinery which is prescribed by notification from time to time by the Ministry of Communications;
 - (b) **Computer Hardware** means the computer, its components and the accessories;
 - (c) **Computer Software** means the computer programme written to give directions as may be necessary to the computer;
 - (d) **Computer network** means the communicating system through satellite or any other technology using the computer;
 - (e) **Information Technology** means the technology by means of which information is transmitted electronically;
 - (f) **Computer Scientist** means the holder of a local or foreign degree, undergraduate diploma or a postgraduate diploma in the field of computer science. This expression also includes a person who is conversant with computer programming;
 - (g) **Computer Entrepreneur** means a person engaged in the business of producing and selling computer hardware or computer software locally or in the business of exporting or importing the same. This expression also includes a person engaged in maintenance service of computers and a person who has established a private computer training course;
 - (h) **Computer Enthusiast** means a person; who is interested in computer science and is studying the same in any manner. This expression also includes a person who is utilizing a computer in any manner;
 - (i) **Council** means the Myanmar Computer Science Development Council formed under this Law;
 - (j) **Federation** means the Myanmar Computer Federation formed under this Law.

Chapter II

Objectives

3. The Objectives of this Law are as follows:-

- (a) to contribute towards the emergence of a modern developed State through computer science;
- (b) to lay down, and implement measures necessary for the development and dissemination of computer science and technology;
- (c) to create: opportunities for the youth, especially students, to study computer science;
- (d) to study computer science, which is developing internationally and to utilize the same in a manner which is most beneficial for the State;
- (e) to cause extensively development in the use of computer science in the respective fields of work;
- (f) to supervise the; import and export of computer software or information.

Chapter III

Formation of the Myanmar Computer Science Development Council

4. The State Law and Order Restoration Council:-

(a) shall form the Myanmar Computer Science Development Council comprising the following persons:-

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|-----|---|-----------|
| (1) | Person assigned by the State

Law and Order Restoration Council | Chairman |
| (2) | Ministers or Deputy Ministers

from relevant Ministries | Members |
| (3) | Heads of the relevant government

departments and organizations | Members |
| (4) | Suitable Computer scientists | Members |
| (5) | Deputy Minister, Ministry of Science and Technology | Secretary |

(b) may determine the Deputy Chairman and Joint Secretary if necessary in forming the Council.

<Amendment 23.02.1998>

5. The non-governmental Council members are entitled to Stich remuneration as may be prescribed by the Ministry of Science and Technology.

<Amendment 23.02.1998>

6. The Department of Higher Science and Technology:-

- (a) shall bear the expenses of the Council,
- (b) shall undertake the office work of the Council.

<Amendment 23.02.1998>

Chapter IV

Duties and Powers of the Council

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

- (a) laying down the policy and giving guidance for the development of computer science in the State to keep abreast with the times.
- (b) laying down the policy, with respect to the systematic dissemination of utilization of computer science in the State;
- (c) laying down the policy, giving guidance and controlling with respect to computer network;
- (d) making arrangements for the youth; especially students to get the opportunity of studying basic computer science;
- (e) laying down the policy, giving guidance and controlling with respect to information technology;
- (f) supervising and giving guidance with respect to activities of the federation and computer-related associations formed under this Law;
- (g) prescribing the types of computer software and information which are not permitted to be imported or exported.
- (h) laying down measures to cause extensive development in the utilization of computer science in the respective fields of work in the State;
- (i) forming necessary working committees and bodies related to computer science and assigning duties thereto;
- (j) abolishing any computer association formed or existing not in conformity with the provisions of this Law or any computer association not functioning in conformity with the provisions of this Law or not in conformity with the constitution of the relevant association;
- (k) laying down and carrying out measures necessary for the attainment of the objectives of this Law.

Chapter V

Formation of Computer Associations

8. The different levels of Computer Enthusiasts' Associations may be formed as follows:-

- (a) Computer Enthusiasts' Basic Association;
- (b) Township Computer Enthusiasts' Association;
- (c) District Computer Enthusiasts' Association;
- (d) State/Divisional Computer Enthusiasts' Association;
- (e) Myanmar Computer Enthusiasts' Association.

