

The Broadcasting Law
(The Pyidaungsu Hluttaw Law No. 53, 2015)
The 13th Waxing Day of Wagaung, 1377 M.E.
(28 August, 2015)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

Title and Definition

1. This Law shall be called **the Broadcasting Law**.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **Broadcasting** means transmission of radio and television programmes through terrestrial transmitters, cables and satellites intended the direct reception by the general public. In this expression, internet based broadcasting shall not be included.
 - (b) **Advertising** means paid-for spots broadcast or sponsored broadcast which may cause lease, purchase, promotion of sale of goods and services, improvement of knowledge or other effect according to the desire of advertiser to the public by giving time to the advertiser.
 - (c) **Public Service Announcement** means non-profit broadcasting of news, advertisement, announcement and notice which aims to know the public or to follow for the purpose of public interests.
 - (d) **Broadcasting Service** means the public service broadcasting, commercial broadcasting service, community broadcasting service, government-owned broadcasting service or broadcasting programme distribution service.
 - (e) **Public Service Broadcasting** means the industry abiding by and implementing the basic principles of public service broadcasting such as universalities, diversities and independence.
 - (f) **Commercial Broadcasting Service** means broadcasting service and other related activities for profit carried out by the lead of Myanmar citizens, or foreigners or foreign organizations with investment in accord with the existing laws.
 - (g) **Community Broadcasting Service** means broadcasting service which is not intended for profit, and established and administered by the civil societies, non-governmental organization, public based

organizations, academic societies and other sectoral organizations to disseminate the necessary information for relevant organization or civil society.

- (h) **Government-owned Broadcasting Service** means broadcasting service which is owned, and established and carried out by the Union level governments, Region or State governments and Leading Bodies of Self-administered Division or Self-administered Zone in order to broadcast public information accurately.
- (i) **Broadcasting Programme Distribution Service** means licensed-industry which distributes the radio, television and multimedia programmes transmitted through terrestrial transmitters, cables and satellites to the subscribers by the broadcaster himself or other broadcasting services.
- (j) **Broadcasting Spectrum Management** means management of spectrum by the Authority which is designated by the Ministry of Telecommunication and Information Technology to use in broadcasting services.
- (k) **Licence** means broadcasting service licence.
- (l) **Broadcasting Zone** means a specific geographic area where radio and television signal is able to reach.
- (m) **Code of conduct** means the work-ethics prescribed by the Council after consulting with organizations involving in the broadcasting industry. In this expression, ethical practices, standards of broadcasting programme and necessary sectoral provisions specified by the Council are included.
- (n) **Independent Producer** means a person or company not involving in any broadcasting industry who produces the programmes for radio or television.
- (o) **Primary Broadcaster** means public service broadcasting, commercial broadcasting service, community broadcasting service and government-owned broadcasting service which broadcasts original programmes.
- (p) **Authority** means the National Broadcasting Development Authority formed under this Law.
- (q) **Council** means the Broadcasting Council which is autonomous and independent from government authorities, judicial persons and persons who are running broadcasting service formed under this Law to monitor and supervise the contents of broadcasting.
- (s) **Ministry** means the Ministry of Information of the Union Government.

Chapter II

Objectives and Principles

3. The objectives of this Law are as follows:

- (a) to allocate broadcasting spectrum designated by the Ministry of Telecommunication and Information Technology to the broadcasting services in order to use as a development resource;
- (b) to have more access by the public to broadcasting services and broadcasting contents;
- (c) to be quality broadcasting services and to provide all inclusive system when fulfilling the needs of information, education and entertainment for the public with quality broadcasting;

4. The Principles for the development of broadcasting industries in Myanmar are as follows:

- (a) freedom of expression, professionalism and independence of the broadcasting industries;
- (b) uniform development of public service broadcasting, commercial broadcasting service, community broadcasting service and government-owned broadcasting service;
- (c) rational and efficient use of the broadcasting spectrum designated by the Ministry of Telecommunication and information Technology;
- (d) promotion of fair competition and media pluralism which exposes public opinion in broadcasting industries;
- (e) fairness, objectivity, non-discrimination, efficiency and transparency in the procedures on granting spectrum and licence for broadcasting services; spreading out broadcasting services the entire nation.

