

The Press Law
(The Pyidaungsu Hluttaw Law No. 12/2014)
The 14th Waxing of Daboung, 1375 M.E.
(14th March, 2014)

The Pyidaungsu Hluttaw hereby enacts this Law:

Chapter I

Title and Definition

1. This law shall be called **the Press Law**.
2. The following expressions contained in this Law shall have the meanings given hereunder;
 - (a) **Press** means the public information industry carried out such as searching, acquiring, possessing, recording the news, analysing, distributing the information, by using the form of letter, voice, picture, television, figure, picture design by printing media, television media, internet media taking responsibility by the editor or any other means.
 - (b) **Press Man** means a person who carries out any industry relating to the press;
 - (c) **Council** means the Myanmar Press Council (MPC) formed in accord with this Law;
 - (d) **News Broadcasting** means the broadcasting to the public by means of voice or letter or picture;
 - (e) **Newspaper** means a regular publication of foreign or local news, and writing statements relating to them;
 - (f) **Reporter** means a person who sends the information to any press after searching and acquiring;
 - (g) **Sar Nal Zine** means a published text such as book, periodical, newspaper, journal, magazine which expresses news, novel, article, poem, cartoon, picture, photo, illustration and so on by means of television technology, internet technology or any other technology by carrying out press industry regularly or without fixing time;

- (h) **News Agency** means an industry, corporation, company or organization which collects and acquires the information from local, foreign sources and distributes to media with fee or without taking fee by any means;
- (i) **Censor** means the cutting, removing, prohibiting or banning the contents of any Sar Nal Zine before printing;
- (j) **Ministry** means the Ministry of Information of the Union Government.

Chapter II

Objectives

- 3. The objectives of this Law are as follows:
 - (a) to create the press industries which every citizen has the right to write, publish and distribute freely in accord with the provisions of the State Constitution;
 - (b) to enable the press industry to stand clearly as the fourth pillar;
 - (c) to obtain fully the rights and freedoms of the press men;
 - (d) to set the duty, ethics, terms and conditions, and rules of conduct abided by the press men in the relevant industry or organizations;
 - (e) to fulfill the right of knowing the news to every citizen;
 - (f) to conciliate the complaint, the dispute of any person relating to any writing, expression and broadcasting in any press, peacefully by means of reconciliation between the two sides.

Chapter III

The Rights of the Press Men

- 4. The press men:
 - (a) have the right to criticize, point out, advise and write freely on the performances of the legislative, executive and judiciary in accord with the Constitution;
 - (b) have the right to inquire, reveal and write, and broadcast the information which every citizen has the right to know and opinions, in conformity with the ethics and terms and conditions;

- (c) have the right to reveal and write on the matters relating to loss of the right of a citizen;
 - (d) have the right to obtain information, to acquire accommodation and to access in the Government office, department, organizations in accord with the terms and conditions stipulated by the relevant department and organization.
5. The published text of press industry has the right to be exempted from censor.
6. A press man:
- (a) has the right to request and view the information which the public has the right to know except the statistics, photos, records classified as confidential by order and directive by any law or any authority;
 - (b) has the right to request and view the information of non-governmental association, organization, industries formed with public fund in accord with the provisions of sub-section (a).
7. A press man, while taking the news at the area where war breaks out, area where disturbance, riot, public demonstration occurs in accord with the terms and conditions stipulated by the relevant responsible organization:
- (a) shall be exempted from being arrested and detained, being seized or destroyed the instruments relating to acquiring of news such as news record by any security organization;
 - (b) shall has the right to ask for the protection of the security organizations, if they exist.
8. A press man:
- (a) shall take the news by mentioning his name in accord with ethic. However, if the matters are those which may affect the public health, public security and natural environment or the news which have to be inquired inevitably to reveal misconducts or corruptions in legislative, executive, judiciary and socio-economic performances, he has the right to inquire in accord with the stipulations and with the permission of the relevant editor without mentioning his name, and he shall mention that he has done so;

- (b) shall have the right to be exempted from, in a case taken action under any provisions contained in this Law, seizure, sealing and destruction of any instrument used for press industry without the order of the Court.

Chapter IV

Duties and Ethics to be complied by the Press Men

- 9. A press man is responsible to comply with the following ethics and terms and conditions:
 - (a) censoring the information to be precise, correct and complete as much as possible;
 - (b) mentioning the correction on the prominent page the soonest, if it is the printing media and mentioning at the nearest time, if it is the other media when it needs to correct for having mentioned the news which is not precise and true;
 - (c) presuming the accused as an innocent until he has been convicted by the Court and refraining from mentioning the criticism of news which amounts to the contempt of Court in mentioning news relating to the cases being tried before the Court;
 - (d) refraining from improper modification using any technology in expressing news photos, pictures and sounds;
 - (e) not being contained the estimation and the opinion of the news writer except writing of criticism of news, opinion and article;
 - (f) refraining from copying and mentioning of intellectual property owned by other person without permission;
 - (g) refraining from mentioning of writing which may intentionally effect the reputation of a person or organization and writing which may effect the human right if the writing is not related to public interest;
 - (h) refraining from writing of instigation which may cause conflict based on a birthplace, religion, nationality;
 - (i) complying with the ethic, terms and conditions issued by the Myanmar Press Council (MPC).

Chapter V

Establishment of Press Industry

10. A person who desires to carry out a press industry has the right to establish the industry according to any of the following manners:
 - (a) forming a non-public or public company under the existing Myanmar Companies Act, and establishing and carrying out industry, or forming joint-venture company and establishing an industry;
 - (b) establishing industry under existing the Myanmar Citizens Investment Law or the Foreign Investment Law.
11. A person who desires to carry out a press industry shall obtain the industry accrediting certificate or industry licence in accord with the relevant law according to the type of industry.