9. (a) The Computer Enthusiasts' Basic Association may be formed with at least seven computer enthusiasts;
- (b) The Township Computer Enthusiasts' Association may be formed with representatives chosen by the Computer Enthusiasts' Basic Associations in accordance with the stipulations;
- (c) The District Computer Enthusiasts' Association may be formed with representatives chosen by the Township Computer Enthusiasts' Associations in accordance with the stipulations;
- (d) The State/ Divisional Computer Enthusiasts' Association may be formed with representatives chosen by the District Computer Enthusiasts' Associations in accordance with the stipulations;
- (e) The Myanmar Computer Enthusiasts' Association may be formed with representatives chosen by the State/ Divisional 'Computer Enthusiasts' Associations.
10. The different levels of Computer Scientists' Associations may be formed as follows:-
- (a) Township Computer Scientists' Association;
- (b) District Computer Scientists' Association;
- (c) State/Divisional Computer Scientists' Association;
- (d) Myanmar Computer Scientists' Association;
11. (a) Township Computer Scientists' Association may be formed with at least seven members of the township;
- (b) The District Computer Scientists' Association may be formed with representatives chosen by the Township Computer Scientists' Association in accordance with the stipulations. In case the Township Computer Scientists' Association has not been formed as yet it may be formed, with at least seven members of the District;
- (c) The State/ Divisional Computer Scientists' Association may be formed with representatives chosen by the District Computer Scientists' Association in accordance with the stipulations. In case the District Computer Scientists' Association has not been formed as yet, it may be formed with at least seven members of the State/ Division;
- (d) The Myanmar Computer Association may be formed with representatives chosen by the State/ Divisional Computer Scientists' Association in accordance with the stipulations.
12. The different levels of Computer Entrepreneurs' Association may be formed as follows:-
- (a) Township Computer Entrepreneurs' Association;
- (b) District Computer Entrepreneurs' Association;
- (c) State/ Division Computer Entrepreneurs' Association;
- (d) Myanmar Computer Entrepreneurs' Association.
13. (a) The Township Computer Entrepreneurs' Association may be formed with at least, seven computer entrepreneurs of the, township;

- (b) The District Computer Entrepreneurs' Association may be formed with representatives chosen by the Township Computer Entrepreneurs' Association in accordance with the stipulations. In case the Township Computer Entrepreneurs' Association has not been formed as yet, it may be formed with at least seven computer enthusiasts of the District;
 - (c) The State/ Divisional Computer Entrepreneurs' Association may be formed with representatives chosen by the District Computer Entrepreneurs' Association in accordance with the stipulations. In case the District Computer Entrepreneurs' Association, has not been formed as yet, it may be formed with at least seven computer entrepreneurs, of the State/ Division;
 - (d) The Myanmar Computer Entrepreneurs' Association may be formed with the representatives chosen by the State/ Divisional Computer Entrepreneurs' Association in accordance with the stipulations.
14. Persons who wish to form an association under section 8, section 10 or section 12 shall, after drawing up the constitution of the association submit to and obtain the approval of the organizational meeting of the association concerned.
15. The constitution of the association drawn up under section 14, shall contain stipulations in respect of the following:-
- (a) objective of forming the association;
 - (b) if the association is formed at the basic level or with members of that level stipulation as to the qualification of its members;
 - (c) forming the executive committee and stipulations as to its functions and duties;
 - (d) choosing and sending representative to the one level higher association;
 - (e) maintaining a fund and utilization;
 - (f) holding meetings;
 - (g) other necessary stipulations in accordance with the type of association concerned.
16. The tenure of the executive committee of the associations formed under section 8, section 10 or section 12 is 2 years from the date of formation.
17. The associations formed under section 8, section 10 or section 12 are non-governmental organizations without a profit-making motive.