Chapter III

Formation of the Authority and Functions and Duties

5. The Union Government shall form the National Broadcasting Development Authority with the Following persons:

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|-----|--|---------------|
| (a) | Union Minister Ministry of Information | Chairman |
| (b) | Union Minister Ministry of Telecommunication and Information Technology. | Vice-Chairman |
| (c) | Deputy Minister Ministry of Information | Member |
| (d) | Deputy Minister Ministry of Home Affairs | Member |

(e)	Deputy Minister Ministry of Science and Technology	Member
(f)	Chairman Broadcasting Council	Member
(g)	One Representative Public Service Broadcasting	Member
(h)	Director Directorate of Public Relation and Psychological Warfare Ministry of Defence	Member
(i)	One Representative Broadcasting Service Entrepreneurs	Member
(j)	One Representative Computer Professionals Association	Member
(k)	Director General Information and Public Relation Department	Secretary

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

- (a) laying down a long-term broadcasting development strategic plans and policies in coordination with the Council;
- (b) drawing up and issuing the broadcasting spectrum management plan in coordination with Ministry of Telecommunication and Information Technology;
- (c) publishing the annual spectrum management plan to the public which will be used in broadcasting within the State;
- (d) laying down the policy which may implement the development of broadcasting industry when creating a free and competitive market;
- (e) standardizing technical standards related to manufacture, import and sale of apparatus relating to broadcasting technology and industry;
- (f) supervising the industries related to manufacture, import and export of TVRO (antenna and associated apparatus for reception from a broadcasting satellite), satellite receiver and related apparatus;
- (g) performing the functions and duties of the board by the transparent and participatory process;
- (h) coordinating to be inclusive of broadcasting industry in the telecommunication regulatory framework.

Chapter IV

Formation of the Council, Powers and Duties

7. A person who fulfills the following qualifications shall be entitled to be elected as a member of the Council:

- (a) person who has attained the age not younger than 35 and not elder than 70;
 - (b) citizen who was born of both parents who are citizens;
 - (c) those who shall have any of the following professional expertise:
 - (i) broadcasting;
 - (ii) telecommunication and information technology;
 - (iii) law;
 - (iv) economics;
 - (v) consumers protection and public rights;
 - (vi) education, culture and social development.
8. The following persons shall not be entitled to be elected as a member of the Council:
- (a) a person who is a staff or holds an elective position in a political party;
 - (b) a person who holds a position in a committee, commission or board formed by the Government;
 - (c) a person who receives salary or any financial interests from media industry directly or indirectly;
 - (d) a person who has been convicted by any court due to misconduct;
 - (e) a person who has been declared as an insane person according to the provision of the relevant law;
 - (f) civil service personnel.
9. The process of nominating and appointing by selection the Council member shall be independent and transparent. Participation of professional and civil societies in that process shall be encouraged.
10. Six members nominated by the President, six members nominated by the speaker of the Pyithu Hluttaw and six members nominated by the speaker of the Amyotha Hluttaw, totally 18 members, shall be selected preliminarily to form the Council.
11. The Board shall publish the names of 18 nominees for 30 days in advance and invite the public to give feedback on competence, moral character and professional expertise of them.
12. The President shall appoint nine Council members out of the nominated persons based on the getting majority public support from feedback.
13. President, vice-president and secretary of the Council shall be elected by the members of the council by secret voting.
14. The powers of the Council are as follows:
- (a) drawing up necessary policies and procedures for the development of broadcasting services after obtaining opinion of the public;

