

## Chapter 13

# MYANMAR

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## Introduction

Myanmar has no specific statute or case law concerning products liability. Products liability would, however, be enforceable in Myanmar under the general laws of contract, tort and some other specific statutes, as discussed below.

## Theories of product liability/sources of law

### Contract

The law of contract in Myanmar is based on the common law developed in the United Kingdom as a result of it was part of British India between 1886 and 1937. The laws of British India were, moreover, applicable to Myanmar. After its separation from India in 1937 and its independence in 1948, the laws of British India remained in force in Myanmar, unless repealed. *The Contract Act of 1872* (the Contract Act), which is an Indian Act no 9 of 1872, is still in force. If, no explicit Myanmar precedent exists, therefore, Myanmar courts may use Indian case law decided under the Indian *Contract Act of 1872*.

In adjudicating cases relating to contracts executed in Myanmar, the courts must apply the provisions of the *Contract Act*. In circumstances where there is no provision in the *Contract Act* to decide an issue in dispute, the court may look over beyond the *Contract Act*. If there is no provision in the *Contract Act* or a provision in the Contract is ambiguous, it may be necessary to follow the principles of English Law.<sup>3</sup>

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3 Referred to *U Ba Yi v Mahanth Singh*, AIR 1937 Rangoon 302 stated in U Mya, *The Contract Act and Digest*, Vol 1, Yangon, Myanmar, 1997, p 157.

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