Chapter VI

Formation of the Federation

18. The Council:-
- (a) shall form the Myanmar Computer Federation comprising representatives chosen from the Myanmar Computer Enthusiasts' Association, the Myanmar Computer, Scientists' Association and the Myanmar Computer Entrepreneurs Association in accordance with the stipulations;
 - (b) may determine the number of members of the Federation as may be necessary;
 - (c) shall appoint the Chairman and Secretary of the Federation and assign duties may appoint the Deputy Chairman and Joint Secretary if necessary;
 - (d) shall determine the tenure of the persons appointed by it in the federation.

19. The tenure of members included as representatives of the respective associations in the federation shall be the same as the tenure of the executive committee of the computer associations concerned that has chosen them.
20. The federation shall determine the business and procedures with respect to the holding of the meeting.
21. The federation shall set up an office establishment to perform its daily office work.
22. The federation is a non-governmental organization without profit-making motive.
23. The federation has the right to use its own name and seal with perpetual succession and the right to sue and to be sued.

Chapter VII

Duties and Powers of the Federation

24. The duties and, powers of the federation are as follows:-
 - (a) carrying out for the development of computer science in the State to keep abreast with the times.
 - (b) conducting research: in computer science, giving assistance to the persons conducting research;
 - (c) promoting extensive utilization of computer science in the respective fields of work;
 - (d) prescribing the syllabi and curricula for computer training schools;
 - (e) inspecting teaching in computer training schools as may be necessary so as to determine whether it is up to the standard or not;
 - (f) running computer science courses, holding lectures, competitions and organizing study tours;
 - (g) holding examinations in computer science, conferring certificates and medals;
 - (h) submitting advice to the Council from time to time on the development of computer science;
 - (i) giving assistance to manufacturers so as to enhance the quality of computer hardware and computer software;
 - (j) giving assistance for production of computer hardware and computer software and for sale inside and outside the country;
 - (k) laying down projects on information technology in accordance with the guidance of the Council;
 - (l) communicating with international computer organizations;
 - (m) making arrangements for holding and dispatching delegates to local and foreign conferences, meeting, workshops, seminars, paper-reading sessions as may be necessary;
 - (n) fulfilling a target to devise a system that can use Myanmar language in the computer;
 - (o) tendering advice to government departments and organizations which seek advice with respect to computer;
 - (p) compiling, publishing and distribution books, papers, periodicals and journals on computer;
 - (q) setting up a library to collect books on computer from inside and outside the country;
 - (r) carrying out for the youth especially students, to acquire basic computer knowledge and to cause emergence of outstanding computer scientists;

- (s) awarding monetary prize to outstanding computer scientists and inventors;
- (t) recommending to the Council to confer honorary titles and awards on outstanding computer scientists and inventors by the State;
- (u) submitting advice to the Council in order to protect the benefits of computer scientists and inventors;
- (v) forming necessary committees and bodies, and determining the functions and duties those of;
- (w) carrying out tasks with respect to computer science, assigned by the Council.

Chapter VIII

Finance

25. The Federation:-

- (a) shall subsist on its own fund; moreover, it shall undertake responsibility for all its financial matters;
- (b) shall prescribe financial regulations which it is to be abided by;
- (c) has the right to acquire and use grants or loans from any government department or organization; or from any financial institution;
- (d) shall deposit its funds in an account at the bank and shall use them in accordance with the financial regulations;
- (e) shall keep accounts systematically;
- (f) may carry out to increase funds which are not required immediately, in accordance with the financial regulations and may raise funds;
- (g) may accept cash and kind donated locally and from abroad and may make appropriations computer associations as may be necessary;
- (h) shall deposit its own foreign currency in a separate bank account and is entitled to use the same in accordance with the existing laws, rules and regulations;
- (i) may request assistance, if necessary from the Office of the Auditor-General with respect to book-keeping and auditing of accounts.