- (b) scrutinizing and allowing licence to an appropriate person among the applicants who is consistent with the rules;
 - (c) drawing up and promulgating the code of conduct for broadcasting services in accord with this Law;
 - (d) taking administrative action on broadcasting service which violates the provisions contained in this Law or rules and regulations issued by the Council;
 - (e) suspending, revoking the licence of any broadcasting service which is appealing to the relevant court for the violation of terms and conditions contained in the licence subject to an appropriate period;
 - (f) prescribing appropriate costs and expenses for supervision of the policy on operation of broadcasting services and control;
 - (g) recognizing the programmes and broadcasting services which have been appreciated by the public due to quality services;
 - (h) coordinating and cooperating with the Authority, relevant government departments, social and educational organizations to emerge an environment for free and fair competition in broadcasting industry;
 - (i) supporting for the development of skillful human resources;
 - (j) ensuring development of the broadcasting services; and rights and opportunities of involving persons in accord with the rules of the Council;
 - (k) determining any kind of fair and reasonable benefit which will support the economic viability of broadcasting services;
 - (l) determining duties of the Council members;
 - (m) determining categories of the broadcasting service, zones and permitted volume which will be carried out in the State;
 - (n) issuing, renewing and revoking licence.
15. The functions and duties of the Council are as follows:
- (a) coordinating and cooperation with the Authority in respect of spectrum which will be used in broadcasting services;
 - (b) drawing up and publishing processes and procedures on application of licence for broadcasting service carrying out private production and broadcast of its programme; and broadcasting programme distribution services carrying out only the distribution service of other ones' programmes;

- (c) drawing up and publishing code of conduct and, rules and regulations in coordination with broadcasting services and social societies;
 - (d) monitoring whether or not broadcasting services which have obtained the licence abide by code of conduct, rules and regulations, broadcasting law, proposals mentioned in the licence application, and stipulations contained in the licence;
 - (e) dealing with public complaints about noncompliance with stipulations of the license, provisions contained in this Law, code of conduct, programme standards by any broadcasting service; dealing with against broadcasting service if the council found that the broadcasting service does not comply with such terms and conditions even though there is no specific complaint;
 - (f) conducting investigation including summoning the persons involving in the complaint and requiring necessary documents and facts;
 - (g) publishing the performance of the Council in mass media regularly;
 - (h) coordinating with relevant organizations for the development of broadcasting industry.
16. The members of the Council shall:
- (a) exercise and perform powers and duties of the Council independently and fairly;
 - (b) stand for public interests and not abuse their power for their interests or, any political party or organization.

Chapter V

Term of the Council and Ceasing from Duty

17. (a) The term of the Council is five years from the date of formation of the Council.
- (b) The term of the Council members is the same as the term of the Council.
 - (c) The Council members shall not hold office more than two terms. However, the current council member shall perform his duties until a new Council member has been appointed under this Law although his term is expired.
18. If the chairman of the Council and any member of the Council breach any of the followings the President of the State may cease them from the duty:
- (a) disqualification of any qualifications contained in Section 7 or arising any reason not to be elected contained in Section 8;
 - (b) abusing the power for his interests or, political party or organization;

- (c) not having sufficient mental fitness to perform duties as a member of the Council efficiently;
 - (d) absence for more than three consecutive months without discharging duty for any reason.
19. Any Council member desirous to resign from office on his volition before expiry of the term of office may resign from office after submitting his written resignation to the President.
20. If a Council member has been ceased from duty under Section 18, he shall have the right to appeal.
21. Replacement for vacant post may be made in accord with the provisions contained in this Law in respect of appointment of new Council member if a post of the Council member is vacant due to resignation, cease from duty, death or any other reason. The term of the newly appointed person shall be the same as the remaining term of the previous council member. The replacement shall be made only if the term of the previous council member remains at least six months.