Chapter VI

Formation of the Council and Functions and Duties

12. The Council is the sole organization which enables to freely carry out relating to the press men in accord with the provisions contained in this Law.
13. The President of the Union shall, by notification, form the Myanmar Press Council (MPC) composed of the persons from the following organizations to enable to carry out the objectives, functions and duties contained in this Law:
 - (a) a representative proposed by the President of the Union, one each representative proposed by the Chairman of the Pyithu Hluttaw and Chairman of the Amyotha Hluttaw as the members;
 - (b) representatives proposed by press men, news agencies, publishers, writers, poets, cartoonists according to the stipulated proportion;
 - (c) representatives elected by the public societies comprising of intellectuals and intelligentsias relating to social, economics, literature and culture, legal affair, science and technology;
 - (d) the number of council members shall be determined from a minimum of 15 persons to a maximum of 30 persons.

14. (a) The Chairman, Vice-chairmen, Secretary, Joint-secretaries of the Council shall be elected by the majority vote from among the council members.
- (b) The list of the council members elected under sub-section (a) shall be submitted to the President of the Union to enable to appoint and assign duty to them.
15. (a) The term of the office of a council member is three years from the date of being elected.
- (b) A council member shall not have the right to serve more than two consecutive terms.
16. A council member is terminated from being a council member due to any of the following causes:
 - (a) resignation on his own volition;
 - (b) removal of the office by the President of the Union under the recommendation of the two thirds of the council members, if any council member intentionally violates the duties and ethics to be abided by the press men, or he is unable to perform the functions and duties of a council member efficiently, or he is unsuitable to continue to be assigned duty for any intentional breach of the terms and conditions stipulated by the Council;
 - (c) being convicted for an offence which amounts to misconduct;
 - (d) lunacy or death.
17. The functions and duties of the Council are as follows:
 - (a) monitoring and upgrading the capacity building of the press;
 - (b) coordinating with the relevant Government departments for the facilitation of the import of materials used in the press;
 - (c) arranging to hold workshops and talks relating to the press;
 - (d) coordinating with Sar Nal Zine organizations for conferring award to the outstanding persons of the press;
 - (e) drawing up the projects for the development of the press industry;
 - (f) issuing press release whenever necessary;

- (g) coordinating to determine and keep an in-charge of press release in the Government department, Government organization, public based societies to enable the public to know the correct news;
 - (h) reporting the situation of its work performance and future programmes to the President of the Union once a year without failing.
18. The Council may, in implementing its functions and duties, form necessary committees and determine their functions and duties.

Chapter VII

Fund and Aid

19. The Council shall, to enable to implement its functions, establish a fund with the following incomes:
- (a) grants from the Union Government;
 - (b) donations of local and foreign well-wishers;
 - (c) aids and assistances by the international organizations, non-governmental organizations;
 - (d) contributions of the press industry.
20. The Council shall carry out keeping the established funds compiling accounts, accepting the audit of the Office of the Union Auditor General, determining the procedures relating to accounts and use of the fund.

Chapter VIII

Taking Action

21. An injured department, organization or person may, if it is considered that a press man violates any duties and ethics provided in section 9, complain to the Council initially.
22. The Council shall, on receiving the complaint under section 21, carry out in conformity with the provisions of rules, procedures relating to conciliation between the two sides.

23. If the settlement may not be reached in conciliation before the Council under section 22, the complainant or dissatisfied person may institute at the relevant court in accord with law.
24. In asking for or viewing the information for which the public has the right to know under sub-section (a) of section 6, the relevant responsible person shall arrange and carry out not to cause refusal, delay or disturbance to the news taker.

Chapter IX

Offences and Penalties

25. (a) Any press man shall, if he violates the duties and ethics contained in sub-section (b) of section 9, on conviction, be punished with a fine which may extend from a minimum of one lakh kyats to a maximum of three lakh kyats.
(b) Any press man shall, if he violates any duties and ethics contained in sub-sections (d), (f) and (g) of section 9, on conviction, be punished with a fine which may extend from a minimum of three lakh kyats to a minimum of ten lakh kyats.
26. Any press man shall, if he violates the prohibition contained in sub-section (h) of section 9, be taken action under any existing law.

Chapter X

Miscellaneous

27. The Council members shall be deemed as public servants under section 21 of the Penal Code while they are performing their duties assigned under this Law.
28. The Council may, in implementing its functions and duties, form the staff office and appoint necessary officers and staff and assign duty to them, to enable to carry out daily office works and duties.
29. In searching and seizing the press materials such as newspaper, journal, periodical which is prohibited under the law and being taken criminal action offence, it shall be carried out in conformity with the Code of Criminal Procedures.
30. If it is necessary to institute under section 25:

- (a) any person who is assigned duty by the relevant Government department, Government organization shall institute by filing direct complaint to the Court;
 - (b) if he is an individual, he may institute by filing direct complaint to the Court.
31. (a) A press industry established before coming into force of this Law has the right to carry out until the expiry of the stipulated term.
- (b) If it is desirous to carry on the industry after the expiry of the term, it has the right to carry out the continuation by extending the term in conformity with the stipulated manners.
32. The orders, directives, memos and issues which restricted or prohibited the freedom of writing and publication issued under the Press and Publishers Registration Law, 1962 shall be deemed void so far as they are contrary to the provisions contained in this Law.
33. In implementing the provisions contained in this Law:
- (a) the Ministry may, after coordinating with the Council and with the approval of the Union Government, issue necessary rules, regulations and bye-laws;
 - (b) the Ministry and the Council may issue necessary notifications, orders, directives and procedures.

I hereby sign under the Constitution of the Republic of the Union of Myanmar.

(Sd/) Thein Sein
President
Republic of the Union of Myanmar