Chapter IX

Prior Sanction and Licence

26. (a) The Ministry' of Communications, Posts and Telegraphs may, with the approval of the Council determine by notification the types of computer to be imported, kept in possession or utilize only with the prior sanction of the Ministry.
- (b) In determining the types of computer under sub-section (a), fax-modem card installed computer which can transmit or receive data shall be primarily targeted.
- (c) In determining the types of computer under sub-section (a), it shall not apply to computers that are used only as aids in teaching, office work or business.
27. A person desirous of importing, keeping in possession or utilizing the type of computer prescribed in sub-section (a) of section 26 shall apply to the Ministry of Communications, Posts and Telegraphs in accordance with the stipulations to obtain prior sanction.

28. A person desirous of setting up a computer network or connecting a link inside the computer network shall apply to the Ministry of Communications, Posts and Telegraphs in accordance with the stipulations to obtain prior sanction.
29. The Ministry of Communications, Posts and Telegraphs may, after scrutinizing the applications submitted under section 27 or section 28 in accordance with the stipulations, grant prior sanction or refuse to grant prior sanction.
30. A person desirous of keeping in possession or utilizing the type of computer prescribed under sub-section (a) of section 26, shall comply with the orders and directives issued from time to time by the Ministry of Communications, Posts and Telegraphs with respect to issuance of licence, prescribing the term of licence, licence fee and licence conditions.

Chapter X

Offences and Penalties

31. Whoever imports or keeps in possession or utilizes any type of computer prescribed under sub-section (a) of Section 26, without the prior sanction of the Ministry of Communications, Posts and Telegraphs shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 7 years to a maximum of 15 years and may also be liable to a fine.
32. Whoever sets up a computer network, or connects a link inside the computer network, without the prior sanction of the Ministry of Communications, Posts and Telegraphs shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 7 years to a maximum of 15 years and may also be liable to a fine.
33. Whoever fails to comply with a prohibitory order issued by the Council, or the Ministry of Science and Technology or the Ministry of Communications, Posts and Telegraphs in respect of the type of computer prescribed under sub-section (a) of section 26 shall, on conviction be punished with imprisonment for a term which may extend to 6 months or with fine or with both.
- [<Amendment 23.02.1998>](#)
34. Whoever commits any of the following acts using computer network or any information technology shall, on conviction be punished with imprisonment for a term which may extend from a minimum of 7 years to a maximum of 15 years, and may also be liable to a fine:-
- (a) carrying out any act which undermines State Security, prevalence of law and order and community peace and tranquillity, national unity, State economy or national culture;
 - (b) obtaining or sending and distributing any information of State secret relevant to State security, prevalence of law and order and community peace and tranquillity, national unity, State economy or national Culture.
35. Whoever violates any order relating to control issued by the Council under Sub-section (c) and Sub-section (d) of section 7 shall, on conviction be punished with imprisonment for a term which may extend to 3 years or with fine or with both.

36. Whoever imports or export any type of computer software or any information prescribed by the Council under sub-section (g) of section 7 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.
37. Whoever fails to comply with an order abolishing any computer association, issued by the Council under sub-section (j) of section 7 shall, on conviction be punished with imprisonment for a term which may extend to 3 years, or with fine or with both.
38. Whoever attempts or conspires to commit any offence under this law or abets in the commission of such offence shall, on conviction be punished with the same penalty, prescribed in this Law for such offence.
39. The Count shall, in ordering a penalty for any offence under this Law, confiscate, or destroy or dispose of the exhibits relevant to the offence in accordance with the stipulations.

Chapter XI

Miscellaneous

40. With respect to transferring computer technology, it shall be done in accordance with the provisions of Chapter VII of the Science and Technology Development Law.
41. In -instituting legal proceedings under this Law, prior sanction of the Ministry of Home Affairs shall be obtained.
42. In order to carry out the provisions of this Law;
- (a) The Ministry of Science and Technology may, with the approval of the Government; issue such rules and procedures may be necessary;
 - (b) The Council or the Ministry of Science and Technology may issue such orders and directives as may be necessary;
 - (c) The Ministry of Communications, Posts and Telegraphs may issue such orders and directives as may be necessary.

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