Chapter VI

Rules of Procedure of the Council, Staff Office and Budget

22. (a) The Council shall hold meeting at least once a month when discharging its duties. The meeting shall be convened by the chairperson.
- (b) The Council shall convene the meeting on the request of the vice-chairperson or at least three Council members if the chairperson is absent.
- (c) The chairperson shall preside at the meeting. In the absence of chairperson, the vice-chairperson shall preside. In the absence of both, one of the council members present shall be elected to preside.
- (d) If five members of the Council including presiding officer are absent, the meeting shall be valid.
23. The Council shall make decision on the basic of a majority vote of members present. In the case of an equal vote, it shall be decided by casting vote.
24. The Council may form the staff office in accord with the stipulation.
25. The Council shall stipulate necessary rules and regulations, salary, allowance and entitlement for staff office.
26. The staff office shall perform its duties by the lead of head of staff office in accord with the instruction of the Council.
27. The Council may receive the following funds:
- (a) grant from the Union Government;
 - (b) voluntary donation;

- (c) money received from services.
28. The annual budget of the Council shall be drawn in the annual budget of the Ministry.
29. The annual budget of the Council proposed by the Council shall be submitted to the Union Government through the Ministry and carried out in accord with the Union Budget Law. The Council shall expend its expenses in accord with the Budget Law approved and enacted by the Pyidaungsu Hluttaw.
30. (a) The Council shall publish annual report together with the accounts audited by the office of the Auditor General of the Union to the public. In the annual report, the following facts shall be included:
- (i) the extent of the objectives of previous year which has been implemented and objective for the following year;
 - (ii) strengths and weaknesses of the extent which has been implemented contained in sub-section(1);
 - (iii) annual income, summary of the audit report of the office of the Auditor General of the Union and, financial and administrative information;
 - (iv) budget for the following year;
 - (v) information on public complaints, recommendations and taking action;
- (b) The Council shall submit its annual report to the President of the Union.

Chapter VII

Licence

31. (a) A person desirous to carry out broadcasting service:
- (i) may apply for licence to the Council before starting relevant industry.
 - (ii) is an organization, representative of such organization may apply for licence.
- (b) The applicant shall submit the following documents:
- (i) name of the industry and registration certificate of the industry;
 - (ii) work plan in detail;
 - (iii) technical plan in detail;
 - (iv) plan for broadcast programmes;
 - (v) requirements prescribed by the Council.
32. After receiving the licence, broadcasting services shall be started to run within one year from the date of issuance of relevant licence.

33. The licence may be transferred to another person or organization with the prior approval of the Council if desirous to do so.
34. The Council shall perform according to the following policy when issuing licence for public interests based on the broadcasting policy, benefit of relevant industries and market situation:
- (a) practicing competitive tender for commercial broadcasting service in the areas that have high population density;
 - (b) scrutinizing and allowing non-commercial licence application intended for the areas that have low population density or relevant community;
 - (c) publishing the relevant licence and related matters from time to time.
35. (a) The Council shall consider the following specifications regarding licence application:
- (i) financial feasibility and economic potential(s);
 - (ii) technical feasibility;
 - (iii) experience of the applicant in broadcasting service and related fields;
 - (iv) indication of potential contribution to development of broadcasting services in Myanmar;
 - (v) indication of potential contribution to higher of programme quality and broadcast of content diversity;
 - (vi) number of mass media ownership, ownership pattern and condition;
 - (vii) endeavour to strengthen media pluralism which exposes the public opinions and diversity in media ownership;
 - (viii) other specifications specified by the Council from time to time.
- (b) technical proposals and programming proposals in the licence application shall not be changed.
36. The Council may, on the receipt of licence application under Section 31, issue licence or refuse to issue licence after scrutinizing in accord with the stipulations contained in Section 35.
37. The Council shall deposit the licence fees collected from the person carrying out broadcasting services to the Union Fund through the account of the Ministry.
38. The term of the licences is as follows:
- (a) public broadcasting service:
 - (i) seven years for radio broadcasting licence;
 - (ii) 10 years for television broadcasting licence;
 - (b) commercial broadcasting service:

- (i) seven years for radio broadcasting licence;
 - (ii) 10 years for television broadcasting licence;
- (c) community broadcasting service:
- (i) seven years for radio broadcasting licence;
 - (ii) 10 years for television broadcasting licence;
- (d) government-owned broadcasting service:
- (i) seven years for radio broadcasting licence;
 - (ii) 10 years for television broadcasting licence;
- (e) 15 years for broadcasting programme distribution service.
39. Licence holder of the broadcasting service shall apply for renewal of the licence to the Council within 45 days from the expiry date of the term.
40. The Council may, on the receipt of application for renewal of the licence, refuse to renew the licence if any of the following facts is found:
- (a) violation of the provisions contained in this Law and rules, policy of the council, regulations and, terms and conditions of the licence;
 - (b) any dishonesty is found by any means during the term of licence;
 - (c) arising any cause affected the public interests that should not be renewed the term of licence.
41. The Council:
- (a) shall carry out to renew the term of licence if any of the facts contained in Section 40 is not breached.
 - (b) may consider the following facts when renewing the licence under sub-section (a). During the term of the licence:-
 - (i) high quality, content diversity and diversity of broadcast programmes;
 - (ii) capability to carry out enabling to perform with responsible attitude for the State and citizens;
 - (iii) impact on media pluralism and diversity that exposes public opinions in media ownership;
42. The Council may revoke the licence if any of the following cause arises:
- (a) incapability to transmit regularly within one year from the date of receipt of licence;
 - (b) suspension or discontinuity of broadcasting for more than three months without permission of the Council;
 - (c) transfer of licence to another person or organization without prior permission of the Council;

- (d) violation of basic mechanical requirements for allocated radio spectrums and areas to be covered, and broadcasting technology and equipment, programmes standards, provisions contained in chapter IX, and this Law, rules, regulations, notification, orders and directives.
43. The Council may terminate licence of relevant broadcasting service if it fails to renew the licence within specified period after the expiry of the term of licence.
44. The licence is automatically void if broadcasting service suspends the respective transmission for 12 consecutive months or discontinues the industry.
45. The Council shall:
- (a) specify licence fee for public service broadcasting service, community broadcasting service and government-owned broadcasting service.
 - (b) specify licence fee for commercial broadcasting service and broadcasting programme distribution service with the approval of the Authority.

Chapter VIII

Broadcasting Services

Public Service Broadcasting

46. Public Service broadcasting is an industry for the public and supervised by the public. It shall be free from political interference and pressure of commercial forces. Informing, educating and entertaining to the citizens shall be carried out through public service broadcasting.

Commercial Broadcasting Services

47. Foreign professionals may be hired with the approval of the Council for necessary administrative and professional posts in commercial broadcasting services.
48. Myanmar citizens who have officially registered have the right to capitalize and own commercial broadcasting services and investment not more than 30 percent of total capital made by foreigners or foreign entities may also be allowed.
49. When applying for a licence, the applicants shall submit ownership pattern and condition of their organizations to the Council and public through mass media. After obtaining licence, whenever five percent change in ownership occurs, it shall be submitted to the Council.
50. In commercial broadcasting service, no individual or commercial entity shall be allowed to own more than one television broadcasting and radio broadcasting industry in a specified single broadcasting zone.

However this provision shall not be applicable to the industry which is carried out broadcasting programme distribution services and other services jointly.

51. Regarding cross-ownership in private newspaper industry or private broadcasting service in a single broadcasting zone, it shall not be allowed to have shares not more than 30 percent to other industry if one industry is 100 percent owned.
52. The Council shall draw up and issue necessary procedures and code of conduct in respect of media market concentration and restraint on cross-ownership mentioned in Sections 50 and 51.
53. The commercial broadcasting service may receive income and supports from the following industries:
 - (a) commercial broadcasting services;
 - (b) commercial sponsorship;
 - (c) other activities related to commercial broadcasting service.
54. Commercial broadcasting services shall submit annual report and annual financial report to the Council at the end of every fiscal year as the prescribed form by the Council. The Council shall keep such annual financial report as confidential. In the annual financial report, the following facts shall be included:
 - (a) operational and financial information including market situation, names of shareholders, percentage of dividend, result of business operation;
 - (b) integration of board of directors and executive officers;
 - (c) corporate governance;
 - (d) documents and schedules;
 - (e) other information required by the Council.

Community broadcasting Services

55. The community broadcasting services shall carry out based on the following facts:
 - (a) Such industry shall be neither an industry carrying out for political and commercial profit nor a part of an industry carrying out for political and commercial profit;
 - (b) Main objective is to fulfill needs for information, education and entertainment for respective community;
 - (c) Sufficient evidence that such industry is connected to the respective community shall be shown to satisfy the Council.
56. The Council shall reserve at least 20 percent of the allotted spectrum to the broadcasting services for the community broadcasting services.

57. The Council shall draw up and issue simple policy and procedures on licence to encourage the establishment of community broadcasting services and to support the development of such services.
58. The community broadcasting services may receive the followings:
- (a) voluntary contribution by the respective local community members;
 - (b) voluntary donation provided by local and foreign partners without prior politic and economic conditions;
 - (c) income from local advertisements;
 - (d) profit gained from sale of products;
 - (e) legal income related to their industry.
59. The Community broadcasting services shall submit the annual financial report to the Council at the end of every fiscal year.
60. The Community broadcasting services shall hold meetings regularly at least once a year consisting of respective local community members and representatives in order to discuss the programmes and policy that are able to implement the interests of respective community, to coordinate and review difficulties, problems and ways for handling them, and to submit work complement reports including financial condition.

Government-owned Broadcasting Services

61. Government-owned broadcasting services may receive the income from the followings:
- (a) Union budget, Region or State budget;
 - (b) advertisement fee;
 - (c) income from sale of products.
62. All government-owned broadcasting services shall submit annual report and annual financial report to the Council. The Council shall keep annual financial report as confidential. The facts in respect of sectors mentioned in Section 54 shall be included in the report.

Broadcasting Programme Distribution Services

63. (a) The Primary broadcaster shall take responsibility for the programmes produced by the primary broadcaster and distributed by broadcasting programme distribution services to be in accord with specified programme standards by the Council. For broadcasting programme that are not licensed in Myanmar, the broadcasting programme distribution services shall be assumed responsible for the programmes to be in accord with specified programme standards.

- (b) In carrying out broadcasting services, satellite receivers, TVRO and related apparatus shall be consistent with the specified standards by the Authority.
64. When transmitting channel, the broadcasting programme distribution services shall comply with the followings;
- (a) At least 20 percent of the total transmitted channels shall be locally produced channels.
 - (b) At least 20 percent of total subscribed channels shall be free to air channels.
65. The broadcasting programme distribution services may receive the income from the following:
- (a) subscription fee;
 - (b) channel rental fee;
 - (c) advertisement fee;
 - (d) profit gained from sale of souvenir products;
 - (e) income gained from official business related to broadcasting service.
66. The broadcasting programme distribution services shall submit annual report and annual financial report to the Council. The facts mentioned in Section 54 shall be included in the report.

Chapter IX

Programme Specifications

67. The relevant broadcasting services shall carry out according to the following specifications for the development of broadcasting industry:
- (a) 70 percent of the broadcasting programmes in radio broadcasting industries nationwide by use of Myanmar language and any other ethnic language shall be locally-produced programmes.
 - (b) At least 30 percent of the daily broadcasting programmes from the primary commercial broadcasting channels transmitted nationwide shall be locally-produced programmes.
 - (c) The commercial broadcasting services transmitted nationwide shall use at least 20 percent of the programmes from the local independent producers. At least 10 percent of which shall be broadcasted at prime time.
68. The Council has the right to review the specifications contained in Section 67 and may amend the specifications for the whole broadcasting industry or relevant broadcasting service in coordination with the persons involving in the industry in accord with the necessity.

69. (a) The broadcasting programmes broadcasted aiming for the children and youths, women, the aged and the disabled person shall be the programmes that protect and promote their rights. The programmes for the children and youths shall be broadcasted at specific time. When broadcasting such special programmes, the type of audience for those programmes shall be described.
- (b) In some programmes, sign-language and caption may be used for hearing-impaired persons.
70. The broadcasting services shall keep the pictures, sound, photograph and records for at least 28 days after broadcasting.
71. A record of high historical valued broadcasting programme shall be sent to the national archive and national museum. The copyright of such programmes is owned by the sole owner of copyright.
72. (a) The commercial broadcasting services may broadcast the commercial advertisements for 12 minutes at the maximum per hour within daily broadcasting time.
- (b) The commercial broadcasting services is responsible for sharing 5 percent of their airtime to the public service advertisements as cooperation in social responsibility free of charge. The Council may specify public service advertisements that shall be broadcasted.
73. The person carrying out broadcasting service shall not sell airtime of the broadcasting services except for inserting advertisement.
74. The person carrying out broadcasting service shall encourage advertisement production by using local resources.
75. (a) The Council shall draw up code of conduct based on the following facts:
- (i) moral and ethical value;
 - (ii) standards widely accepted by media industries.
- (b) The process for drawing up a code of conduct shall be transparent and participatory.
76. After issuing the code of conduct by the council, it shall be informed the broadcasting services and public widely.
77. In the code of conduct, the following programme contents and production standards shall be included:
- (a) endeavour for balance, impartiality and accuracy in news and current events programmes;
 - (b) protection of children;
 - (c) classification of movies and programmes according to the age of viewers;
 - (d) words, manner used in interviews and editing;
 - (e) taking news secretly and taking television and sound record fraudulently;

- (f) sexual scenes, portrayal of violence and social misconduct, use of abusive words, broadcast style accepted by the public regarding text message sent by the audience, portrayal in accord with the value of civility and social conduct.
 - (g) taking news of crimes and social misconducts;
 - (h) distinguishing between factual material and comments;
 - (i) treatment on religion, ethnic minorities, women and men, minors and disadvantaged groups;
 - (j) human right issues;
 - (k) respect for privacy;
 - (l) subliminal images and sound;
 - (m) the truth that shall include in advertising.
78. (a) The Council is responsible for monitoring whether or not the broadcasting services comply with and implement fully the code of conduct contained in Section 77.
- (b) The Council is responsible for accepting and taking action on the complaints about violation of any provision contained in the code of conduct by broadcasting services and persons involving in such services. The Council shall deal with such complaints fairly.
79. The Council shall draw up the processes for investigation and dealing the complaints in order to implement the provisions contained in sub-section (b) of Section 78. In such process, the right to reply and defend shall be given precisely to the broadcasting services that are complained.
80. The Council shall decide on the merit of the complaint and send its decision to the relevant complainant and the defendant after making due investigation and evaluation.
81. The Council shall take action by the following manners as may be necessary if it is found that the complaint is true in carrying out under sub-section (b) of Section 78:
- (a) warning;
 - (b) rectification of any false and rebroadcast;
 - (c) causing to insert the right to reply;
 - (d) causing to announce the decision of the Council to the public.
82. All broadcasting services shall abide by the decisions of the Council regarding code of conduct on broadcasting service.
83. A complainant may not only complain to the Council but also file direct complaint to the Court.

Broadcast Rectification

84. (a) A broadcasting service is responsible for rectification of any false and broadcast the rectification as soon as it knows false broadcasting or that there is any grievance due to such fault.
- (b) The rectification shall be inserted within 24 hours after knowing the false broadcasting or at the earliest possible time. When broadcasting of such rectification, it shall be broadcasted in the nearest time to the original broadcasted programme.
- (c) It shall not be deemed that the broadcasting service is free from legal action which may file by aggrieved person at the Court by rectification of false.

The right to reply

85. (a) If it is found that legal rights any person or any organization are breached due to broadcasting false information of the Broadcasting Services, the reply of the person concerned is responsible to be published to the public.
- (b) The insertion of such reply shall be applicable to only the false information not to the opinion. Moreover, such reply shall be applicable to the objection of facts only.
- (c) A respond shall be broadcasted within 24 hours or at the earliest possible time. In such broadcasting, it shall be broadcasted in the nearest time to the original broadcasted programme.
86. A person or an organization which is refused to broadcast a respond may complain to the Council.

Chapter X

Administrative Actions

87. The Council may take administrative actions against any broadcasting service which violates rules and regulations laid down by the Council, licence terms and conditions and provisions contained in this Law.
88. The Council may take the following administrative actions based on the gravity and frequency of the offence or violation:
- (a) warning;
 - (b) temporary suspension of broadcasting programme subject to time limit which is found violated the law;
 - (c) limiting air time of broadcasting;
 - (d) imposing fine;
 - (e) suspension of the broadcasting service subject to time limit;
 - (f) refusal of application for renewal;

- (g) revocation of licence.
89. (a) The Council may revoke or suspend the licence subject to time limit if it is found in any way that the licensee applied for licence dishonestly or fraudulently or carried out against the provisions contained in this Law.
- (b) The Council shall consider the followings when revoking the licence:
- (i) inability to start normal transmission after completion of the testing period as prescribed in Section 32;
 - (ii) suspension of broadcasting for 3 months without prior approval of the Council;
 - (iii) transfer of the licence to another person without prior approval of the Council;
 - (iv) violation of standards including those related to allocated spectrum and the area to be covered, basic mechanical requirement and requirement for broadcasting equipment, the code of conduct, the Council's rules and regulations, provisions contained in the broadcasting law.
90. The Council shall deposit the fines received from taking administrative action to the Union Fund through the account of the Ministry.

Chapter XI

Appeal

91. The person who dissatisfied with the decision of the Council under Sections 36, 40, 42, 88 and 89 may appeal to the President within 30 days from the date of such decision is passed in accord with the stipulations.

Chapter XII

Prohibitions

92. No person shall carry out any broadcasting service without licence.
93. No person shall continue carrying out of any broadcasting service without renewal after expiry of the term of licence.
94. No person shall fail to comply with the provision contained in Sections 50 and 51.
95. No person shall carry out any broadcasting service while the licence is being revoked or suspended subject to time limit.

Chapter XIII

Offences and Penalties

96. Any person who violates the prohibition contained in Section 92 shall, on conviction, be punished with fine which may extend from thirty million kyats to fifty million kyats and the properties involved in the offence shall be confiscated.
97. Any person who violates the prohibition contained in Section 93 shall, on conviction, be punished with fine which may extend from five million kyats to ten million kyats.
98. Any person who violates the prohibition contained in Section 94 shall, on conviction, be punished with fine which may extend from ten million kyats to thirty million kyats and the properties involved in the offence shall be confiscated.
99. Any person who violates the prohibition contained in Section 95 shall, on conviction, be punished with fine which may extend from thirty million kyats to fifty million kyats and properties involved in the offence shall be confiscated.

Chapter XIV

Transitory Provisions

100. The existing broadcasting services before this law comes into force shall apply for licence in accord with this Law within one year from the enactment date of this Law.
101. Necessary amendments for the agreements which are inconsistent with the provisions of this Law shall be made completely within the period contained in Section 100 in order to be consistent with the public interests and the provisions contained in this Law.
102. The notifications, orders and directives related to broadcasting services issued before this Law comes into force may be applied in so far as they are not contrary to the provisions contained in this Law.
103. The Council shall be formed within six months from the enactment date of this Law.

Chapter XV

Miscellaneous

104. The Council members shall be deemed as public servant under Section 21 of the Penal Code when they perform their duties assigned under this Law.
105. The Council has the right to sue and to be sued.

106. To implement the provisions contained in this Law:

(a) the Ministry may, with the approval of the Union Government, issue rules, regulations and by-laws.

(b) the Board and the Council may issue notifications, orders, directives and procedures.

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

Thein Sein

President

The Republic of the Union of Myanmar

Myanmar Law Information System (MLIS)